Appendix A

Response to Public Comment

Introduction

This appendix contains the Forest Service responses to comments received on the *Middle Kyle Complex Draft Environmental Impact Statement* (DEIS). The 45-day public review period for the draft document began on October 2, 2009, and ended on November 16, 2009. As required by the National Environmental Policy Act (NEPA), the U.S. Department of Agriculture Forest Service (Forest Service) is required to respond to environmental issues raised during the review and consultation process.

During the public review period, comments were received on the DEIS from federal, state, regional, and local agencies; special interest groups, and individual members of the public. One comment letter was received after the review period had closed; however, the individual had contacted the Forest Service during the review period and the comment letter was submitted at a later date. This appendix contains copies of all the written, email, and verbal comments received on the DEIS.

Twenty individual comment letters were received during the DEIS public review period. Some comments only express an opinion in favor of or in opposition to the project or elements of the alternatives, and do not provide comment on the analysis presented in the DEIS. Although these comments are acknowledged and were assigned a comment number, they require no change in the EIS text.

The Forest Service Interdisciplinary Team (IDT) reviewed and responded to the comments. Revisions that were incorporated in the EIS are noted in the response and summarized in Appendix D, *Summary of Revisions since the Draft Environmental Impact Statement*, of this EIS.

Appendix A is organized into the following sections.

- Introduction to Response to Public Comment
- Appendix A1, Comment Letters
- Appendix A2, Comments and Responses
- Appendix A3, Nuwuvi Participatory Consultation
- Appendix A4, Nuwuvi Comments and Responses

This introductory section explains the purpose of Appendix A, describes the organization of the comments and responses in this document, and provides a table listing all the comment letters received and comment letter number.

Appendix A1. Appendix A1 contains copies of the comment letters organized by the assigned letter number. Each comment letter (*letter* in this case means any medium in which comments were submitted, e.g. email, letter, or verbal comment) contained one or more comments and was assigned a letter number. Each comment within each letter has been numbered. The number assigned to each letter is indicated in the top right margin and preceded by "MKC." The individual comments in the letters are numbered consecutively in the right margin adjacent to the comment. Highlighting was used to "mark" and distinguish between different comments.

Appendix A2. Appendix A2 contains the comments and specific responses to the comment letters contained in Appendix A1. Comments and responses are organized by letter number.

Appendix A3. Appendix A3 contains a copy of the Nuwuvi Participatory Consultation. Each comment within the letter has been numbered and is indicated in the right margin preceded by "MKC." The comments are numbered consecutively in the right margin adjacent to the comment with highlighting to distinguish between each comment.

Appendix A4. Appendix A4 contains the comments and specific responses to the comment letter in Appendix A3. Comments and responses are organized by comment number.

Table A-1 lists each letter received on the DEIS, the comment letter assigned to each letter and the name of the commenter, including affiliation.

Table A-1. List of Comment Letters

Letter Number	Name and Affiliation
MKC001	Joe Zogbi, General Public
MKC002	Kathy Ujifusa, General Public
MKC003	Joe Zogbi, General Public
MKC004	Ed Dodrill, Southern Nevada Regional Trails Partnership
MKC005	Jim Mesalic, General Public
MKC006	Lewis Wallenmeyer, Clark County Department of Air Quality and Environmental Management
MKC007	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife
MKC008	Lee Bice, Clark County Desert Conservation Program
MKC009	Judith Pixley, General Public
MKC010	Connie Diso, P.E., City of Las Vegas Public Works

Letter Number	Name and Affiliation
MKC011	Patricia Sanderson Port, U.S. Dept. of the Interior, Office of Environmental Policy and Compliance
MKC012	Kathy Ujifusa, General Public
MKC013	Rodney Ward, General Public
MKC014	Ellis Greene, General Public
MKC015	Ellis Greene, General Public
MKC016	Robert Martinez, P.E., Nevada Division of Water Resources
MKC017	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX
MKC018	Pete Anderson, Nevada Division of Forestry
MKC019	Nuwuvi Working Group
MKC020	John Hiatt, General Public

Appendix A1

Comment Letters

RID	OT	S	RT	DT	IA	F	RI	CE

MKC001

MKC DEIS Oral Comments, recorded by Hal Peterson

September 24 through October 19, 2009

9/24/09. Phone call from Joe Zogbi--adjacent landowner (91 Daines Road—condo owner in condominiums next to Mt Charleston Hotel, also has house in Las Vegas). Questioned if OHV use would be allowed in the valley bottom area (concern was related to noise near his condo property). Asked where proposed helipads were located (concern was related to noise from landing/take-off, flight frequency and flight path relative to his property location). MKC001-1 MKC001-2

MKC002

10/6/09-Kathy Ujifusa, personal meeting. Las Vegas resident and equestrian user. Concern related to equestrian access to Fletcher Canyon trail network—she supports the trail connection from north telephone canyon area to Fletcher trails via SR 158 highway crossing (Proposed Action). Desires parking access for large horse trailers. Supports equestrian campground in Proposed Action. Does not support the idea of dispersed camping closures in Blue Tree area (at existing group use area). She intends to submit written comments. MKC002-1 MKC002-2

MKC003

10/19/09. Phone call from Joe Zogbi--adjacent landowner (91 Daines Road—condo owner in condominiums next to Mt Charleston Hotel, also has house in Las Vegas). Expressed concern about "echo effect" from valley area adjacent to his condo property. States that sounds, even conversations, from the valley area carry up to the condominiums and disturb the peace and quiet. Specifically he was concerned about plans for the picnic space in the valley and the group picnic areas in the village as the larger groups may create more noise. He suggested if a snow play area was developed in the valley that it be "aimed to the south" to minimize the valley echo effect. He also expressed concern about traffic congestion on SR 157 from RV and other vehicles entering the picnic/camping areas backing up traffic on the highway during busy use periods. He felt that large RV's might have difficulty negotiating the roundabouts and suggested that we install traffic signals at the main intersections. MKC003-1 MKC003-2 MKC003-3

RID	OT	S	RT	DT	IA	F	RI	CE

MKC004

Comments on the Draft Environmental Impact Statement Middle Kyle Complex, Spring Mountains National Recreation Area By Ed Dodrill, 7795 N. Torrey Pines Drive, Las Vegas NV 89131

MKC004-1

It seems evident that going into this project the Forest Service would know that building facilities of any kind would disturb the land. Yet, throughout the document it is pointed out that the Forest Service, at least those who manage this portion, do not want to disturb the land. If so, why was this project initiated? We were told at the public scoping meetings that the USFS wanted to create a place to draw in visitors to Mount Charleston and provide a satisfactory experience that would keep them from continuing to the top of the mountain where vehicular and pedestrian traffic has become overwhelming.

MKC004-2

At several points in the document it is noted that State Highways 157 and 158 and not under the jurisdiction of the Forest Service but under the jurisdiction of the Nevada Department of Transportation. I find it irresponsible on the part of the USFS that the Nevada Department of Transportation was not asked to join this project and provide guidance and expertise because the highway is the only link to this area unless someone plans to hike, bicycle or ride a horse up there from Las Vegas. Because NDOT was not part of the process they have no idea of the problems associated with Mount Charleston visitor traffic and the negative impact it is creating. NDOT also has not been asked to offer suggestions, including expanding the highway or creating an exit route from the Mount Charleston area working with the Forest Service to solve the problems.

MKC004-3

MKC004-4

Throughout the statement projects are eliminated because of costs. Since nobody on Earth expects this project to be completed within the next decade, it would be best to leave important, and well needed facilities in the project to be completed at such time as funds are available. Should the financial situation change in the next 20 years, or so, it would require a brand new process to include these amenities. I see no expiration date on this document.

MKC004-5

It is suggested that the much needed equestrian campground be eliminated. Weeks of temperatures above 100 degrees this past summer, makes the nearby availability of a place with cooler temperatures for recreation greatly needed. It seems an increase in such amenities is needed, not a reduction. The equestrian campground, according to the equestrians who attended the scoping meetings, needs no facilities. While providing a place for horse owners to recreate, the Forest Service also adds to visitor enjoyment. The horses are part of the experience of visiting the mountain and people frequently stop to express their delight in seeing the horses.

MKC004-6

While acknowledging that visitor traffic to the Mount Charleston area is expected to increase, the document calls for cutting back a great number of amenities. If the

budget can't handle it now, build phase one in such a manner that a phase two or even three and four can add to them in later years to accommodate the anticipated increase in visitor volume. A wide variety of programs can be scheduled to hold the attention of people visiting the Middle Kyle Canyon complex, but the Forest Service needs a facility large enough to accommodate them. MKC004-6

On page ES-11 it is mentioned that a commercial campground would be visible from SR 158. Plant trees to hide it, redesign it and farm it out to a commercial campground operator to generate more funds to spend on this project. MKC004-7 On page ES-10 it is stated, "A general downsizing of recreation facilities would reduce the extent of the associated landscape alterations." MKC004-8 A ten-year old could have figured that out. Just think of how protected the landscape would be if the recreation facilities were eliminated, or closed to the public. This sentence shows you are not being realistic. If you want more people to spend time in this area you will get more "associated landscape alterations," but fewer at the critical top of the mountain.

The more I read of this document the more I feel someone edited Hal Peterson's work. The plan, as stated, does not reflect what the public said they wanted. And the Forest Service should understand they are here to serve the public. There is much in the plan that is good, but too often the cutting back and eliminating amenities that are needed does not show a concern for the people served by this segment of the National Forest. I would be happy to sit with Hal Peterson and discuss specific items and ways to serve the people who gave their time to attend the open meetings to provide guidance to those planning this project. MKC004-9

Sincerely

Ed Dodrill, President
Southern Nevada Regional Trails Partnership
A 501 (C) 3 Nevada corporation
7795 N. Torrey Pines Drive
Las Vegas, NV 89131

RID	OT	S	RT	DT	IA	F	RI	CE

MKC005

From: Hal A Peterson [hapeterson@fs.fed.us] on behalf of Middle Kyle Complex [middlekylecomplex@fs.fed.us]
Sent: Monday, October 19, 2009 9:33 AM
To: Bobby Tuttle; Stevens, Kimberly
Subject: Fw: Middle Kyle Complex DEIS

Follow Up Flag: Follow up
Flag Status: Flagged

for info

----- Forwarded by Hal A Peterson/R4/USDAFS on 10/19/2009 08:32 AM -----

"Jim D. Mesalic" <jd@mesalic.com>

10/16/2009 08:34 AM

To '"Hal Peterson"' <MiddleKyleComplex@fs.fed.us>
cc
Subject Middle Kyle Complex DEIS

Dear Mr. Peterson:

I am Owner and future resident of Mt. Charleston properties.
128 Kris Kringle Rd. 130 Kris Kringle Rd. and 79 Snow White Rd. Mt. Charleston, NV. 89124 MKC005-1

I am strong supporter of the projects in Kyle Canyon and Lee Canyon.
Please proceed with constructions.

Thanks for good work.

Jim D. Mesalic
Las Vegas, NV

RID	OT	S	RT	DT	IA	F	RI	DE

MKC006

DAQEM

DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT
500 S Grand Central Parkway 1st Floor · Box 555210 · Las Vegas, NV 89155-5210
(702) 455-5942 · Fax (702) 383-9994
Lewis Wallenmeyer Director · Tina Gingras Assistant Director

November 5, 2009

Mr. Hal Peterson, Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

Received
USDA Forest Service
NOV 10 2009
Humboldt-Toiyabe N.F.
Spring Mountains NRA

Middle Kyle Complex Draft Environmental Impact Statement

Dear Mr. Peterson:

The Clark County Department of Air Quality and Environmental Management (DAQEM) has reviewed the subject Draft Environmental Impact Statement (DEIS) for air quality and environmental regulatory compliance. DAQEM has previously submitted comments on the Middle Kyle Complex project, specifically on the "Middle Kyle Complex Air Quality Specialist Report," which is referenced several times in the DEIS. The following comments were submitted in a letter dated July 2, 2009, during the previous comment period; we are providing again for your use.

The DAQEM Air Program understands the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendations:

1. The annual National Ambient Air Quality Standard for particulate matter with an aerodynamic diameter less than 10 microns (PM_{10}) has been revoked. Any references to that standard should be removed because it is no longer enforced. MKC006-1

2. The report states that Clark County is a serious nonattainment area for ozone. However, the U.S. Court of Appeals for the District of Columbia Circuit vacated Subpart 1 of the Clean Air Act; therefore, Clark County currently has no formal ozone classification. The statement should be corrected to reflect this status. MKC006-2

3. Currently, Clark County is in attainment for $PM_{2.5}$. The report's "Air Quality Attainment Status" section states: "Clark County has recommended the region should be designated as a nonattainment area." In a letter dated August 18, 2008, the U.S. Environmental Protection Agency concurred with the recommendation by Clark County and the Nevada Division of Environmental Protection (NDEP) that all areas of the state meet the $PM_{2.5}$ standard. MKC006-3

BOARD OF COUNTY COMMISSIONERS
Rory Reid Chairman · Susan Brager Vice-Chairman
Larry Brown, Tom Collins, Chris Giunchiglioni, Steve Sisolak, Lawrence Weekly
Virginia Valentine, PE, County Manager

4. Pursuant to Section 176(c) of the Clean Air Act, federally supported highway and transit project activities must comply with transportation conformity requirements. The improvements proposed for State Highway 157 should be evaluated for transportation conformity applicability. MKC006-4

The DAQEM Water Quality Planning Section has reviewed the proposed project, located within Hydrographic Basin 212 of Clark County, Nevada, for adherence to the Clean Water Act and Clark County codes and regulations, and offers the following suggestions:

1. The project should adhere to the recommendations and provisions of the *Clark County 208 Area-Wide Water Quality Management Plan* (WQMP). We recommend continuous contact with the DAQEM Water Quality Team to ensure that wastewater treatment data is reviewed for suitability with the approved WQMP and that any WQMP amendments are completed before infrastructure construction. MKC006-5

2. The project should adhere to Chapter 24.40 of the Clark County Code, "Storm Sewer System Discharge." MKC006-6

3. The project should use low-impact development design criteria to minimize the erosive and pollution potential of storm water and surface water flow. MKC006-7

4. If the proposed facility and Standard Industrial Code require, based on 40 CFR 122.26, the owner/operator must file a Construction Notice of Intent for storm water discharge during the construction phase with the Nevada Division of Environmental Protection and prepare a storm water pollution prevention plan. MKC006-8

5. In Table 2.3 of the "Water" section, please add the following statement: "Implement site-appropriate best management practices found in the June 2008 *Nevada Contractors Field Guide for Construction Site Best Management Practices*." Implementation of principles found in the January 2009 *Las Vegas Valley Construction Site Best Management Practices Guidance Manual* is also recommended. MKC006-9

Thank you for the opportunity to review this DEIS. If you have any further questions, please contact me at (702) 455-1600.

Sincerely,

L. Wallenmeyer

Lewis Wallenmeyer
Director

MKC007

RID OT S RT DT IA F RI CE

STATE OF NEVADA

DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

JIM GIBBONS
Governor

KENNETH E. MAYER
Director

RICHARD L. HASKINS II
Deputy Director

SOUTHERN REGION
4747 WEST VEGAS DRIVE
LAS VEGAS, NEVADA 89108
(702) 486-5127; 486-5133 FAX

Received
USDA Forest Service
NOV 10 2009
Spring Mountains NRA

November 9, 2009

NDOW-SR#: 10-108
SAI #: E2010-073

Mr. Hal Peterson
Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

RE: Draft Environmental Impact Statement for the Middle Kyle Complex Project, File Code 1950-3/2300 (Complex DEIS)

Dear Mr. Peterson:

The Nevada Department of Wildlife (NDOW) has taken opportunity to review the Complex DEIS. The challenges associated with the present project effort are appreciated. As a cooperating agency we noted the Proposed Action has become considerably scaled-down from the original approach. Consequently, we are sorry to see several concerns for wildlife resources that were raised during initial scoping and subsequent project team meetings remain inadequately addressed. The following discussion focuses on the Proposed Action with examples of deficits regarding wildlife considerations. MKC007-1

Generally, accommodating a larger population of park patrons within the planning area's already developed and highly visited canyons will result in corresponding increases in differential influences and pressures on important natural features and resource values found there. NDOW understands the project's SNPLMA funding disallows the U.S. Forest Service budgeting for staff to undertake education, enforcement presence, and dispersed resource monitoring functions. And the Forest Service has made prediction of future incursions by planned and unplanned dispersed camping and user-created thoroughfares. Regardless of present funding limitations, a stronger commitment displayed by recognizing and detailing maintenance and operations support needs for the enhanced visitor environment including hired personnel tasked with ensuring compliance, education, and conservation duties would have benefited the Complex DEIS, especially in cumulative effects analyses. Relevance of the business model as referred to in Appendix A as a response to many questions of this nature seems to have fallen short of providing clear plan for acquiring more eyes and ears on the SMNRA. MKC007-2

It was our understanding that many unauthorized, user-created roads, trails and other thoroughfares would be closed and rehabilitated by virtue of the Complex project. This is stated in the 3rd paragraph on Page 1-26 under "Proposed Action," however expectation for an overall reduction of roads and trails contributing to net impact reductions to wildlife habitat became less optimistic. On pages 3.1-6 through MKC007-3

3.1-8 in Chapter 3 under "Affected Environment – Non-native Invasive Species" it clearly states that the proposed action would result in 9.7 miles of designated roads and trails per square mile, and a total length in roads and trails of 48 miles. The Market Supported alternative would result in 8.4 miles per square mile and a total length of 44 miles of Forest Service designated roads and trails. Both of these are increases over the existing conditions of 7.2 miles per square mile and 22 total miles of roads and trails. It cannot be over emphasized that increased recreation without obvious reductions resource impacts and a corresponding increase in law enforcement and resource monitoring presence translates to increases in disturbance and fragmentation of habitat, establishment of new user-created thoroughfares, and harassment of wildlife by, for example, uncontrolled pets. MKC007-3

Increased capacity for camping facilities and the corresponding increase in the number of users will result in increased wood cutting and collecting of down and dead woody materials which is critical to the survival of the Palmer's chipmunk and other species in the upper portions of the Complex. Design criteria do not specify a remedy for this anticipated impact. Although at least some administrative discretion would seem available to the Forest Service as indicated in the paragraph in the center of page ES-7 concerning dispersed camping. Perhaps changing one word in the first sentence of this paragraph from "may" to "will" would make a difference. MKC007-4

Does inclusion of clean-up and policing of the Spring Mountains NRA because these activities and the funding supporting them are conditional project tangibles? Why would they not be part of normal NRA programs in order to occur? The text and photos on Page 2-4 addressing illegal dumping and vandalism of cultural sites seems to be an indication of Forest Service's needs to focus on alternative workforces, perhaps volunteer organizations, to help fill in performance gaps for basic park functions such as trash and litter clean-up and active compliance patrols. MKC007-5

The location of the Middle Kyle Canyon Complex is within an important mountain brush and chaparral habitat type adjacent to lower montane woodlands (Pinyon-juniper) at its upper elevations and mixed desert scrub type (Joshua tree / blackbrush) along the lower portions of the Complex. This chaparral habitat is not common in many areas of the Mojave Desert but supports wildlife species, in particular birds, which are important conservation targets for the Nevada Chapter of Partners in Flight and the Spring Mountains Conservation Agreement. These are noted below with accompanying rationale: MKC007-6

Species	Rationale
Black-chinned sparrow	Spring Mountains National Recreation Area Conservation Agreement (SMNRACA) Watch list species – Partners in Flight Species of Conservation Priority – Audubon Watch List (Red)
Gray vireo	SMNRACA Watch list species – Partners in Flight Species of Conservation Priority – Audubon Watch List (Yellow)
Pinyon jay	SMNRACA Watch list species – Partners in Flight Species of Conservation Priority – Audubon Watch List (Yellow)
Virginia's Warbler	Partners in Flight Species of Conservation Priority – Audubon Watch List (Yellow)
LeConte's Thrasher	Partners in Flight Species of Conservation Priority – Audubon Watch List (Yellow)
Gray flycatcher	SMNRACA Watch list species – Partners in Flight Species of Stewardship Priority – Audubon Watch List (Yellow)

In Table 3.3-3 on Page 3.3-20, potential impacts resulting from the Proposed Action to both Great Basin collared lizard and Western red-tailed skink describe impacts to the banded gecko under. Need for correction? MKC007-7

The actual supplying of game fish for stocking and compliance administration of a put-and-take program are two key elements necessary to facilitate a satisfying outdoor education angling experience. The necessary infrastructure required for implementation and perpetuation of the proposed program has yet to be adequately coordinated by the Forest Service NDOW's Southern Region Fisheries Division for guidance and permitting information and opportunities. MKC007-8

If you have any additional questions or concerns, please contact Roddy Shepard, Habitat Biologist, at (702-486-5127 x3613; e-mail- rshepard@ndow.org), or Cris Tomlinson, Regional Wildlife Diversity Supervisor at (702-486-5127 x3700; email- ctomlinson@ndow.org).

Sincerely,

D. R. M. (FOR)

D. Bradford Hardenbrook
Supervisory Habitat Biologist

RS/CRT

cc: NDOW, Files

RID	OT	S	RT	DT	IA	F	RI	CE

MKC008

Stevens, Kimberly

Subject: FW: DEIS

From: Hal A Peterson [mailto:hapeterson@fs.fed.us] **On Behalf Of** Middle Kyle Complex
Sent: Friday, November 06, 2009 3:43 PM
To: Stephanie A Phillips; Bobby Tuttle; Stevens, Kimberly; Blaze O Baker; Rick Baxter
Subject: Fw: DEIS

----- Forwarded by Hal A Peterson/R4/USDAFS on 11/06/2009 02:40 PM -----

"Lee Bice" <Bice@co.clark.nv.us>

11/06/2009 09:10 AM

To MiddleKyleComplex@fs.fed.us
cc "Lee Bice" <Bice@co.clark.nv.us>, "Marci Henson" <Mhenson@co.clark.nv.us>
Subject DEIS

Hal Peterson, Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area

Dear Mr. Peterson:

MKC008-1

The Clark County Department of Air Quality and Environmental Management Desert Conservation Program Division has reviewed the subject draft environmental impact statement (DEIS) for the Middle Kyle Complex project and has noted a number of butterfly and rare plant species are found in the project area. These species are addressed in the Spring Mountains Conservation Agreement between U.S. Fish and Wildlife Service and the U.S. Forest Service. We encourage the U.S. Forest Service to minimized any negative impacts to these species or to their habitats.

Thank you for the opportunity to review this DEIS. If you have any further questions, please contact me at (702) 455-3554.

Sincerely,
Lee Bice

Lee Bice
Senior GIS Analyst
Clark County
Desert Conservation Program
Atrium Business Tower
333 North Rancho Dr
Suite 625
Las Vegas, Nevada 89106
702.455-3554
Bice@co.clark.nv.us

desert conservation
PROGRAM
respect, protect and enjoy our desert!

MKC009

RID	OT	S	RT	DT	IA	F	R	CE

Judith H. Ridley
5001 Churchill Avenue
Las Vegas, Nevada
89107

Hal Peterson, Middle Kyle
Complex Project Manager,
Spring Mountains National Recreation Area
4701 N. Torrey Pines Dr.
Las Vegas, Nevada 89130

November 9th, 2009

Dear Mr. Peterson:

I would like to submit my comments after reading and in response to: "The Draft Environmental Impact Statement (DEIS) for the Middle Kyle Complex" project, located on the Spring Mountains National Recreation Area (SMNRA).

MKC009-1

Debris Flows and Floods

One of the most troubling aspects of this project is that hundreds of acres of soil will be disturbed (page 3.1-11) in action alternatives. There really is no way to know if your mitigation measures will stop debris flows, slope failure, and flood damage. Sometimes there is loss of life do to these types of events. — Please develope a worst case scenario, including intense flash flooding and rain-on-snow event. — Some day the land below this project may be developed. We owe it to the people and land owners to be honest about potential risk.

MKC009-2

The hydrologic analysis should be included within the final EIS. Expand on the discussion found on page 3.1-14

over

MKC009

MKC009-2

of the DEIS which states: "The potential exists for debris flows and flash floods to occur in Kyle wash and in smaller tributaries and swales. The debris flows and flash floods typically occur in response to intense rainfall. These events are exacerbated in watersheds where a wildfire has occured in the recent past, or in which significant areas of impervious surfaces contribute to increased runoff potential".

MKC009-3

Please include comments from the U.S. Army Corps of Engineers regarding the Kyle wash (page 3.7-10 DEIS). Is there a risk that human waste could reach and contaminate the ground-water if the system is over-whelmed by a severe weather event? Please consult with the Army Corps on this issue and on the issue of flooding.

MKC009-4

How much fill material will be hauled up the Kyle Canyon Road to the project area? And where will this fill come from? What type of fill? How many truck loads will it take to move the fill up the mountain? Please reveal in the final EIS.

MKC009

MKC009-5

Ground Water Pumping

The vast amount of ground water that may be used by this project shocks me! On page (S-54 DEIS) it says that consumption of water is not to exceed 83.54 acre-feet annually. How will this huge amount of pumping effect ground water levels? What plants, including trees, will no longer get enough water to be healthy or survive? What animals that depend on both the plants and water now will die? How fast will the ground water level drop? How will the drop in ground water effect the risk of fire if the forest drys? If the forest becomes drier how will this increase the risk for people living or visiting if there is a fire?

MKC009-6

This issue is serious. Please show a chart giving approximate amounts of water given to end-users, and what all this water will be used for... and where?

MKC009-7

Is the pumping of almost 83.54 acre-feet annually from the old Nel Golf Course property sustainable? Give proof to justify your response. Please take into consideration the potential for long-term drought. Also consider additional ground-water use

Mead

MKC009-7

into the future. What would the effects of pumping have on ground water levels in twenty years or in fifty years?

MKC009

Ground Surveys

MKC009-8

Please complete ground surveys for threatened, endangered, and sensitive species before the final EIS is written so that this information may be included. All ground surveys should be completed before a final decision because afterward is often too late! And this goes for other species which will be impacted as well.

Mead

MKC009

Request

MKC009-9

Please send me a copy of: the April 2009 Draft Vegetation Management Plan for the Kyle Campground, Kyle CCC Camp and the proposed Middle Kyle Complex (Above and Beyond Ecosystems Enterprise Unit 2009).

and...

Biological Assessment / Biological Evaluation (ICF Jones + Stokes 2009b)

and...

a paper copy of the final EIS and decision notice.

and...

Notification if there is an extension of time for the comment period for the draft EIS.

Mead

MKC009-10

I support the "NO ACTION ALTERNATIVE" because after reading the DEIS I believe the proposed project will do much more harm than good.

Thank you for the opportunity to participate in the public process.

Sincerely,

Judith H. Pifley

Mead

RID	OT	S	RT	DT	IA	F	RI	CE

MKC010

DEVELOPMENT SERVICES CENTER

CITY OF LAS VEGAS

Public Works Department
Engineering Planning

731 S. Fourth Street
Las Vegas, NV 89101

Voice 702-229-6541
FAX 702-382-8551
TTY 702-386-9108

July 9, 2009

Hal Peterson
Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 N. Torrey Pines Dr.
Las Vegas, NV 89130

Re: Middle Kyle Complex - Draft Environmental Impact Statement (DEIS) - City of Las Vegas (CLV)Public Works and Planning Departments Comments

Mr. Peterson,

Since the Middle Kyle Complex project boundary does not abut the City of Las Vegas limits, the City has no comments regarding the subject DEIS.

Sincerely,

cldiso

Connie L. Diso, P.E.
Project Engineer
City of Las Vegas Public Works
Engineering Planning
cdiso@lasvegasnevada.gov
229-2142

Las Vegas City Council
Oscar B. Goodman
Mayor
Gary Reese, Ward 3
Mayor Pro Tem
Steve Wolfson, Ward 2
Lois Tarkanian, Ward 1
Steven D. Ross, Ward 6
Ricki Y. Barlow, Ward 5
Stavros S. Anthony, Ward 4

City Manager
Elizabeth N. Fretwell

Public Works Director
Jorge Cervantes
P.E., P.T.O.E.

15901-005-08-09

RID	OT	S	RT	DT	IA	F	RI	CE

MKC011

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER09/1091

Electronically Filed

13 November 2009

Hal Peterson
4701 N Torrey Pines Dr.
Las Vegas, NV 89130

Subject: Review of Draft Environmental Impact Statement (EIS) for the Middle Kyle Canyon Complex Project, Spring Mountains National Recreation Area, Humboldt-Toiyabe National Forest, Clark County, Nevada

Dear Mr. Peterson:

The Department of the Interior has received and reviewed the subject document and has the following comments to offer.

MKC011-1

The U.S. Fish and Wildlife Service's (Service), Nevada Fish and Wildlife Office in Las Vegas, Nevada has worked with the Forest Service's Spring Mountains NRA staff on the subject project for many years. The Service's authority for cooperation with the Forest Service and review of the proposed project is under the auspices of the *Conservation Agreement for the Spring Mountains NRA, Clark and Nye Counties, Nevada* signed in 1998. The purpose of this Conservation Agreement is to provide long-term protection for the rare and sensitive flora and fauna located in the Spring Mountains NRA sufficient to preclude the future need to list any of the species under the Endangered Species Act of 1973, as amended.

In addition, both agencies are signatories to the *Memorandum of Agreement* (MOA) *Concerning Endangered Species Act Section 7 Consultations and Coordination* signed in 2004 to establish a general framework for a streamlined process for interagency cooperation within the jurisdiction of the Humboldt-Toiyabe National Forest and the Nevada Fish and Wildlife Office.

Based on the implementation of the Conservation Agreement and MOA, our agencies have an established process for project input, review and concurrence on projects. The Service's Nevada Fish and Wildlife Office will continue to work with the Forest Service through the established process under the Conservation Agreement and MOA to address outstanding concerns or issues

related to species protection and conservation in the Spring Mountains NRA as it pertains to the Middle Kyle Canyon Complex Project. MKC011-1

If you have any questions related to this correspondence, please contact Amy M. LaVoie in the Nevada Fish and Wildlife Office in Las Vegas at (702) 515-5230.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
FWS, Region VIII

RID	OT	S	RT	DT	IA	F	RI	CE

MKC012

Katherine Ujifusa
3810 West Verde Way
North Las Vegas, NV 89031

November 13, 2009

Hal Peterson
Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

RE: Comments on DEIS for the Middle Kyle Canyon Complex Project

Delivered via email and USPS postmarked 11.13.09

Dear Hal,

Thank you for a copy of the DEIS Middle Kyle Canyon Complex Project. After reviewing, my comments and suggestions are listed below for your consideration prior to moving forward with Alternative 3 (Market Supported Alternative) on the project.

- Please ensure all multi-use trails constructed are built to equestrian standards. MKC012-1
- Please re-consider a crossing area on SR 158 (Deer Creek Highway) to connect equestrian use from the main staging area (gravel pullout across from the Mt. Charleston Resort – Telephone Canyon) to Fletcher Canyon Trail. Most horse trailers will not fit in the proposed parking at the Fletcher Canyon Trailhead. Without a safe crossing, equestrian access is dramatically decreased for access to the Fletcher Canyon Trail. Horse crossing signage and caution lights would be adequate. MKC012-2
- I am <u>not</u> in favor of dispersed camping closure 300 feet on either side of all Forest system roads. With the lack of a designated equestrian campground that is greatly needed, camping within 300 feet of a Forest system road is the only alternative for most equestrians with horse trailers. Under the dispersed camping closure, an equestrian would need a horse pack string and be able to travel to water for overnight camping. This closure would limit access for various equestrians of diverse abilities to enjoy the developed canyons of Kyle and Lee, especially the Blue Tree area with the extensive equestrian trail network that can provide multi-day riding opportunities. MKC012-3
- I am in favor of equestrian access to multi-use trails developed on the South side of SR 157. Please re-consider a crossing area on SR 157 connecting from the main staging area in Telephone Canyon to the variety of multi-use trails proposed. If an equestrian campground is re-considered in this area, please keep in mind that the equine and rider must be at the same campsite. Separation of the equine to corrals and parking of horse trailers in the campground of another area is not a recommended option. MKC012-4 MKC012-5

In conclusion, please keep in mind equestrians are of a variety of abilities and ages including those with handicaps as with other user groups. Please consider carefully the access for equestrians to equally enjoy Kyle Canyon, Lee Canyon, and Deer Creek areas as done for other user groups. MKC012-6

Thank you.

RID	OT	S	RT	DT	IA	F	RI	CE

MKC013

From: Stevens, Kimberly
Sent: Tuesday, November 17, 2009 3:04 PM
To: Davis, Susan
Subject: FW: DEIS-Ward

From: Hal A Peterson [mailto:hapeterson@fs.fed.us] **On Behalf Of** Middle Kyle Complex
Sent: Tuesday, November 17, 2009 3:52 PM
To: Tuttle, Bobby; Stevens, Kimberly; Stephanie A Phillips
Subject: Fw: DEIS

----- Forwarded by Hal A Peterson/R4/USDAFS on 11/17/2009 02:50 PM -----

"Rodney" <soonerfan89@cox.net>

11/16/2009 10:01 PM

To <MiddleKyleComplex@fs.fed.us>
cc <hapeterson@fs.fed.us>
Subject DEIS

The purpose of this note is to provide "Public comments on the DEIS for the Middle Kyle Complex."

First, I believe the overall suggested plan for by the USFS is a relatively good recommendation. The following are comments / suggestions on a few points. MKC013-1

- Amphitheater:
  - The seating capacity (150) for the main amphitheater appears to be far too small. This will severely limit the use of said theater. Please re-consider increasing the size of this amphitheater to the "Proposed Action" of the 1,500 capacity. MKC013-2
- Trails:
  - Hiking only trails = 8.6 miles
  - Biking only trails = 2.8 miles
  - Hiking & biking trails = 17.4 miles
  - Hiking & equestrian trails = 6 miles
  - Hiking, biking and equestrian trails = 13.3 miles
  - The addition of the multi-use trails is a great addition to this project. MKC013-3
  - Re-consider increasing the # of miles of hiking and biking trails. MKC013-4
  - Recommend connecting the bike trails on this project to the bike trails on the BLM "Twilight Zone" area. MKC013-5
  - Recommend to continue to involve the user groups to design and build trail systems throughout the project. MKC013-6
- Trail Bridge for Kyle Wash / Slot Canyon: MKC013-7
  - Re-consider adding this to the hiking & biking trail system. This will be a great way for people to view the area as well as hike / bike in the canyon. Avoid paving the trail.
- Commercial Equestrian Trail Rides: MKC013-8
  - Recommend eliminating this practice. The increased traffic by commercial use of the trails will decrease the life of the "sustainable" trail system. This is counterproductive to the purpose of this project.

Thank you in advance for consideration of these suggestions.

Rodney Ward

RID	OT	S	RT	DT	IA	F	RI	CE

MKC014

From: Stevens, Kimberly
Sent: Tuesday, November 17, 2009 3:05 PM
To: Davis, Susan
Subject: FW: Comments on DEIS on MIDDLE KYLE COMPLEX - Attn: Hal Peterson_ Greene

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From: Hal A Peterson [mailto:hapeterson@fs.fed.us] **On Behalf Of** Middle Kyle Complex
Sent: Tuesday, November 17, 2009 3:54 PM
To: Tuttle, Bobby; Stevens, Kimberly; Stephanie A Phillips
Subject: Fw: Comments on DEIS on MIDDLE KYLE COMPLEX - Attn: Hal Peterson

----- Forwarded by Hal A Peterson/R4/USDAFS on 11/17/2009 02:53 PM -----

"Ellis Greene" <ellisgreene@cox.net>

11/16/2009 09:35 PM

To <MiddleKyleComplex@fs.fed.us>
cc
Subject Comments on DEIS on MIDDLE KYLE COMPLEX - Attn: Hal Peterson

MKC014-1

General statement; I have not done a thorough review of the DEIS on the Middle Kyle Complex. I did paticupate in the Sumit for this project, and I am quite familiar with the drives which started the whole thing. The screams of those who own land and houses in the upper areas, and their desire--in some way--to focus interest in lower areas and reduce drivers/lookers from driving to the upper areas where there is inadequate parking and turnaround capability were high priority items -- in addition to the desires to some portions of the land that arre overused and impacted. **This should hae been included on page ES-2 in the first major paragraph of Purpose and Need for Action.**

MKC014-2

I have participate in all of the other meetings I am aware of and have made inputs -- many of which have not been used.

MKC014-3

I have been visting Mt Charleston and using almost all of the recreation tails, primarly by Horseback, for approximately 20 years. The primary recreation users are persons who walk the trails, equestrians who ride the trails, and (increasingly) mountain bikers.

Only the mountain bikes have appreciably impacted the existing small trails (many established by wild horses). But even the biker damage has not
been too bad -- except in Telepehone Canyon. Some of these riders would have the trails designated for mountain bikes only. **THIS MUST NOT**
OCCUR!

MKC014-4

Motor vehicles, particularly ATVs, have impacted many roads, particularly in portions of the Blue ree Trails system. To a large extent, the study of motorized uses, signs inplaced by USFS, and enforcement (inadequate) have made good strides in stopping this damage.

MKC014-5

I object to the general administrative action that would prohibit dispersed camping within 300 feet on either side of forest service roads and trails as in the DEIS and the letter/introduction by Hal Peterson prior to Page ES-1. {prohibition of some very specific spots/areas may be satifacatory, but the **general rule MUST NOT BE IMPLEMENTED**. Camping in a natural setting is desirable and needed. As examples, the small areas used by campers along Mac Canyon Road should not be prohibited., and some of the camping along recognized roads in the Blue tree area should not be prohibited.
Certainly, campingin in the general Blus Tree area SHOULD NOT BE PROHIBITED.

RID	OT	S	RT	DT	IA	F	RI	CE

MKC015

From: Stevens, Kimberly
Sent: Tuesday, November 17, 2009 3:06 PM
To: Davis, Susan
Subject: FW: Comments on DEIS - Middle Kyle Complex - Attn: Hal Peterson - Greene
Attachments: COMMENTS ON DEIS FOR MIDDLE KYLE COMPLEX November 16.doc

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From: Hal A Peterson [mailto:hapeterson@fs.fed.us] **On Behalf Of** Middle Kyle Complex
Sent: Tuesday, November 17, 2009 3:58 PM
To: Tuttle, Bobby; Stevens, Kimberly; Stephanie A Phillips
Subject: Fw: Comments on DEIS - Middle Kyle Complex - Attn: Hal Peterson

----- Forwarded by Hal A Peterson/R4/USDAFS on 11/17/2009 02:56 PM -----

"Ellis Greene" <ellisgreene@cox.net>

11/17/2009 01:25 AM

To <MiddleKyleComplex@fs.fed.us>

cc "* DeLecce, Rose \(HC -NW" <paintdancer@cox.net>, "* Bozarth Angela HCON Trails" <gdeup@ymail.com>, "* Bruce Valerie HCON Trail" <nlvcowgirl@aol.com>, "* Eaton JACKIE HCON Trails " <inshooz325@yahoo.com>, "* Eddy Jordan HCON Trails" <jordan.eddy@cox.net>, "* Finnegan Dan & Marilyn HCON Trail" <dnmfinnegan@yahoo.com>, "* Graitge Elaine HCON Trails" <adch.lab1@cox.net>, "* kunz" <Trlrydr1@aol.com>, "* Rice Claudette" <cmr41@embarqmail.com>, "* Thomas" <ronaldfthomas@att.net>, "*******Greene Ellis" <ellisgreene@cox.net>, <editoredd@embarqmail.com>

Subject Comments on DEIS - Middle Kyle Complex - Attn: Hal Peterson

Comments on the DEIS, Middle Kyle Canyon are provided in the attachment and below.

COMMENTS ON DEIS FOR MIDDLE KYLE COMPLEX November 16, 2009

General Comments:

MKC015-1

I have not been able to read and comment on this DEIS to the extent desired and by initial efforts were foiled by the accidental loss of the file on computer. I participated in the Summit meeting and all of the meetings I was aware off and made inputs – many of which were not used.

Letter by Edward Monning and Introduction by Hal Peterson, page prior to DEIS Page ES-1

MKC015-2

I agree with decisions not to implement should Alt 3 be selected. The same considerations should be taken for Alt 2.

MKC015-3

I do **NOT AGREE** with the Administrative Action to prohibit dispersed camping within 300 feet on either side of forest roads and trails. Such camping is needed by persons who want camping in a natural setting. Most of the places that are in use should be retained—particularly those along Mack Canyon Road and some places within the Blue Tree Area. The Forest Service should not implement this general action.

MKC015

Some very specific prohibitions maybe appropriate. MKC015-3

DEIS Executive Summary.

MKC015-4

DEIS Page ES-2, Purpose: The screams of the people living at higher levels on the mountain should have been included when discussing the purpose of the DEIS. These people want to reduce the number of persons entering the mountain, particularly in their areas. The "lookers" drive and turn around and have no place to park.

ALTERNATIVES

MKC015-5

DEIS Page Es-4/5. From a recreation stand point, Alternative 1 isn't all bad. I am **particularly concerned about the clutter and encroachment on the lower lever of Telephone Canyon in Alternatives 2 and 3**. Telephone Canyon is a prime area, and the views should not be impacted seriously with all the planned facilities.

MKC015-6

DEIS, Page ES-6. I agree with the decisions NOT to implement the items listed under Forest Service's Preferred Alternative. **The actions identified should not be implemented for any of the alternatives.**

Table ES-1

MKC015-7

As already stated, I do not agree with the general Administrative Action to prohibit dispersed camping. USFS must be specific and **should not use** this document to implement a questionable action for the large forest area mentioned.

MKC015-8

Page ES-8 and others. Verbiage on trail management, design, control, etc. is not specific and may or may not be acceptable. No trails should be closed to equestrians. If a trail is of sufficient concern due to conflicts with mountain bikes, other solutions should be used. MKC015-9
This is because the trails are limited, particularly if the available loops are disrobed by closures of certain trails. Possibly, certain days could be designated for the types of users, but no trails should be closed...

Proposed Action, Page 1-23, Figure 1-3, and Other.

MKC015-10

The Helipad is too close to the equestrian campground. Recommend placement on south side of SR 157 (where people will understand the disturbances) or further to the east of project area.

MKC015-11

The Horse Rental/Coral/Parking area is very large and close to the trail to the north on the illustration. During construction this should be considered.

MKC015-12

I really do not care for the placement of the USFS Staff Housing and Research Building and the Interagency Building (already spoken to above) along Telephone Canyon Road or the associated road paving and closure gate. These facilities should be on SR 157 so that the appearance of the canyon entry can be maintained,

MKC015-13

From the outset, I have objected to the closure of Slot Canyon and the trail through the deep canyon/wash to the equestrian parking area. Improvements in the trail will be required for pedestrian use due to the large rocks that are now present. If this were improved, this would make the trail would also make this trail suitable for horses.

Comments are from:

Ellis P. Greene II
5024 N, Cimarron Road
Las Vegas, NV 89149
702-645-5181 and 493-3982

COMMENTS ON DEIS FOR MIDDLE KYLE COMPLEX November 16, 2009

General Comments:

I have not been able to read and comment on this DEIS to the extent desired and by initial efforts were foiled by the accidental loss of the file on computer. I participated in the Summit meeting and all of the meetings I was aware off and made inputs – many of which were not used.

Letter by Edward Monning and Introduction by Hal Peterson, page prior to DEIS Page ES-1

I agree with decisions not to implement should Alt 3 be selected. The same considerations should be taken for Alt 2.

I do **NOT AGREE** with the Administrative Action to prohibit dispersed camping within 300 feet on either side of forest roads and trails. Such camping is needed by persons who want camping in a natural setting. Most of the places that are in use should be retained—particularly those along Mack Canyon Road and some places within the Blue Tree Area. The Forest Service should not implement this general action. Some very specific prohibitions maybe appropriate.

DEIS Executive Summary.

DEIS Page ES-2, Purpose: The screams of the people living at higher levels on the mountain should have been included when discussing the purpose of the DEIS. These people want to reduce the number of persons entering the mountain, particularly in their areas. The "lookers" drive and turn around and have no place to park.

ALTERNATIVES

DEIS Page Es-4/5. From a recreation stand point, Alternative 1 isn't all bad. I am **particularly concerned about the clutter and encroachment on the lower lever of Telephone Canyon in Alternatives 2 and 3**. Telephone Canyon is a prime area, and the views should not be impacted seriously with all the planned facilities.

DEIS, Page ES-6. I agree with the decisions NOT to implement the items listed under Forest Service's Preferred Alternative. **The actions identified should not be implemented for any of the alternatives.**

Table ES-1

As already stated, I do not agree with the general Administrative Action to prohibit dispersed camping. USFS must be specific and **should not use** this document to implement a questionable action for the large forest area mentioned.

Page ES-8 and others. Verbiage on trail management, design, control, etc. is not specific and may or may not be acceptable. No trails should be closed to equestrians. If a trail is of sufficient concern due to conflicts with mountain bikes, other solutions should be used. This is because the trails are limited, particularly if the available loops are disrobed by closures of certain trails. Possibly, certain days could be designated for the types of users, but no trails should be closed...

Proposed Action, Page 1-23, Figure 1-3, and Other.

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From the outset, I have objected to the closure of Slot Canyon and the trail through the deep canyon/wash to the equestrian parking area. Improvements in the trail will be required for pedestrian use due to the large rocks that are now present. If this were improved, this would make the trail would also make this trail suitable for horses.

Comments are from:

Ellis P. Greene II
5024 N, Cimarron Road
Las Vegas, NV 89149
702-645-5181 and 493-3982

RID	OT	S	RT	DT	IA	F	RI	CE

MKC016

Nevada State Clearinghouse

From: Sue Gilbert
Sent: Wednesday, October 07, 2009 11:41 AM
To: Nevada State Clearinghouse
Subject: E2010-073
Attachments: image001.jpg

From: Nevada State Clearinghouse
Sent: Friday, September 25, 2009 9:43 AM
To: Robert K. Martinez
Subject: E2010-073 Middle Kyle Complex recreation area and admin facilities, Clark County - US Forest Service

NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0213 Fax (775) 684-0260

TRANSMISSION DATE: 9/25/2009

Division of Water Resources

Nevada SAI # E2010-073

Project: Middle Kyle Complex recreation area and admin facilities, Clark County

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

E2010-073

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, November 10, 2009.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Clearinghouse project archive

Questions? Reese Tietje, (775) 684-0213 or clearinghouse@state.nv.us

____No comment on this project _x___Proposal supported as written MKC016-1

AGENCY COMMENTS:

Any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).

Signature: Robert K. Martinez, P.E.

Date: 10/7/2009

MKC017

RID	OT	S	RT	DT	IA	F	RI	CE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

NOV 16 2009

Hal Peterson, Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

Subject: Draft Environmental Impact Statement (DEIS) for the Middle Kyle Complex, Spring Mountains National Recreation Area, Humboldt-Toiyabe National Forest, Clark County, Nevada (CEQ# 20090332)

Dear Mr. Peterson:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA commends the Forest Service effort to balance the multiple uses of the popular Middle Kyle Complex located in the Humboldt-Toiyabe National Forest. We acknowledge that the Project is a positive step in addressing resource impacts from recreational uses. Of special note is the proposal to prohibit dispersed camping within 300 feet on either side of Forest Service roads and trails, closure of unauthorized user created roads and trails in the project area and restoration of various abandoned areas to natural vegetative condition. MKC017-1

Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*") due to our concerns regarding potential impacts to water quality, hydrology and aquatic resources, critical habitat and air quality. Additional information is also necessary to fully describe the Purpose and Need and monitoring and enforcement commitments. MKC017-2

While we support the Forest Service goal to meet desired future conditions and provide protection for sensitive species and ecosystems, we recommend the Forest Service modify the alternatives under consideration to further reduce impacts to air and water quality, critical habitat, and aquatic resources, and to minimize habitat fragmentation. MKC017-3 We also urge the Forest Service to describe and implement an aggressive and reliable monitoring and enforcement program. MKC017-4

MKC017

MKC017-5

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one (1) hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521 or contact Tom Plenys, the lead reviewer for this project. Tom can be reached at (415) 972-3238 or plenys.thomas@epa.gov.

Sincerely,

Kathleen Goforth, Manager
Environmental Review Office

Enclosure:
Summary of EPA Rating Definitions
Detailed Comments

cc: Edward Monnig, Forest Supervisor, Humboldt Toiyabe National Forest
Jed Botsford, Bureau of Land Management
Lewis Wallenmeyer, Clark County Department of Air Quality and Environmental Management
Roddy Shepard, Nevada Department of Wildlife

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

MKC017

EPA DETAILED DEIS COMMENTS FOR THE MIDDLE KYLE COMPLEX, SPRING MOUNTAINS NATIONAL RECREATION AREA, HUMBOLDT-TOIYABE NATIONAL FOREST, CLARK COUNTY, NEVADA, NOVEMBER 16, 2009

Purpose and Need

The Draft Environmental Impact Statement (DEIS) identifies three "Need-for-Action Statements" for the Project, including the need to provide new Spring Mountain National Recreation Area (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 on major concentrations of plant and wildlife species of concern. MKC017-7

The DEIS does not conclusively demonstrate how the proposed construction and operation of a recreational complex on approximately 4,300 acres in Kyle Canyon meet the above Need Statement. For example, data are not provided that illustrate the need for the expanded infrastructure, nor how proposed actions address use levels and safety needs. Of specific concern are how new facilities may result in increased traffic and visitors that could result in cumulative watershed effects and may adversely affect sensitive aquatic resources and threatened species.

Recommendations:

- The Final EIS (FEIS) should provide specific examples and park use data, and incorporate references to demonstrate the need for the proposed recreation complex. For instance, include information on existing trail use, percentage of trails for different hiking abilities, current use of hiked-into terrain, demand for access to additional terrain, seasonal camping demand, and increases in vehicular traffic and off-highway vehicle (OHV) use. We recommend the FEIS also include an evaluation of the impacts from additional vehicular and OHV traffic, including an analysis during the seasons of poorest air quality. MKC017-8 MKC017-9

- The FEIS should include a cost comparison of the action alternatives and describe the implementation priority for the facilities, trail additions, modifications and closures, and other Project infrastructure. MKC017-10

The DEIS indicates that rapid population growth of Clark County, Nevada is exerting pressure on existing recreation facilities in the SMNRA (at p. 1-3). The DEIS improvements to this Middle Kyle Complex are considered necessary to provide for the existing and projected demand attributed to large-scale growth in the greater Las Vegas Area. We commend the Forest Service for including extensive projected growth studies as part of the DEIS. However, we note the current market projections discussion in Section 1.3 is based on the Clark County Department of Comprehensive Planning Study from 2008 and the Hutton study from 2005. In light of the major economic events since early 2008, the FEIS should include updated projections as a result of the recent economic downturn. MKC017-11

MKC017

For example, we note that the DEIS mentions that the 16,000 new home master plan at the intersection of SR 157 and US95 has been put on hold. The FEIS should fully discuss how future growth projections have been or could be significantly impacted by recent economic factors, such as the continued downturn in the housing market, the more recent credit crisis, and the sustained economic recession, which will likely have a slowing impact on growth in these areas as well as travel demand to and from Las Vegas. MKC017-11

Recommendation:

- Update all growth related projections to reflect the latest economic developments and visitor forecasts and update the evaluation of alternatives, as appropriate. The impact of these recent events on previous growth projections should be considered, and their relevance to the Project and future plans for the SMNRA discussed. Each of the alternatives analyzed should be considered in light of the most recent forecasts. MKC017-12

Integrate the Agency Direction and Guidance Documents into this Environmental Analysis MKC017-13

The DEIS references the Clark County Multiple Species Habitat Conservation Plan (HCP), the Conservation Agreement for the Spring Mountains National Recreation Area (CA), and the Spring Mountains National Recreation Area Landscape Assessment (LA). While the DEIS indicates that each of these documents provides guidelines for management of the SMNRA and development of the Proposed Action and alternatives, the DEIS does not provide a concise or tabulated description of the data and analyses relied upon in the DEIS, nor fully integrate these analyses into the analysis for the Project. The DEIS also indicates that the CA has expired and is in the process of being amended. The DEIS should describe the implications of the CA revisions and how the Project will conform to the modified CA expected in 2010.

Recommendation:

- The FEIS should provide a summary of the decisions and actions approved in the HCP, CA, and LA and describe how they relate to the Project. This summary should include any proposed actions; the direct, indirect, and cumulative environmental effects of these actions; and mitigation and monitoring commitments. We recommend including the Executive Summaries of these documents in an appendix in the FEIS.

Water Quality

As the designated water quality management agency under the Clean Water Act Section 208 Management Agency Agreement, the Forest Service is required to implement Best Management Practices (BMPs) and other measures to achieve full compliance with all applicable State water quality standards. Implementation of BMP measures alone does not necessarily ensure full compliance with State water quality standards. The DEIS indicates MKC017-14

that operation and use of the recreational facilities could also reduce water quality and productivity and cause accelerated erosion and subsequent sedimentation of downstream waters (at p. 3.1-14). The DEIS also indicates that implementation of BMPs and stormwater management practices will minimize these effects and no significant adverse impacts are anticipated (at p. 3.1-14). While we support the inclusion of the BMPs in the FEIS, additional management actions beyond BMPs may be required to achieve full compliance with all applicable water quality standards. MKC017-14

Additionally, the DEIS indicates that "no streams in the project area are listed as impaired pursuant to the Clean Water Act Section 303(d); however, the Las Vegas Wash from Telephone Line Road to the confluence of Las Vegas Wash with Lake Mead, of which these streams are tributaries, is listed as impaired or as needing further study for possible listing as an impaired water resource by the State of Nevada, as required by the Clean Water Act Section 303(d)" (at p. 3.1-13). The impairment status of the Las Vegas Wash should be clarified and further explained. Additionally, Section 3.1.4 on Hydrology does not analyze the Las Vegas Wash any further nor does the Section discuss the implications of a future listing as an impaired water. MKC017-15

Recommendations:

- The Final Environmental Impact Statement (FEIS) should describe water quality standards and BMPs for the project area, including standards for pathogens and Clean Water Act antidegradation requirements. Evaluate the Forest Service's ability to ensure full compliance with water quality standards through the use of BMPs and identify additional measures that may be necessary to achieve compliance. MKC017-16

- Discuss the implications of a future listing of the Las Vegas Wash as an impaired water resource and include specific measures within the EIS that could help protect the wash from further degradation as a result of the project. MKC017-17

- The FEIS should expand the evaluation of potential impacts to stream channels and the waters of the United States. For example, state the percentage of stream channels in the area that may be affected, and the significance of the potential impacts on those channels, whether these impacts may be in critical or vulnerable stream channel locations, and the ecological significance of these resources. Each table should clearly state the measurement units for the presented data. MKC017-18

The FEIS should discuss whether the proposed reconstructed and new campsites are within 50 feet of water, regardless of the site type, and whether they would contribute sediment and/or manure to surface water with significant local adverse effects. MKC017-19
Furthermore, the FEIS should disclose whether any stockholding sites would be located less than 50 feet from water, and whether they are contributing substances to water resulting in water quality concerns. These adverse water quality effects would be of significant concern given the use of surface waters by other wilderness users. MKC017-20

Recommendations:

- The Forest Service should work closely with pack and recreational livestock operators to address water quality impacts caused by any stockholding sites and campsites less than 50 feet from water. MKC017-21
- We recommend closure or relocation of campsite and stockholding areas with significant and observable adverse effects to water quality. MKC017-22

The DEIS does not describe existing environmental conditions at any current stations for pack and recreational livestock, although they are mentioned in the DEIS on pages 3.3-27 and 28. Nor does the DEIS evaluate potential environmental effects of pack and recreational livestock or the effect of commercial pack stock use authorizations on the environmental conditions at any pack stations. MKC017-23

Recommendation:

- The FEIS should include a description of existing conditions at current stations for pack and recreational livestock, especially those located on Forest Service land. Evaluate the potential environmental effects of action alternatives and use authorization on existing conditions. For example, describe existing conditions and potential effects of reduced or increased use authorization on water quality, meadow conditions, and threatened species habitat at pack station locations.

The DEIS does not appear to describe or address packstock watering practices which could contribute to water quality impacts. MKC017-24

Recommendation:

- The FEIS should describe packstock watering practices and the potential for environmental impacts to water quality, threatened species, fish and wildlife, and sensitive aquatic habitat. If potential impacts are likely, describe alternate stock management practices and mitigation measures to reduce these impacts.

The DEIS should describe any impact to water quality from campsites, eroded/incised trails, stockholding, and grazing areas. The DEIS should describe water quality monitoring and include quantitative data to support any assumptions. MKC017-25

Recommendation:

- The FEIS should describe current water quality monitoring, if any. EPA recommends implementing a monitoring program in areas with known moderate to severe water quality degradation and high use. If funding and staffing resources are limited, the Forest Service should consider a limited, one-time water quality sampling project to validate water quality assumptions and

determine if human health risks are present in drinking water sources (e.g. *E. coli*, *Giardia*, other bacterial pollutants). MKC017-25

Hydrology and Aquatic Resources

Hydrology MKC017-26

Natural washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and are adapted to the unique conditions of these systems.

Reconstruction of the Kyle Canyon Campground is proposed along the Kyle Wash (at Figure 2-6). The FEIS should commit to the use of natural washes, in their present location and natural form, to the maximum extent practicable with the inclusion adequate natural buffers for flood control. The FEIS should identify how hydrological connectivity along the Project corridor supports the intent to utilize natural stream channels where they can provide adequate protection from flooding. The potential damage that would result from altered, flat-bottomed washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems: adequate capacity for flood control, energy dissipation, and sediment movement, as well as impacts to valuable habitat for desert species. The FEIS should provide adequate hydrological modeling to demonstrate that downstream flows will not be disrupted due to proposed changes to any natural washes, the creation of wetlands, or the excavation of large amounts of sediment.

Recommendations:

- Commit to the use of natural washes, in their present location and natural form, to the maximum extent practicable with the inclusion of adequate natural buffers for flood control. MKC017-27
- Identify how hydrological connectivity along the Project corridor supports the intent to utilize natural stream channels where they can provide adequate protection from flooding. MKC017-28
- Provide adequate hydrological modeling to demonstrate that downstream flows will not be disrupted due to proposed changes to any natural washes, the creation of wetlands, or the excavation of large amounts of sediment. MKC017-29
- Identify where construction of the Project may provide for an opportunity to improve obstructed natural flows resulting from project construction. MKC017-30

Aquatic Resources

The purpose of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of waters of the United States (waters). These goals are MKC017-31

MKC017

MKC017-31

achieved, in part, by controlling discharges of dredged or fill material pursuant to EPA's *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA (Guidelines). Fundamental to the Guidelines is the principle that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that there is no less environmentally damaging practicable alternative that achieves the Applicant's project purpose. In addition, no discharge can be permitted if it will cause or contribute to significant degradation of waters.

The DEIS presents contradictory information as to the status of the jurisdictional determination for the Project. Section 3.7-17 indicates there are no wetlands within the project area under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and there are no non-jurisdictional wetlands that would be adversely impacted from implementation of either action alternative. Section 3.7.7 indicates that coordination with Corps regarding the jurisdictional determination of Kyle Wash and Section 404 and 401 permitting requirements is ongoing and will be determined prior to publication of the FEIS.

The FEIS should include the Corps verification of the delineation of the extent of waters, including wetlands, on the Project site. The FEIS should provide sufficient information to discern the extent of impacts to waters.

Recommendations:

- The Forest Service should identify the location, extent, and functions and values of all jurisdictional wetlands within the project areas and potential impacts to these wetlands from the proposed project. MKC017-32

- The FEIS should establish measures that prevent adverse impacts to the hydrology and biology of wetlands and meadows. MKC017-33

MKC017-34

Pursuant to the Guidelines, the applicant bears the burden of clearly demonstrating that the preferred alternative is the least environmentally damaging practicable alternative (LEDPA) that achieves the overall project purpose, while not causing or contributing to significant degradation of the aquatic ecosystem. Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, indirect, and cumulative impacts to jurisdictional waters resulting from each alternative considered. Project alternatives that are not practicable and do not meet the project purpose are eliminated. The LEDPA is the remaining alternative with the fewest impacts to aquatic resources, so long as it does not have other significant adverse environmental consequences. Only when an analysis is correctly structured can the applicant and the permitting authority be assured that no discharge other than the practicable alternative with the least adverse impact on the aquatic ecosystem has been selected (40 CFR 230.10(a)). In addition, the applicant must clearly demonstrate that alternatives that do not result in the discharge of dredged or fill material in aquatic sites are either not practicable, or have other significant adverse environmental consequences.

MKC017

EPA offers the following recommendations to help facilitate compliance of the project with the Section 404 Guidelines, in the event it is determined that jurisdictional waters will be affected: MKC017-34

Recommendations:

- The FEIS should include an evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. The alternatives analysis should include a reasonable range of alternatives that meet the Project purpose while avoiding and minimizing damage to waters. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the FEIS should discuss alternatives to avoid those discharges.

- If a discharge is permitted, the FEIS should discuss how potential impacts would be minimized and mitigated. This discussion should include: (a) acreage and habitat type of waters of the U.S. that would be created, restored, or preserved; (b) water sources to maintain the mitigation area; (c) a revegetation plan utilizing native plants; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; (e) an Adaptive Management Plan; (f) the parties that would be ultimately responsible for the plan's success; and (g) contingency plans that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation. MKC017-35

Air Quality

Although the DEIS reports in Section 3.1.1 that the Project will have no adverse operational or construction impacts to air quality, the document contains insufficient information to support this conclusion. While we recognize the DEIS references an Air Quality Specialist Report for the Middle Kyle Complex, the DEIS itself does not comprehensively assess the Project's operational and construction direct, indirect, or cumulative impacts to air quality. To address this insufficiency, the FEIS should include a complete description of potential impacts and commitments to reduce those impacts. In particular, EPA has concerns regarding: MKC017-36

1) the minimal mitigation measures to curb particulate matter (PM) and nitrogen oxides (NOx) emissions from construction equipment,
2) the absence of data describing additional vehicular traffic and resulting emissions from the Project, and
3) the lack of discussion and analysis of OHV and helipad use.

Emissions from diesel construction equipment, haul trucks, OHVs and other vehicles associated with this Project include PM, sulfur oxides, volatile organic compounds (VOCs), and NOx. VOCs and NOx are precursors to ozone. In March 2008, EPA further tightened the National Ambient Air Quality Standard (NAAQS) for ozone. Clark County is

currently within a non-attainment area for carbon monoxide (CO), PM_{10}, and 8-hour ozone. Note that the nonattainment boundaries do not follow the air basin or county boundaries and are different for each pollutant and area. The FEIS should include a discussion of the regional impacts of increased NOx and VOC emissions on the area's ability to attain the ozone standards. MKC017-36

The DEIS does not state whether there are existing visibility concerns caused by dust generated by motorized use, valleys subject to inversion conditions, or smoke from residential areas, dispersed camping, timber management activities, or wildfires. Direct effects of fugitive dust and smoke are reduced visibility on and adjacent to routes and increased levels of particulate matter less than 10 microns in diameter (PM_{10}), and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) which are human health concerns. We are concerned with the potential increase in ozone, fugitive dust, and smoke in vulnerable viewsheds and areas of high use which could have adverse impacts on smog levels, visibility, and human health. MKC017-37

Recommendations:

- The FEIS should include a discussion of the regional impacts of increased NOx and VOC emissions on the area's ability to attain the ozone standards MKC017-38
- The section for Air Quality should include a detailed description of conducted air quality analyses, including analysis of current and projected emissions from vehicular, OHV and helicopter usage, anticipated exceedences of standards, and mitigation measures to address these impacts. MKC017-39
- The FEIS should provide a description and evaluation of the potential visibility impacts from fugitive dust, ozone, and smoke in the project area, in addition to effects on nearby Class I airsheds. We recommend the evaluation include information on dust generated in motorized vehicle high-use areas, the presence and frequency of valley inversion conditions, and the extent of existing visibility concerns as a result of smog and smoke. MKC017-40

EPA commends the Forest Service for incorporating mitigation strategies to reduce or minimize fugitive dust emissions (at p. 2-33). However, in addition to a fugitive dust control plan, this Project should incorporate more stringent emission controls for PM and ozone precursors for construction-related activity. There are additional mitigation measures that can be considered and applied to reduce emissions. Under NEPA, "all relevant, reasonable mitigation measures that could improve the project are to be identified. Mitigation measures must be considered even for impacts that by themselves would not be considered significant" (see Council on Environmental Quality (CEQ), 1981, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations"). MKC017-41

All applicable state and local requirements and the additional and/or revised measures listed below should be included in the FEIS and ROD in order to reduce impacts associated with emissions of PM and other toxics from construction-related activities:

Recommendations:

Due to the serious nature of the PM_{10} and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measures be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. MKC017-42

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, and phase grading operations, where appropriate, and operate water trucks for stabilization of surfaces under windy conditions. MKC017-43
- When hauling material and operating non-earthmoving equipment, prevent spillage, and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph. MKC017-44

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment. MKC017-45
- Maintain and tune engines per manufacturer's specifications to perform at California Air Resources Board (CARB) and/or EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. CARB has a number of mobile source anti-idling requirements. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm MKC017-46
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations MKC017-47
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase. MKC017-48
- Utilize EPA-registered particulate traps and other appropriate controls where suitable, to reduce emissions of diesel particulate matter and other pollutants at the construction site. MKC017-49

Administrative controls:

- Identify all commitments to reduce construction emissions and incorporate these reductions into the air quality analysis to reflect MKC017-50

additional air quality improvements that would result from adopting specific air quality measures. MKC017-50

- Identify where implementation of mitigation measures is rejected based on economic infeasibility. MKC017-51
- Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirement for off-road and on-highway (i.e., 15 ppm), and where appropriate use alternative fuels such as natural gas and electric. MKC017-52
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow. MKC017-53
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners. MKC017-54

If specific mitigation measures are used for purposes of determining total emission levels, a firm commitment to implementing the mitigation measures should be included in the FEIS. MKC017-55

Recommendation:

- The FEIS should identify and commit to specific mitigation measures or specific emission reduction target levels not only for fugitive dust emissions, but also for exhaust emissions.

Wildlife Impacts

Habitat Fragmentation

The DEIS indicates that potential wildlife habitat fragmentation may occur in areas that are currently undeveloped – north of SR 157 and along the bench south of SR 157 (at p. 3.3-2). The FEIS should address wildlife movement impacts associated with the proposal and present mitigating measures to maintain wildlife movement at specific locations in the Project area, especially where wildlife movement already occurs. Monitoring to determine where wildlife currently crossover the existing roadways is critical to determining where the Forest Service should commit to wildlife movement features within the design of the proposed project. In addition, proposed stream and ephemeral wash crossings should be designed to maintain or improve existing wildlife passages, as appropriate. MKC017-56 MKC017-57

MKC017

EPA provides the following recommendations for the FEIS. Much of the information identified below will contribute to a better understanding of the measures needed to reduce impacts to biological resources.

Recommendations:

- The FEIS should include a commitment to incorporate into the design of the Project specific wildlife crossing features that are developed to support key movement patterns for each species. Information such as roadkill data can inform placement of larger wildlife movement structures. Monitoring of wildlife usage of existing roadways is important for designing how the Project can incorporate design measures to maintain existing movement. MKC017-58

- Identify the connections that would likely remain after construction of the Project and highlight these areas as "connectivity zones" for protection and preservation. In the FEIS, identify specific commitments for preservation of these corridors through mitigation measures and cooperative agreements. MKC017-59

- As applicable, disclose how fencing in the Project area will affect wildlife movement and discuss how fencing will be integrated with any identified "connectivity zones". MKC017-60

Critical Habitat

The proposed project could have direct effects on the habitat of the Spring Mountains acastus checkerspot butterfly. The DEIS identified the potential effects on butterfly habitat as a significant issue in the DEIS due to construction of the Kyle Canyon Wash Trail and utility right-of-ways. Section 3.7.4 ultimately identifies the permanent acreage loss of butterfly habitat as irreversible and irretrievable. MKC017-61

Proposed designs for the Project should avoid and minimize impacts to all federally threatened and endangered species, as well as Forest Service species of concern and State species of concern. Any mitigation measures that resulted from consultation with the US Fish and Wildlife Service to protect sensitive biological resources should be included in the FEIS and, ultimately, the ROD. While the DEIS describes mitigation measures for potential impacts to sensitive species, it does not provide a clear commitment to implement these measures. The FEIS should also clearly articulate under which alternatives sensitive biological resources would be least impacted and to what extent impacts can be mitigated.

Recommendations:

- A clear commitment to implement mitigation measures to avoid and minimize adverse effects to the habitat of the Spring Mountains acastus checkerspot butterfly and other sensitive species should be made in the FEIS. These measures should include the identification of sensitive habitats and seasons, a

MKC017-61

user education program, pet restrictions, and monitoring and enforcement of trail use and pet restrictions.

- Mitigation measures that resulted from consultation with the US Fish and Wildlife Service to protect sensitive biological resources should be included in the FEIS and, ultimately, the ROD

Monitoring and Enforcement

MKC017-62

It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the adverse effects of the proposed Project. While we recognize the monitoring and implementation strategy described with respect to invasive and non-invasive species, we believe the public and decision makers would benefit if this strategy is expanded to include specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

Recommendation:

- We recommend development of a detailed Monitoring and Enforcement Strategy. Such a Strategy should include specific information on the monitoring and enforcement program priorities, focus areas (e.g., issues, specific locations), personnel needs, costs, and funding sources. We recommend the FEIS demonstrate that the proposed monitoring and enforcement strategy is adequate to assure that motorized vehicle use will not violate access restrictions or exacerbate already identified road-related resource problems. We recommend the Monitoring and Enforcement Strategy be periodically updated (e.g., annually or biennially).

RID OT S RT DT IA F RI CE

ALLEN BIAGGI, *Director*
Department of Conservation
And Natural Resources

JIM GIBBONS
Governor

PETE ANDERSON
State Forester Firewarden

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NEVADA DIVISION OF FORESTRY

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November 16, 2009

Hal Peterson, PE
Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 North Torrey Pines
Las Vegas, NV 89130

Dear Mr. Peterson,

In reference to an email sent to Mark Blankensop regarding Nevada Division of Forestry's desire to locate our fire apparatus in the proposed Middle Kyle Canyon Facility. At this time we have evaluated the proposal and have determined that stationing our Type 1 and Type 3 apparatus at this location does not meet our response times to Rainbow, Old Town and Echo subdivisions. Thank you for considering the Division in your plans. MKC018-1

Sincerely,

Pete Anderson
State Forester Firewarden

cc: Mark Blankensop
Mike Dondero

RID	OT	S	RT	DT	IA	F	RI	CE

MKC020

Hal Peterson, Middle Kyle Complex Project Manager
Spring Mountains National Recreation Area
4701 N. Torrey Pines Dr.
Las Vegas, NV 89130-2301

MiddleKyleComplex@fs.fed.us

November 25, 2009

RE: Middle Kyle Complex Draft EIS

Dear Mr. Peterson,

Thank you for the opportunity to comment on the Draft EIS for the Middle Kyle Complex development plan. I have several concerns.

MKC020-1

I recognize the concerns the Forest Service has with the visitor numbers in upper Kyle Canyon and the impacs that is having on the resources in that area and support the need to address that problem. However, I am concerned that the plan to create a new center of activity south of Highway 157 and east of the junction with Highway 158 will not be successful as a destination for visitors because it lacks the key factors that attract visitors during the summer months, namely large trees and shade. Provision of artificial shade structures will help but is not much of a substitute for a forest setting under tall Ponderosa Pines. The commercial style campground proposed in this area(middle Kyle Canyon) would require extensive plantings of fast growing trees (with active irrigation system) to be attractive in the short term and then would seem just like another KOA facility rather than a Forest Service campground. The emphasis on providing facilities for large motorhomes and trailers at the commercial style campground would seem to be geared toward a demographic that is not really interested in a "forest type experience", but rather a place to park with entertainment facilities. It is not clear to me that the goal of diverting existing visitors away from the overcrowded area of upper Kyle Canyon will be accomplished by the planned campground and picnic facility at the middle Kyle Canyon site.

MKC020-2

The draft EIS indicates that the entire proposed project will require almost 1000 acres of disturbance, much of it temporary but really doesn't address how that area of temporary disturbance will be rehabilitated. Given that the area under discussion is semi-arid in character natural recovery from disturbance is quite slow. It would be helpful to see some concrete plans for rehabilitating disturbed areas with appropriate native plants.

MKC020-3

An important part of the planning effort involves new or re-aligned trails. While it is understandable that planners desire to accommodate all likely users mountain bikes are not compatible with either pedestrians or equestrians, especially on steep trails where bicycles travel up to ten times faster than either horses or pedestrians. A significant portion of mountain bike users desire to have a "challenging" trail system with some fast downhill sections. These trails are not sustainable unless paved, at which point they are just narrow roads. It is my understanding that the primary mission of the Forest Service is resource protection with recreation facilities and uses being secondary and needing to

be compatible with the goal of resource protection. Careful attention needs to be given to safety concerns when creating multi-use trail systems. MKC020-3

The planning document indicates plans for a "put and take" fishing pond. In the arid Spring Mountains, where surface water is a rare commodity, this seems to be a bit out of place and more appropriate for a commercial entertainment facility than a Forest Service visitor center and campground/day use facility. MKC020-4

Figure 1-4 shows the "La Madre WSA" on the area map. That area was designated the La Madre Wilderness Area by Congress in 2002. MKC020-5

The Fletcher Canyon trail is shown as a combined pedestrian/equestrian trail. With no connection to other trails, a trail length of only about a mile and limited parking facilities for horse trailers this doesn't make a lot of sense. The upper portion of Fletcher Canyon is a slot canyon with hardly enough room for a horse to turn around. Pedestrian only would be more appropriate for this trail. MKC020-6

Figure 2-3 shows an eight foot wide paved trail between the Kyle Canyon Campground and the Middle Kyle area. If this is intended to accommodate both bicycles and pedestrians the speed differential between the two may pose a hazard to both user types unless the trail is striped and clearly marked which side is for pedestrians and which for bicycles. MKC020-7

The disc-golf area near the commercial style campground seems a bit out place and will be problematic in terms of maintaining a native plant community in that area. Native grasses don't withstand foot traffic very well and shrubs are not appreciated by the users. MKC020-8

The EIS states that a biomass heating and cooling system will be used to maintain comfortable temperatures in the visitor center. Biomass systems are effective for providing heat but rather inefficient for cooling. In that area a below ground heat sink for a high-efficiency conventional AC system would be a better option. MKC020-9

Sincerely,

John E, Hiatt
8180 Placid Street
Las Vegas, NV 89123
702-361-1171

Appendix A2

Response to Public Comment

Introduction

Table A2-1 presents Forest Service responses to the public comments received during the public review period on the Draft Environmental Impact Statement (DEIS) for the proposed project. Individual comments received and Forest Service responses in Table A2-1 are organized by letter number and comment number. Copies of the comment letters are included in Appendix A1.

Table A2-1. Forest Service Response to Comments on the Middle Kyle Complex Draft Environmental Impact Statement

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC001	1	Joe Zogbi, General Public	[Individual] Questioned if OHV use would be allowed in the valley bottom area (concern was related to noise near his condo property).	Off-highway vehicle (OHV) use will not be allowed in the village valley area.
MKC001	2	Joe Zogbi, General Public	[Individual] Asked where proposed helipads were located (concern was related to noise from landing/take-off, flight frequency and flight path relative to his property location).	Proposed helipad locations are shown on Figures 1-3 and 2-4 of the Final Environmental Impact Statement (FEIS). The helipads are included in the alternatives primarily for emergency responses (e.g., wildfires). Helicopter flight frequency is not expected to change substantially from existing use levels.
MKC002	1	Kathy Ujifusa, General Public	[Individual] Expressed concern related to equestrian access to Fletcher Canyon trail network she supports the trail connection from north Telephone Canyon area to Fletcher Trails via SR 158 highway crossing (Proposed Action). Desires parking access for large horse trailers. Supports equestrian campground in the Proposed Action.	The decision does not include a trail connection from north Telephone Canyon area to the Fletcher Canyon trails across State Route (SR) 158. We believe that it is not safe to have a designated equestrian crossing on this stretch of highway. The decision does include parking for large horse trailers at the Telephone Canyon Trailhead. The decision does not include an equestrian campground because the trail mileage in the project area is not sufficient to support the need for an overnight equestrian campground. However, we do recognize the need for a developed equestrian campground on the Spring Mountains National Recreation Area (SMNRA) and we are exploring options.
MKC002	2	Kathy Ujifusa, General Public	[Individual] Does not support the idea of dispersed camping closures in Blue Tree area (at existing group use area).	See response to MKC012 comment 3.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC003	1	Joe Zogbi, General Public	[Individual] Expressed concern about "echo effect" from valley area adjacent to his condo property. States that sounds, even conversations, from the valley area carry up to the condominiums and disturb the peace and quiet. Specifically, he was concerned about plans for the picnic space in the valley and the group picnic areas in the village as the larger groups may create more noise.	Development of proposed facilities in the Village and Valley areas are likely to increase noise levels above current levels, especially during daylight hours in the peak season. Proposed facilities in this area are day-use facilities that will have limited hours of operation (i.e., not 24-hour facilities). The decision identifies a lower scale of development and is likely to have less noise potential.
MKC003	2	Joe Zogbi, General Public	He [Individual] suggested if a snow play area was developed in the valley that it be "aimed to the south" to minimize the valley echo effect.	The decision does not include a designated snow play area.
MKC003	3	Joe Zogbi, General Public	He [Individual] expressed concern about traffic congestion on SR 157 from RV and other vehicles entering the picnic/camping areas backing up traffic on the highway during busy use periods. He felt that large RVs might have difficulty negotiating the roundabouts and suggested that we [Forest Service] install traffic signals at the main intersections.	We are working with Nevada Department of Transportation (NDOT) to design SR 157 improvements that will minimize traffic congestion and we will consider recreation vehicles (RVs) and other large vehicles when designing intersections or roundabouts.
MKC004	1	Ed Dodrill, Southern Nevada Regional Trails Partnership	It seems evident that going into this project the Forest Service would know that building facilities of any kind would disturb the land. Yet, throughout the document it is pointed out that the Forest Service, at least those who manage this portion, do not want to disturb the land. If so, why was this project initiated? We were told at the public scoping meetings that the USFS wanted to create a place to draw in visitors to Mount Charleston and provide a satisfactory experience that would keep them from continuing to the top of the mountain where vehicular and pedestrian traffic has become overwhelming.	We realize that there will be effects from the construction of new facilities. The purpose of the Environmental Impact Statement (EIS) is to disclose those potential effects to the public and the decision maker. We are proposing mitigation to lessen impacts to the extent practicable. While there is a need for these facilities to draw visitors from the more sensitive upper canyon areas, we strive to accomplish this objective in an environmentally responsible manner.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC004	2	Ed Dodrill, Southern Nevada Regional Trails Partnership	At several points in the document it is noted that State Highway 157 and 158 are not under the jurisdiction of the Forest Service but under the jurisdiction of the Nevada Department of Transportation. I find it irresponsible on the part of the USFS that the Nevada Department of Transportation was not asked to join this project and provide guidance and expertise because the highway is the only link to this area unless someone plans to hike bicycle or ride a horse up there from Las Vegas.	We have been in communication with NDOT throughout the project, and NDOT has provided guidance and expertise. They were asked to be a cooperating agency early on for this project and determined they could coordinate the transportation needs of the area without adopting the legal status of "cooperating agency." The reason the EIS states that we do not have jurisdiction over the state highways is to disclose that we cannot propose actions or make decisions regarding the management of these highways.
MKC004	3	Ed Dodrill, Southern Nevada Regional Trails Partnership	Because NDOT [Nevada Department of Transportation] was not part of the process they have no idea of the problems associated with Mount Charleston visitor traffic and the negative impact it is creating. NDOT also has not been asked to offer suggestions, including expanding the highway [state highway 157 and 158] or creating an exit route from the Mount Charleston area working with the Forest Service to solve the problems.	NDOT has been involved and the department is aware of the problems. A joint study funded by the Federal Highway Administration and in cooperation with the U.S. Forest Service (Forest Service), NDOT, Regional Transportation Commission of Southern Nevada, Clark County, Nye County, and Las Vegas Metropolitan Police Department assessed transportation issues on the SMNRA. This study was completed in 2005 and investigated the topics you identified. Recommendations were identified in that report, of which NDOT has implemented several.
MKC004	4	Ed Dodrill, Southern Nevada Regional Trails Partnership	Throughout the statement projects are eliminated because of costs. Since nobody on Earth expects this project to be completed within the next decade, it would be best to leave important and well-needed facilities in the project to be completed at such time as funds are available. Should the financial situation change in the next 20 years or so, it would require a brand new process to include these amenities. I see no expiration date on this document.	Because of the large capital costs associated with this project, it is expected to occur in phases over a period of years. Generally speaking the life of a National Environmental Policy Act (NEPA) decision is about 5 years, after which time the line officer must consider if conditions have changed substantially to warrant additional analysis before implementing later phases. The FEIS and Record of Decision do not identify an expiration date.

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MKC004	5	Ed Dodrill, Southern Nevada Regional Trails Partnership	It is suggested that the much needed equestrian campground be eliminated. Weeks of temperatures above 100 degrees this past summer, makes the nearby availability of a place with cooler temperatures for recreation greatly needed. It seems an increase in such amenities is needed, not a reduction. The equestrian campground, according to the equestrians who attended the scoping meetings, needs no facilities. While providing a place for horse owners to recreate, the Forest Service also adds to visitor enjoyment. The horses are part of the experience of visiting the mountain and people frequently stop to express their delight in seeing the horses.	We agree that there is a need and market demand for an equestrian campground on the SMNRA. Due to the lack of a sufficient equestrian trail network in the project area to warrant an overnight equestrian facility, we will investigate a more appropriate location on the SMNRA for this facility. We agree that amenities at an equestrian campground could be minimal.
MKC004	6	Ed Dodrill, Southern Nevada Regional Trails Partnership	While acknowledging that visitor traffic to the Mount Charleston area is expected to increase, the document calls for cutting back a great number of amenities.	This is related to our ability to provide for the financial operation and maintenance for the scale of facilities constructed. While lesser amenities than proposed, the Middle Kyle Complex would still provide more than what is currently available.
MKC004	7	Ed Dodrill, Southern Nevada Regional Trails Partnership	On page ES-11 it is mentioned that a commercial campground would be visible from SR 158. Plant trees to hide it, redesign it and farm it out to a commercial campground operator to generate more funds to spend on this project.	We agree with your suggestions. Planting trees and having aesthetic design will lessen the visual impacts, but the campground will still be visible from SR 158. Our intent is to permit operation of the campground to commercial operators to generate funds and lessen the amount of Forest Service funds needed to construct and operate the campground.

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MKC004	8	Ed Dodrill, Southern Nevada Regional Trails Partnership	On page ES-10 it is stated, "A general downsizing of recreation facilities would reduce the extent of the associated landscape alterations." A ten-year old could have figured that out. Just think of how protected the landscape would be if the recreation facilities were eliminated, or closed to the public. This sentence shows you are not being realistic. If you want more people to spend time in this area you will get more "associated landscape alterations," but fewer at the critical top of the mountain.	You are correct. All projects have tradeoffs. The No Action Alternative would have the least amount of landscape alteration but would not meet the purpose and need for the project, including the need to reduce recreation impacts at “the critical top of the mountain”.
MKC004	9	Ed Dodrill, Southern Nevada Regional Trails Partnership	The plan, as stated, does not reflect what the public said they wanted. And the Forest Service should understand they are here to serve the public. There is much in the plan that is good, but too often the cutting back and eliminating amenities that are needed does not show a concern for the people served by this segment of the National Forest.	You are correct that our decision reflects a smaller scale project than what was originally proposed. The original proposal, i.e., the Proposed Action, represents the outcome of several public meetings. When making the final decision we consider not only what the public wanted, but also the environmental impacts and the financial implications of the decision. Our decision to move forward with smaller-scaled facilities is a reflection of these considerations.
MKC005	1	Jim Mesalic, General Public	I am a strong supporter of the projects in Kyle Canyon and Lee Canyon. Please proceed with construction.	Thank you for your support.
MKC006	1	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM [Department of Air Quality and Environmental Management] Air Program understands that the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendation: The annual National Ambient Air Quality Standard for particulate matter with an aerodynamic diameter of less than 10 microns (PM10) has been revoked. Any references to that standard should be removed because it is no longer enforced.	References to annual particulate matter $(PM)_{10}$ standards were removed from the specialist report and are not included in the FEIS. The most current National Ambient Air Quality Standards (NAAQS) table obtained from http://www.epa.gov/air/criteria.html was included in the Air Quality Specialist Report.

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MKC006	2	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Air Program understands that the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendation: The report states that Clark County is a serious nonattainment area for ozone. However, the U.S. Court of Appeals for the District of Columbia Circuit vacated Subpart 1 of the Clean Air Act; therefore, Clark County currently has no formal ozone classification. The statement should be corrected to reflect this status.	The specialist report was changed to reflect the following attainment/nonattainment statuses: CO - Serious nonattainment; O_3 – Nonattainment for the 1997 8-hour, 80 parts per billion (ppb) standard, but currently unclassified due to the U.S. Court of Appeals for the District of Columbia Circuit decision vacating Subpart 1 of the Clean Air Act. PM_{10} – Serious nonattainment for the 24-hour standard $PM_{2.5}$ – Unclassified, presumed attainment The most current NAAQS table obtained from http://www.epa.gov/air/criteria.html was included in the Air Quality Specialist Report.
MKC006	3	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Air Program understands that the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendation: Currently, Clark County is in attainment for PM2.5. The report's "Air Quality Attainment Status" section states: "Clark County has recommended the region should be designated as a nonattainment area." In a letter dated August 18, 2008, the U.S. Environmental Protection Agency concurred with the recommendation by Clark County and the Nevada Division of Environmental Protection (NDEP) that all areas of the state meet the PM2.5 standard.	The specialist report was changed to reflect the following attainment / nonattainment statuses: CO - Serious nonattainment; O_3 – Nonattainment for the 1997 8-hour, 80 ppb standard, but currently unclassified due to the U.S. Court of Appeals for the District of Columbia Circuit decision vacating Subpart 1 of the Clean Air Act. PM_{10} – Serious nonattainment for the 24-hour standard $PM_{2.5}$ – Unclassified, presumed attainment The most current NAAQS table obtained from http://www.epa.gov/air/criteria.html was included in the Air Quality section of the specialist report.

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MKC006	4	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Air Program understands that the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendation: Pursuant to Section 176(c) of the Clean Air Act, federally supported highway and transit project activities must comply with transportation conformity requirements. The improvements proposed for State Highway 157 should be evaluated for transportation conformity applicability.	The Forest Service considered the SR 157 proposed improvements for conformity applicability and made the determination to include the SR 157 improvements in the general conformity analysis for the entire project. We determined that because of the small scale of construction associated with the SR 157 (several hundred feet of highway widening, lane enhancement, and intersection improvement) the emissions are relatively negligible; however, they remain relevant in the larger context of the project as a whole.
MKC006	5	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Water Quality Planning Section has reviewed the proposed project, located within Hydrographic Basin 212 of Clark County, Nevada, for adherence to the Clean Water Act and Clark County codes and regulations, and offers the following suggestion: The project should adhere to the recommendations and provisions of the Clark County 208 Area-Wide Water Quality Management Plan (WQMP). We recommend continuous contact with the DAQEM Water Quality Team to ensure that wastewater treatment data is reviewed for suitability with the approved WQMP and that any WQMP amendments are completed before infrastructure construction.	The following statement was included in Draft Environmental Impact Statement (DEIS) Table 2-4 as design criteria WA5: "Coordinate with Clark County Department of Air Quality and Environmental Management for project compliance with Clark County 208 Area-Wide Water Quality Management Plan recommendations and provisions throughout project design and implementation phases as appropriate." These design criteria are also included in the FEIS and Record of Decision.

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MKC006	6	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM [Department of Air Quality and Environmental Management] Water Quality Planning Section has reviewed the proposed project, located within Hydrographic Basin 212 of Clark County, Nevada, for adherence to the Clean Water Act and Clark County codes and regulations, and offers the following suggestion: The project should adhere to Chapter 24.40 of the Clark County Code, "Storm Sewer System Discharge."	The following statement was included in DEIS Table 2-4 as design criteria WA4: "Design, construct and maintain facilities in compliance with applicable sections of Chapter 24.40 of the Clark County Code, "Storm Sewer System Discharge". Coordinate with Clark County Department of Air Quality and Environmental Management as appropriate." These design criteria are also included in the FEIS and Record of Decision.
MKC006	7	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Water Quality Planning Section has reviewed the proposed project, located within Hydrographic Basin 212 of Clark County, Nevada, for adherence to the Clean Water Act and Clark County codes and regulations, and offers the following suggestion: The project should use low-impact development design criteria to minimize the erosive and pollution potential of storm water and surface water flow.	The following statement was included in DEIS Table 2-4 as design criteria WA4: "Follow low-impact development (LID) design practices for stormwater management that emphasize the use of naturally occurring and constructed features to reduce the impacts of increased flow rates and volumes associated with increases in impervious area." These design criteria are also included in the FEIS and Record of Decision.
MKC006	8	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Water Quality Planning Section has reviewed the proposed project, located within Hydrographic Basin 212 of Clark County, Nevada, for adherence to the Clean Water Act and Clark County codes and regulations, and offers the following suggestion: If the proposed facility and Standard Industrial Code require, based on 40 CFR 122.26, the owner/operator must file a Construction Notice of Intent for storm water discharge during the construction phase with the Nevada Division of Environmental Protection and prepare a storm water pollution prevention plan.	Chapter 1 of the FEIS identifies permits and required compliance for this project which includes: "Nevada Division of Environmental Protection National Pollutant Discharge and Elimination System General Stormwater Permit for Construction." Compliance with this permit will address your stated concern.

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MKC006	9	Lewis Wallenmeyer, Clark County Dept. of Air Quality and Environmental Management	The DAQEM Air Program understands that the U.S. Forest Service intends to improve the recreational services at the Middle Kyle Complex and offers the following recommendation: In Table 2.3 of the "Water" section, please add the following statement: "Implement site-appropriate best management practices found in the June 2008 Nevada Contractors Field Guide for Construction Site Best Management Practices." Implementation of principles found in the January 2009 Las Vegas Valley Construction Site Best Management Practices Guidance Manual is also recommended.	The following statements were included in DEIS Table 2-4 as design criteria WA1: "Implement site-appropriate best management practices found in the June 2008 Nevada Contractors Field Guide for Construction Site Best Management Practices" and "Implement appropriate principles in the January 2009 Las Vegas Valley Construction Site Best Management Practices Guidance Manual". These design criteria are also included in the FEIS and Record of Decision.
MKC007	1	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	As a cooperating agency, we noted the Proposed Action has become considerably scaled down from the original approach. Consequently, we are sorry to see several concerns for wildlife resources that were raised during initial scoping and subsequent project team meetings remain inadequately addressed.	The Forest Service has considered the comments and wildlife resource concerns provided by Nevada Department of Wildlife (NDOW) (through the public scoping process and as a cooperating agency) in the development of project alternatives, design criteria, and the preferred alternative in the FEIS.
MKC007	2	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	Generally, accommodating a larger population of park patrons within the planning area's already developed and highly visited canyons will result in corresponding increases in differential influences and pressures on important natural features and resource values found there. NDOW [Nevada Department of Wildlife] understands the project's SNPLMA funding disallows the U.S. Forest Service budgeting for staff to undertake education, enforcement presence, and disperse resource monitoring functions. And the Forest Service has made prediction of future incursions by planned and unplanned dispersed camping and user-created thoroughfares. Regardless of present funding limitations, a stronger commitment displayed by recognizing and	We agree that additional staffing will be necessary. However, staffing and enforcement levels are influenced by available funding and are administrative actions not required for disclosure in the EIS. This project focuses recreation activities to a specific area and eliminates unregulated dispersed camping. This should allow available law enforcement officers and other Forest Service personnel to focus their attention on the Middle Kyle Complex area and other SMNRA high use areas.

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			detailing maintenance and operations support needs for the enhanced visitor environment including hired personnel tasked with ensuring compliance, education, and conservation duties would have benefited the Complex DEIS, especially in cumulative effects analyses. Relevance of the business model as referred to in Appendix A as a response to many questions of this nature seems to have fallen short of providing clear plan for acquiring more eyes and cars on the SMNRA.	
MKC007	3	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	It was our understanding that many unauthorized, user-created roads, trails and other thoroughfares would be closed and rehabilitated by virtue of the Complex project. This is stated in the 3rd paragraph on Page I-26 under "Proposed Action," however expectation for an overall reduction of roads and trails contributing to net impact reductions to wildlife habitat became less optimistic. On pages 3.1-6 through 3.1-8 in Chapter 3 under "Affected Environment—Non-native Invasive Species" it clearly states that the proposed action would result in 9.7 miles of designated roads and trails per square mile, and a total length in roads and trails of 48 miles. The Market Supported alternative would result in 8.4 miles per square mile and a total length of 44 miles of Forest Service designated roads and trails. Both of these are increases over the existing conditions of 7.2 miles per square mile and 22 total miles of roads and trails. It cannot be over emphasized that increased recreation without obvious reductions resource impacts and a corresponding increase in law enforcement and resource monitoring presence translates to increases in disturbance and fragmentation of habitat, establishment of new user-created thoroughfares, and harassment of wildlife by, for example, uncontrolled pets.	The increase in roads is associated with the proposed picnic, camping, visitor center and administrative facilities. This includes campground loop roads, access to parking, and trailheads. This increase in roads is condensed into smaller areas associated with the developed sites; however, the closure of unauthorized routes and unregulated dispersed camping are expected to have an overall beneficial effect on SMNRA wildlife species.

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MKC007	4	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	Increased capacity for camping facilities and the corresponding increase in the number of users will result in increased wood cutting and collecting of down and dead woody materials, which is critical to the survival of the Palmer's chipmunk and other species in the upper portions of the Complex. Design criteria do not specify a remedy for this anticipated impact. Although at least some administrative discretion would seem available to the Forest Service as indicated in the paragraph in the center of page ES-7 concerning dispersed camping. Perhaps changing one word in the first sentence of this paragraph from "may" to "will" would make a difference.	The DEIS identifies the alternatives and proposed activities generally prefaced with the word “may” to represent the predecisional nature of the disclosure. The Record of Decision identifies the Selected Alternative in definitive terms, including the use of the term “will.” The decision does include closing unregulated dispersed camping.
MKC007	5	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	Does inclusion of clean-up and policing of the Spring Mountains NRA because these activities and the funding supporting them are conditional project tangibles? Why would they not be part of normal NRA programs in order to occur? The text and photos on Page 2-4 addressing illegal dumping and vandalism of cultural sites seems to be an indication of Forest Service's needs to focus on alternative workforces, perhaps volunteer organizations, to help fill in performance gaps for basic park functions such as trash and litter clean-up and active compliance patrols.	The SMNRA has several Southern Nevada Public Land Management Act (SNPLMA)-funded initiatives, including litter cleanup, education, and enforcement programs and we are making progress in these areas. Our goal is to have these initiatives sustainable without SNPLMA funding, and we have personnel dedicated to this.
MKC007	6	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	The location of the Middle Kyle Canyon Complex is within an important mountain brush and chaparral habitat type adjacent to lower montane woodlands (Pinyon-juniper) at its upper elevations and mixed desert scrub type (Joshua tree/blackbrush) along the lower portions of the Complex. This Chaparral habitat is not common in many areas of the Mojave Desert but supports wildlife species, in particular birds, which are important	The bird species covered in the Conservation Agreement (CA) include only the northern goshawk, southwestern flycatcher, American peregrine falcon, the flamulated owl and the western burrowing owl. A summary of the impacts on wildlife habitat types and species analyzed in detail are included in Table 3.3-2 and Table 3.3-3. The species listed in the NDOW comment are not included in the 1998 CA.

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			conservation targets for the Nevada Chapter of Partners in Flight and the Spring Mountain Conservation Agreement. These are noted below with accompanying rationale: Black-chinned sparrow : Rationale—Spring Mountains National Recreation Area Conservation Agreement (SMNRACA) Watch list species—Partners in Flight Species of Conservation Priority—Audubon Watch List (Red) Gray vireo: Rationale—SMNRACA Watch list species—Partners in Flight Species of Conservation Priority—Audubon Watch List (Yellow) Pinyon jay: Rationale—SMNRACA Watch list species—Partners in Flight Species of Conservation Priority—Audubon Watch List (Yellow) Virginia's Warbler: Rationale—Partners in Flight Species of Conservation Priority—Audubon Watch List (Yellow) LeConte's Thrasher: Rationale—Partners in Flight Species of Conservation Priority—Audubon Watch List (Yellow) Gray flycatcher: Rationale—SMNRACA Watch List species—Partners in Flight Species of Stewardship Priority—Audubon Watch List (Yellow)	
MKC007	7	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	In Table 3.3-3 on Page 3.3-20, potential impacts resulting from the Proposed Action to both Great Basin collard lizard and Western red-tailed skink describe impacts to the banded gecko. Need for correction?	The species name has been corrected in Table 3.3-3 of the FEIS.

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MKC007	8	D. Bradford Hardenbrook, State of Nevada, Department of Wildlife	The actual supplying of game fish for stocking and compliance administration of a put-and-take program are two key elements necessary to facilitate a satisfying outdoor education angling experience. The necessary infrastructure required for implementation and perpetuation of the proposed program has yet to be adequately coordinated by the Forest Service [and] NDOW's Southern Region Fisheries Division for guidance and permitting information and opportunities.	Design criteria W10 in Table 2-4 in the FEIS identifies our intent to coordinate with NDOW for guidance and permitting information related to any proposed commercial or stocked fishing activities.
MKC008	1	Lee Bice, Clark County Desert Conservation Program	The Clark County Department of Air Quality and Environmental Management Desert Conservation Program Division has reviewed the subject draft environmental impact statement (DEIS) for the Middle Kyle Complex project and has noted a number of butterfly and rare plant species are found in the project area. These species are addressed in the Spring Mountains Conservation Agreement between U.S. Fish and Wildlife Service and the U.S. Forest Service. We encourage the U.S. Forest Service to minimize any negative impacts to these species or to their habitats.	Thank you for your comment. We are in consultation with the U.S. Fish and Wildlife Service (USFWS) to minimize impacts on these species.
MKC009	1	Judith Pixley, General Public	Debris Flows and Floods: One of the most troubling aspects of this project is that hundreds of acres of soil will be disturbed (page 3.1-11) in action alternatives. There really is no way to know if your mitigation measures will stop debris flows, slope failure, and flood damage. Sometimes there is loss of life due to these types of events. Please develop a worst-case scenario, including intense flash flooding and rain-on-snow events. Someday the land below these projects may be developed. We owe it to the people and land owners to be honest about potential risk.	Debris flows, slope failures and flood damage are natural occurrences. Proper location of facilities outside of flood prone areas and areas of geologic hazard, along with appropriate drainage and erosion control will minimize risks. For the analysis some modeling was conducted to delineate 50- and 100-year floodplain areas where crossings and facilities were proposed within the floodplain. This project does not adversely alter the hydrological function of the drainage. In fact, the project will improve the hydrologic function of Kyle wash by replacing undersized culverts and removing in-stream log structures at the former golf course property.

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MKC009	2	Judith Pixley, General Public	The hydrological analysis should be included within the final EIS. Expand on the discussion found on page 3.1-4 of the DEIS, which states: "The potential exists for debris flows and flash floods to occur in Kyle wash and in smaller tributaries and swales. The debris flows and flash floods typically occur in response to intense rainfall. These events are exacerbated in watersheds where a wildfire has occurred in the recent past, or in which significant areas of impervious surfaces contribute to increased runoff potential."	Flash floods and debris flows are common occurrence in the high desert and surrounding environment subject to intense rain events. This project will not increase the risks associated with flash floods or debris flows—see response above.
MKC009	3	Judith Pixley, General Public	Please include comments from the U.S. Army Corps of Engineers regarding the Kyle wash (page 3.7-10 DEIS). Is there a risk that human waste could reach and contaminate the groundwater if the system is over-whelmed by a severe weather event? Please consult with the Army Corps on this issue and on the issue of flooding.	The Forest Service has been in consultation with the U.S. Army Corps of Engineers (Corps) regarding jurisdictional determination of Kyle wash under the Clean Water Act. The Corps did not provide comments on the DEIS; however, as a result of the consultation, the Corps did provide us with a Preliminary Jurisdictional Determination (RGL 08-02), a nonbinding written indication that there may be waters of the United States on the site. Consequently the Forest Service will obtain and comply with required 401 and 404 permits. There is remote potential for discharges if the central waste treatment plant with sewer lagoons was constructed. The decision does not include this treatment system so there will be no risk that human waste could reach and contaminate surface or groundwater from a severe weather event.

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MKC009	4	Judith Pixley, General Public	How much fill material will be hauled up the Kyle Canyon Road to the project area? And where will this fill come from? What type of fill? How many truck loads will it take to move the fill up the mountain? Please reveal in the final EIS.	The volume of fill material necessary for the project has not been determined. Borrow sources would be located off National Forest System lands and are expected to come from commercial pits/quarries. The number of truck loads to move fill up the mountains was not specifically calculated. However, the air quality specialist report included Urban Emissions (URBEMIS) air quality modeling, which was used to predict construction and operation emissions associated with the alternatives. URBEMIS is a computer program used to estimate emissions from construction, vehicle trips, and fuel use resulting from land use development projects. URBEMIS estimates emissions based on the type of land use and area source and vehicular emissions typically associated with the land uses.
MKC009	5	Judith Pixley, General Public	Groundwater Pumping: The vast amount of groundwater that may be use by this project shocks me! On page A-54 DEIS, it says that consumption of water is not to exceed 83.54 acre-feet annually. How will this huge among of pumping affect ground water levels? What plants, including trees, will no longer get enough water to be healthy or survive? What animals that depend on both the plants and water now will die? How fast will the groundwater level drop? How will the drop in groundwater affect the risk of fire if the forest dries? If the forest becomes drier how will this increase the risk for people living or visiting if there is a fire?	There are two wells associated with the project. One well, located in Kyle wash has a static water level at 165 feet below ground surface. The other well located north of SR 157 has a static water level at approximately 500 feet below ground surface. These depths are great enough that they will not influence plants and animals on the surface. Pump yield tests, performed to determine maximum sustained pump rates for the wells were 275 gallons per minute (gpm) and 250 gpm, respectively. The peak day demand, based on the Proposed Action worst-case scenario was estimated at 122 gpm. The peak pumping rate associated with the Forest Service water right is 170 gpm, both are under the pump rates that could lead to lowering groundwater levels.

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MKC009	6	Judith Pixley, General Public	This issue [groundwater pumping] is serious. Please show a chart giving approximate amounts of water given to end users, and what all this water will be used for...and where?	Estimates of water consumption were performed on the Proposed Action (representing the highest level of development) and included conservative assumptions (i.e., without water conservations measures) to represent the worst case scenario to verify sufficient water rights were available. These estimates indicated annual water demands of 52.0 acre-feet for potable water, 28.4 acre-feet for irrigation, and 2.4 acre-feet for utilities. These estimates included 6.8 acres of irrigated space and snow making for snow play. The calculations included all of the proposed new facilities, the Kyle Canyon Campground and the Fletcher View Campground. Use estimates were not performed on the Market Supported Alternative. It is expected that the Selected Alternative with scaled back facilities, reduced irrigation areas, no snow-making and implementation of water conservation measures will require significantly less water than was disclosed for the Proposed Action.
MKC009	7	Judith Pixley, General Public	Is the pumping of almost 83.54 acre-feet annually from the old Nel Golf Course property sustainable? Give proof to justify your response. Please take into consideration the potential for long-term drought. Also consider additional groundwater use into the future. What would the effects of pumping have on groundwater levels in twenty years or in fifty years?	Acquisition of the former Nel Golf Course property included 54% of the original water rights for the property. Change of land use for this area from a golf course to a recreation complex will result in significantly less water consumption. The Forest Service water right associated with this project is within the Las Vegas basin and represents a fraction of the groundwater aquifer. Appropriation of water rights is under the purview of the State Engineer who manages the application and permitting of water rights with the interest of maintaining adequate groundwater reserves. With global warming, population growth, and development it is impossible to accurately predict the long-term effects of groundwater use. We

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				acknowledge the significance of limited water resources and are committed to implementing the project in an environmentally responsible manner to minimize water consumption.
MKC009	8	Judith Pixley, General Public	Please complete ground surveys for threatened, endangered, and sensitive species before the final EIS is written so that this information may be included. All ground surveys should be completed before a final decision because afterward is often too late! And this goes for other species which will be impacted as well.	There are no threatened or endangered species in the project area. Extensive surveys were completed for sensitive species. Impacts on sensitive species and their habitats are documented in the Botany and Wildlife Biological Assessment and Biological Evaluations.
MKC009	9	Judith Pixley, General Public	Please send me a copy of: the April 2009 Draft Vegetation Management Plan for the Kyle Campground, Kyle CCC Camp and the proposed Middle Kyle Complex (Above and Beyond Ecosystems Enterprise Unit 2009) and Biological Assessment/Biological Evaluation (ICF Jones & Stokes 2009h) and a paper copy of the final EIS and decision notice and notification if there is an extension of time for the comment period for the draft EIS.	The documents requested have been mailed. The DEIS comment period was not extended.
MKC009	10	Judith Pixley, General Public	I support the "No Action Alternative" because after reading the DEIS, I believe the proposed project will do much more harm than good.	With every decision there are tradeoffs, and we are required to disclose the impacts particularly the short-term impacts for the long-term benefit. The Record of Decision provides the rationale for the Selected Alternative. The No Action alternative does not meet the Purpose and Need for the project.

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MKC011	1	Patricia Sanderson Port, DOI-Office of Environmental Policy and Compliance	The U.S. Fish and Wildlife Service's (Service), Nevada Fish and Wildlife Office in Las Vegas, Nevada has worked with the Forest Service's Spring Mountains NRA staff on the subject project for many years. The Service's authority for cooperation with the Forest Service and review of the proposed project is under the auspices of the Conservation Agreement for the Spring Mountains NRA, Clark and Nye Counties, Nevada signed in 1998. The purpose of this Conservation Agreement is to provide long-term protection for the rare and sensitive flora and fauna located in the Spring Mountains NRA sufficient to preclude the future need to list any of the species under the Endangered Species Act of 1973, as amended. In addition, both agencies are signatories to the Memorandum of Agreement (MOA) Concerning Endangered Species Act Section 7 Consultations and Coordination signed in 2004 to establish a general framework for a streamlined process for interagency cooperation within the jurisdiction of the Humboldt-Toiyabe National Forest and the Nevada Fish and Wildlife Office. Based on the implementation of the Conservation Agreement and MOA, our agencies have an established process for project input, review and concurrence on projects. The Service's Nevada Fish and Wildlife Office will continue to work with the Forest Service through the established process under the Conservation Agreement and MOA to address outstanding concerns or issues related to species protection and conservation in the Spring Mountains NRA as it pertains to the Middle Kyle Canyon Complex Project.	This letter is included in Appendix A1; however, a response is not included because the letter is a statement of fact that does not require a comment.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC012	1	Kathy Ujifusa, General Public	Please ensure all multiuse trails constructed are built to equestrian standards.	All multiuse trails will be constructed to meet Forest Service standards for the intended users.
MKC012	2	Kathy Ujifusa, General Public	Please reconsider a crossing area on SR 158 (Deer Creek Highway) to connect equestrian use from the main staging area (gravel pullout across from the Mt. Charleston Resort—Telephone Canyon) to Fletcher Canyon Trail. Most horse trailers will not fit in the proposed parking at the Fletcher Canyon Trailhead. Without a safe crossing, equestrian access is dramatically decreased for access to the Fletcher Canyon Trail. Horse crossing signage and caution lights would be adequate.	The decision does not include a trail connection from north Telephone Canyon area to the Fletcher Canyon trails via SR 158 because of safety concerns. We believe that this is not a safe section of highway for a designated equestrian crossing.
MKC012	3	Kathy Ujifusa, General Public	I am not in favor of a dispersed camping closure 300 feet on either side of all Forest system roads. With the lack of a designated equestrian campground that is greatly needed, camping within 300 feet of a Forest system road is the only alternative for most equestrians with horse trailers. Under the dispersed camping closure, an equestrian would need a horse pack string and be able to travel to water for overnight camping. This closure would limit access for various equestrians of diverse abilities to enjoy the developed canyons of Kyle and Lee, especially the Blue Tree area with the extensive equestrian trail network that can provide multi-day riding opportunities.	The dispersed camping closure is limited to the designated motorized routes located in developed canyons (Kyle, Deer Creek and Lee Canyon) on the east side of the SMNRA. A majority of the SMNRA would not be affected by this decision. We agree that there is a need for an equestrian campground. Market and financial analysis performed for the SMNRA confirmed this need, but recommended that the equestrian campground be located near a trail network with mileage sufficient for multi-day rides. We considered your comment and the decision does allow permitted dispersed camping at the Blue Tree designated dispersed campsites.
MKC012	4	Kathy Ujifusa, General Public	I am in favor of equestrian access to multi-use trails developed on the South side of SR 157. Please re-consider a crossing area on SR 157 connecting from the main staging area in Telephone Canyon to the variety of multi-use trails proposed.	The decision does not include a highway equestrian crossing on SR 157 because we do not have multiuse trails designated for equestrians on the south side of SR 157.

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MKC012	5	Kathy Ujifusa, General Public	If an equestrian campground is reconsidered in this area [Telephone Canyon], please keep in mind that the equine and rider must be at the same campsite. Separation of the equine to corrals and parking of horse trailers in the campground of another area is not a recommended option.	We concur, and if any equestrian campground is constructed on the SMNRA in the future, we will ensure that the equine and the rider are at the same campsite.
MKC012	6	Kathy Ujifusa, General Public	Please keep in mind equestrians are of a variety of abilities and ages including those with handicaps as with other user groups. Please consider carefully the access for equestrians to equally enjoy Kyle Canyon, Lee Canyon, and Deer Creek areas as done for other user groups.	Thank you for your comment. Design of trail facilities will take into consideration a wide range of user ability levels to provide for a variety of opportunities.
MKC013	1	Rodney Ward, General Public	I believe the overall suggested plan for by the USFS is a relatively good recommendation.	Thank you for your support.
MKC013	2	Rodney Ward, General Public	Amphitheater: The seating capacity (150) for the main amphitheater appears to be far too small. This will severely limit the use of said theater. Please re-consider increasing the size of this amphitheater to the—Proposed Action—of the 1,500 capacity.	Financial analysis completed for the project found the 1,500-person amphitheater under the Proposed Action was not market supported based on the surrounding competitive Las Vegas market. In addition, the large amphitheater would require significant parking capacity resulting in the need for a parking garage at the site. Because of the high costs associated with constructing a parking garage and the lack of market support, the scale of the amphitheater was reduced in the Market Supported Alternative. The decision includes the smaller-sized amphitheater.
MKC013	3	Rodney Ward, General Public	The addition of the multiuse trails is a great addition to this project.	Thank you for your support.

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MKC013	4	Rodney Ward, General Public	Reconsider increasing the number of miles of hiking and biking trails.	Your support for additional trail mileage is noted. The decision is to implement fewer miles of trails than described in either action alternative in the EIS. However, we are considering additional trails to the north and east of the Telephone Canyon area in a separate NEPA analysis based on ongoing work with local user groups. These trails are not included in this decision because many of the trails were not included in the Middle Kyle Complex project resource surveys.
MKC013	5	Rodney Ward, General Public	Recommend connecting the bike trails on this project to the bike trails on the BLM "Twilight Zone" area.	The Forest Service will coordinate with the U.S. Bureau of Land Management (BLM) to identify trail connectivity between agency-managed lands to provide for logical trail networks that balance user needs with resource considerations. The BLM “Twilight Zone” trails are still in the early planning stages; therefore, a connection to that trail network is not included in this analysis.
MKC013	6	Rodney Ward, General Public	Recommend to continue to involve the user groups to design and build trail systems throughout the project.	We agree and intend to include interested user groups to assist in the design and building of the trail network included in the Record of Decision.
MKC013	7	Rodney Ward, General Public	Trail Bridge for Kyle Wash/Slot Canyon: Reconsider adding this to the hiking & biking trail system. This will be a great way for people to view the area as well as hike/bike in the canyon. Avoid paving the trail.	The decision does not include the Slot Canyon Trail bridge. This decision was based on cost considerations and concerns expressed by the American Indian tribes. An unsurfaced trail will lead to an overlook where the bridge was proposed.
MKC013	8	Rodney Ward, General Public	Commercial Equestrian Trail Rides: Recommend eliminating this practice. The increased traffic by commercial use of the trails will decrease the life of the "sustainable" trail system. This is counterproductive to the purpose of this project	Equestrian use, including commercial equestrian trail rides, is a legitimate use on National Forest designated trails. We agree that unmanaged use can lead to adverse resource damage. Commercial equestrian use will be restricted to designated routes. Proper trail location, improved wayfinding/trail marking, enforcement, and monitoring will help to minimize resource damage.

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MKC014	1	Ellis Greene, General Public	The screams of those who own land and houses in the upper areas, and their desire—in some way—to focus interest in lower areas and reduce drivers/lookers from driving to the upper areas where there is inadequate parking and turnaround capability were high priority items—in addition to the desires to some portions of the land that are overused and impacted. This should have been included on page ES-2 in the first major paragraph of Purpose and Need for Action.	The section you refer to, ES-2, is part of the Executive Summary, which does not go into great detail about the project. The Purpose and Need section in Chapter 1, Section 1.3.1, reflects the intent of this statement.
MKC014	2	Ellis Greene, General Public	I have participated in all of the other meetings I am aware of and have made inputs—many of which have not been used.	All public comments received have been considered in development of the Proposed Action and Market Supported Alternative. When arriving at the decision we consider all comments as well as the resource impacts and financial implications. Unfortunately we cannot satisfy all requests.
MKC014	3	Ellis Greene, General Public	I have been visiting Mt Charleston and using almost all of the recreation trails, primarily by Horseback, for approximately 20 years. The primary recreation users are persons who walk the trails, equestrians who ride the trails, and (increasingly) mountain bikers. Only the mountain bikes have appreciably impacted the existing small trails (many established by wild horses). But even the biker damage has not been too bad—except in Telephone Canyon. Some of these riders would have the trails designated for mountain bikes only. THIS MUST NOT OCCUR!	The decision designates all trails in the Telephone Canyon area as multiuse trails.

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MKC014	4	Ellis Greene, General Public	Motor vehicles, particularly ATVs, have impacted many roads, particularly in portions of the Blue Tree Trails system. To a large extent, the study of motorized uses, signs placed by USFS, and enforcement (inadequate) have made good strides in stopping this damage.	Thank you for your words of appreciation.
MKC014	5	Ellis Greene, General Public	I object to the general administrative action that would prohibit dispersed camping within 300 feet on either side of forest service roads and trails as in the DEIS and the letter/introduction by Hal Peterson prior to Page ES-1. Prohibition of some very specific spots/areas may be satisfactory, but the general rule MUST NOT BE IMPLEMENTED. Camping in a natural setting is desirable and needed. As examples, the small areas used by campers along Mac Canyon Road should not be prohibited, and some of the camping along recognized roads in the Blue tree area should not be prohibited. Certainly, camping in the general Blue Tree area SHOULD NOT BE PROHIBITED.	We considered your comment and the decision does allow permitted dispersed camping at the Blue Tree designated dispersed campsites. Visitors wanting to camp in a natural setting can still do so outside of the SMNRA-developed east side canyons (Kyle, Deer Creek and Lee Canyons).
MKC015	2	Ellis Greene, General Public	I agree with decisions not to implement should Alternative 3 be selected. The same considerations should be taken for Alternative 2.	Thank you for your comment.
MKC015	3	Ellis Greene, General Public	I do not agree with the general Administrative Action to prohibit dispersed camping. USFS must be specific and should not use this document to implement a questionable action for the large forest area mentioned (in the Table).	The dispersed camping closure is specific to the developed canyons (Kyle, Deer Creek and Lee Canyon) on the east side of the SMNRA. A majority of the SMNRA would not be affected by this decision. This closure is directly related to the Purpose and Need for the project—to reduce impacts in the upper canyons by directing recreation users to less congested areas and developed recreation sites.

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MKC015	4	Ellis Greene, General Public	DEIS Page ES-2, Purpose: The screams of the people living at higher levels on the mountain should have been included when discussing the purpose of the DEIS. These people want to reduce the number of persons entering the mountain, particularly in their areas. The "lookers" drive and turn around and have no place to park.	The section you refer to, ES-2, is part of the Executive Summary, which does not go into great detail. The Purpose and Need section in Chapter 1, Section 1.3.1, reflects the intent of this statement.
MKC015	5	Ellis Greene, General Public	DEIS Page ES-4/5: From a recreation standpoint, Alternative 1 isn't all bad. I am particularly concerned about the clutter and encroachment on the lower level of Telephone Canyon in Alternatives 2 and 3. Telephone Canyon is a prime area, and the views should not be impacted seriously with all the planned facilities.	Our final decision is to actually construct less in the lower Telephone Canyon area than what is described in either the Proposed Action or Market Supported Alternative (Alternative 2 or 3). During the design we will take special care to mitigate the impacts of construction on the views (see design criteria in Table 2.4 of the FEIS)
MKC015	6	Ellis Greene, General Public	DEIS, Page ES-6. I agree with the decisions not to implement the items listed under Forest Service's Preferred Alternative. The actions identified should not be implemented for any of the alternatives.	Thank you. We appreciate your comment.
MKC015	9	Ellis Greene, General Public	No trails should be closed to equestrians. If a trail is of sufficient concern due to conflicts with mountain bikes, other solutions should be used. This is because the trails are limited, particularly if the available loops are disrobed by closures of certain trails. Possibly, certain days could be designated for the types of users, but no trails should be closed.	In general, the decision designates multiuse trails to the greatest extent possible. However, there are areas where some user groups will be restricted or prohibited because of legal requirements such as wilderness, safety concerns, and resource impacts. Designations indicate the most appropriate use and do not necessarily imply restrictions. Trailhead design would accommodate the designated trail uses.
MKC015	10	Ellis Greene, General Public	The helipad is too close to the equestrian campground. Recommend placement on the south side of SR157 (where people will understand the disturbances) or further to the east of the project area.	The decision places the helipad south of SR 157 and further east of Telephone Canyon.

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MKC015	11	Ellis Greene, General Public	The Horse Rental/Coral/Parking area is very large and close to the trail to the north on the illustration [Figure 1-3]. During construction this should be considered.	The decision moves the horse rental/corral/parking area to the west of the location shown on Figure 1-3 of the FEIS.
MKC015	12	Ellis Greene, General Public	I really do not care for the placement of the USFS Staff Housing and Research Building and the Interagency Building along Telephone Canyon Road or the associated road paving and closure gate. These facilities should be on SR157 so that the appearance of the canyon entry can be maintained.	Existing NDOT right-of-way, topography and drainages limit how close we can site facilities to SR 157. The decision eliminates the interagency fire and law enforcement buildings and moves the administrative facilities farther from the canyon entry. The road is paved because of the need for an all-weather surface and dust abatement. The gate is needed to effectively convert the road to a non-motorized trail north of the gate.
MKC015	13	Ellis Greene, General Public	From the outset, I have objected to the closure of Slot Canyon and the trail through the deep canyon/wash to the equestrian parking area. Improvements in the trail will be required for pedestrian use due to the large rocks that are now present. If this were improved, this would make the trail suitable for horses.	See response to MKC015 comment 9. The trailhead at the mouth of slot canyon will not be designed to accommodate horse trailers. This is due to the limited space within Kyle wash that is outside the floodplain.
MKC016	2	Robert Martinez, P.E., Nevada Division of Water Resources	Any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS section 534.060(3).	The Forest Service will continue to work with the State Engineer’s Office to perfect its water rights under permits #62556 and #77223 in conformance with applicable state regulations and requirements.

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MKC017	1	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	EPA commends the Forest Service effort to balance the multiple uses of the popular Middle Kyle Complex located in the Humboldt-Toiyabe National Forest. We acknowledge that the Project is a positive step in addressing resource impacts from recreational uses. Of special note is the proposal to prohibit dispersed camping within 300 feet on either side of Forest Service roads and trails, closure of unauthorized user created roads and trails in the project area and restoration of various abandoned areas to natural vegetative condition.	Thank you for your comment.
MKC017	2	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Based on our review, we [U.S. Environmental Protection Agency] have rated the DEIS as Environmental Concerns—Insufficient Information (EA-2) due to our concerns regarding potential impacts to water quality, hydrology and aquatic resources, critical habitat and air quality. Additional information is also necessary to fully describe the Purpose and Need and monitoring and enforcement commitments.	The purpose of the EIS is to disclose the potential impacts on the public and the decision maker. The decision maker believes that there is sufficient analysis and a reasonable range of alternatives to make an informed decision. The project would not have an impact on critical habitat or aquatic resources. No critical habitat for federally listed species occurs in the project area or the SMRNA. No aquatic resources occur in the project area or project vicinity. Analysis documented in the specialist reports determined that potential impacts on air and water quality from the project would be minimized through the implementation of best management practices (BMPs), design criteria, and ongoing coordination with Clark County Department of Air Quality and Environmental Management (CCDAQEM). A federal agency has the discretion to describe a purpose and need in any manner that meets its statutory authority. The project purpose and need statements were developed by the Forest Service interdisciplinary team (IDT) to accurately reflect the Forest Service undertaking and identify the desired future conditions the agency intended to achieve by the action.

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MKC017	3	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	While we [U.S. Environmental Protection Agency] support the Forest Service goal to meet desired future conditions and provide protection for sensitive species and ecosystems, we recommend the Forest Service modify the alternatives under consideration to further reduce impacts to air and water quality, critical habitat, and aquatic resources, and to immunize habitat fragmentation.	No critical habitat for federally listed species occurs in the project area or the SMRNA. No aquatic resources occur in the project area or project vicinity. Analysis documented in the specialist reports determined that potential impacts on air and water quality from the project would be minimized through the implementation of BMPs, design criteria, and ongoing coordination with CCDAQEM. Some habitat fragmentation would occur as a result of project implementation. The project IDT considered impacts on wildlife habitat and habitat fragmentation during the alternatives development and impacts analysis. Consideration was given to facility location and size relative to potential adverse impacts on biological resources. With the proposed construction of roads, trails, and facilities we cannot reasonably eliminate fragmentation of habitat for these species. However, the project alternatives include the restoration of user-created routes throughout the project area, which would reduce habitat fragmentation in restoration areas.
MKC017	4	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	We [U.S. Environmental Protection Agency] also urge the Forest Service to describe and implement an aggressive and reliable monitoring and enforcement program.	Not enough information to respond to. The Record of Decision will specifically identify which mitigation and monitoring measures were selected and adopted as part of the decision. 40 CFR 1505.2(c) requires the Forest Service to include a monitoring and enforcement program for each of these adopted mitigation measures, where applicable.
MKC017	5	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	We [U.S. Environmental Protection Agency] appreciate the opportunity to review this DEIS. When the DEIS is released for public review, please send one (1) copy to [us].	We will send a copy of the FEIS to you when released for public review.

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MKC017	7	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The Draft Environmental Impact Statement (DEIS) identifies three "Need-for-Action Statements" for the Project, including the need to provide new Spring Mountain National Recreation Area (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 SMRA and into developed recreation sites; and d) are outside of upper Kyle, Lee, and Deer Creek Canyons to reduce natural resource impacts on major concentrations of plant and wildlife species of concern. The DEIS does not conclusively demonstrate how the proposed concentration and operation of a recreational complex on approximately 4,300 acres in Kyle Canyon meet the above Need Statement. For example, data are not provided that illustrate the need for the expanded infrastructure, nor how proposed actions address use levels and safety needs. Of specific concern are how new facilities may result in increased traffic and visitors that could result in cumulative watershed effects and may adversely affect sensitive aquatic resources and threatened species.	There are no aquatic resources or threatened species in the project area. The Record of Decision describes the rationale for the decision, including how the Selected Alternative responds to the purpose and need for the project.

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MKC017	8	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The Final EIS (FEIS) should provide specific examples and park use data, and incorporate references to demonstrate the need for the proposed recreation complex. For instance, include information on existing trail use, percentage of trails for different hiking abilities, current use of hiked-into terrain, demand for access to additional terrain, seasonal camping demand, and increases in vehicular traffic and off-highway vehicle (OHV) use.	Section 1.3.1 describes existing condition, including referencing appropriate studies (e.g., SMNRA Market, Financial and Operational Analysis, SMNRA National Visitor Use Monitoring Results for SMNRA), which provided visitor and use information sufficient to inform the decision.
MKC017	9	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	We [U.S. Environmental Protection Agency] recommend the FEIS also include an evaluation of the impacts from additional vehicular and OHV traffic including an analysis during the season's poorest air quality.	This project should not result in an increase of OHV traffic. The impacts of increased vehicular traffic on air quality are included in the Air Quality specialist report. Emissions modeling forecasted criteria pollutant emissions to be well below the general conformity applicability thresholds. In addition, SMNRA emissions would be very low compared to existing emissions within the regional airshed of Clark County.
MKC017	10	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should include a cost comparison of the action alternatives and describe the implementation priority for the facilities, trail additions, modifications and closures, and other Project infrastructure.	We specifically decided not to include a cost comparison in the EIS. A detailed cost analysis of construction and operational costs was completed for the project and is part of the project record. Because of the current economic volatility and difficulty to develop accurate costs based on the preliminary level of detail, we chose not to provide that information. The most expensive alternative is the Proposed Action and the least expensive is the No Action Alternative.

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MKC017	11	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS indicates that rapid population growth of Clark County, Nevada is exerting pressure on existing recreation facilities in the SMNRA (at p. 1-3). The DEIS improvements to this Middle Kyle Complex are considered necessary to provide for the existing and projected demand attributed to large-scale growth in the greater Las Vegas Area. We [U.S. Environmental Protection Agency] commend the Forest Service for including extensive projected growth studies as part of the DEIS. However, we note the current market projections discussion in Section 1.3 is based on the Clark County Department of Comprehensive Planning Study from 2008 and the Hutton study from 2005. In light of the major economic events since early 2008, the FEIs should include updated projections as a result of the recent economic downturn. For example, we note that the DEIS mentions that the 16,000 new home master plan at the intersection of SR 157 and US95 has been put on hold. The FEIS should fully discuss how future growth projections have been or could be significantly impacted by recent economic factors, such as the continued downturn in the housing market, the more recent credit crisis, and the sustained economic recession, which will likely have a slowing impact on growth in these areas as well as travel demand to and from Las Vegas.	The Clark County Department of Comprehensive Planning Study from 2008 is still the most recent information. The Market Supported Alternative relied heavily on information from a PricewaterhouseCoopers Market, Financial and Operational study for the SMNRA that was completed in 2008. However, we do acknowledge that recent economic conditions for Clark County and the Las Vegas area have continued to change, and this information has been considered in the decision.

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MKC017	12	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Update all growth-related projections to reflect the latest economic developments and visitor forecasts and update the evaluation of alternatives, as appropriate. The impact of these recent events on previous growth projections should be considered, and their relevance to the Project and future plans for the SMNRA discussed. Each of the alternatives analyzed should be considered in light of the most recent forecasts.	The information provided in the FEIS reflects the most recent growth projections provided by Clark County.
MKC017	13	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Integrate the Agency Direction and Guidance Documents into this Environmental Analysis. The DEIS references the Clark County Multiple Species Habitat Conservation Plan (HCP), the Conservation Agreement for the Spring Mountains National Recreation Area (CA), and the Spring Mountains National Recreation Area Landscape Assessment (LA). While the DEIS indicates that each of these documents provides guidelines for management of the SMNRA and development of the Proposed Action and alternatives, the DEIS does not provide a concise or tabulated description of the data and analyses relied upon in the DEIS, nor fully integrate these analyses into the analysis for the Project. The DEIS also indicates that the CA has expired and is in the process of being amended. The DEIS should describe the implications of the CA revisions and how the Project will conform to the modified CA expected in 2010. Recommendation: The FEIS should provide a summary of the decisions and actions approved in the HCP, CA, and LA and describe how they relate to the Project. This summary should include any proposed actions; the direct, indirect, and cumulative environmental effects	The Clark County Multiple Species Habitat Conservation Plan (HCP) and the CA are agreements, but not decision documents. We will continue working with the USFWS to minimize effects on species to avoid actions that will trend toward species listing as Threatened or Endangered. The CA revision is not far enough along to determine or disclose in the FEIS how the project will respond to the 2010 CA revision. Executive summaries of the HCP, CA, and Landscape Analysis (LA) are not included in the FEIS. The FEIS provides the appropriate Web site address so that interested public can view this material.

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			of these actions; and mitigation and monitoring commitments. We [U.S. Environmental Protection Agency] recommend including the Executive Summaries of these documents in an appendix in the FEIS.	
MKC017	14	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Water Quality. As the designated water quality management agency under the Clean Water Act Section 208 Management Agency Agreement, the Forest Service is required to implement Best Management Practices (BMPs) and other measures to achieve full compliance with all applicable State water quality standards. Implementation of BMP measures alone does not necessarily ensure full compliance with State water quality standards. The DEIS indicates the operation and use of the recreational facilities could also reduce water quality and productivity and cause accelerated erosion and subsequent sedimentation of downstream waters (at p. 3.1-14). The DEIS also indicates that implementation of BMPs and stormwater management practices will minimize these efforts and no significant adverse impacts are anticipated (at p. 3.1-14). While we [U.S. Environmental Protection Agency] support the inclusion of BMPs in the FEIS, additional management actions beyond BMPs may be required to achieve full compliance with all applicable water quality standards.	We will coordinate with CCDAQEM for project compliance with Clark County 208 Area-Wide Water Quality Management Plan recommendations and provisions throughout project design and implementation phases, as appropriate.

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MKC017	15	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS indicates that "no streams in the project area are listed as impaired pursuant to the Clean Water Act Section 303(d); however, the Las Vegas Wash from Telephone Line Road to the confluence of Las Vegas Wash with Lake Mead, of which these streams are tributaries, is listed as impaired or as needing further study for possible listing as an impaired water resource by the State of Nevada, as required by the Clean Water Act Section 303(d)" (at p. 3.1-13). The impairment status of the Las Vegas Wash should be clarified and further explained. Additionally, Section 3.1.4 on Hydrology does not analyze the Las Vegas Wash any further nor does the Section discuss the implications of a future listing as an impaired water.	The Telephone Line Road referred to in your comment is located about 50 miles from the project area and is well outside the area of influence. A definitive hydrological surface connection between the ephemeral washes in the project area and the Las Vegas wash is absent. The DEIS reference to the Las Vegas wash reflects consideration of the impaired water within the overall watershed.
MKC017	16	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The Final Environmental Impact Statement (FEIS) should describe water quality standards and BMPs for the project area, including standards for pathogens and Clean Water Act antidegradation requirement. Evaluate the Forest Service's ability to ensure full compliance with water quality standards through the use of BMPs and identify additional measures that may be necessary to achieve compliance.	Design criteria identified in Table 2-4 will be included in the Record of Decision. The Forest Service will coordinate with CCDAQEM for compliance with applicable sections of Chapter 24.40 of the Clark County Code, “Storm Sewer System Discharge” and the Clark County208 Area-wide water quality management plan. Construction will be performed in accordance with the required National Pollutant Discharge Elimination System (NPDES) permits.
MKC017	17	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Discuss the implications of a future listing of the Las Vegas Wash as an impaired water resource and include specific measures within the EIS that could help protect the wash from further degradation as a result of the project.	See response above. In addition we would coordinate with CCDAQEM to ensure that project designs are implemented in a manner to minimize downstream water quality effects consistent with the design criteria listed in Table 2-4 of the FEIS. However, it should be noted that Las Vegas wash is located over 15 miles from the project area and is outside the area of influence.

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MKC017	18	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should expand the evaluation of potential impacts to stream channels and the waters of the United States. For example, state the percentage of stream channels in the area that may be affected, and the significance of the potential impacts on those channels, whether these impacts may be in critical or vulnerable stream channel locations, and the ecological significance of these resources. Each table should clearly state the measurement units for the presented data.	Evaluation of potential impacts on stream channels and hydrology is disclosed in the hydrology specialist report. Additionally, effects on hydrology are disclosed in Chapter 3 of the FEIS. Because of the geomorphology, hydrology, climate, project design (regarding minimal activities within drainage channels), BMPs, and design criteria it has been determined that sufficient evaluation of the alternatives has been performed to make an informed decision.
MKC017	19	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should discuss whether the proposed reconstructed and new campsites are within 50 feet of water, regardless of the site type, and whether they would contribute sediment and/or manure to surface water with significant local adverse effects.	Some of the reconstructed campsites in Kyle Canyon Campground are within 50 feet of Kyle wash (which is a dry wash that flows intermittently). Proposed new campgrounds and picnic areas east of Kyle Canyon Campground are all further than 50 feet from Kyle wash.
MKC017	20	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should disclose whether any stockholding sites would be located less than 50 feet from water, and whether they are contributing substances to water resulting in water quality concerns. These adverse water quality effects would be of significant concern given the use of surface waters by other wilderness users.	There are no stock holding sites proposed within 50 feet from surface waters.
MKC017	21	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The Forest Service should work closely with pack and recreational livestock operators to address water quality impacts caused by any stockholding sites and campsites less than 50 feet from water.	There are no stock holding sites proposed within 50 feet from surface waters.
MKC017	22	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	We [U.S. Environmental Protection Agency] recommend closure or relocation of campsite and stockholding areas with significant and observable adverse effects to water quality.	There are no existing or proposed campsites or stock holding areas at locations where they would contribute to significant and observable adverse effects on water quality.

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MKC017	23	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS does not describe existing environmental conditions at any current stations for pack and recreational livestock, although they are mentioned in the DEIS on pages 3.3-27 and 28. Nor does the DEIS, evaluate potential environmental effects of pack and recreational livestock or the effect of commercial pack stock use authorizations on the environmental conditions of any pack stations. Recommendation: The FEIS should include a description of existing conditions at current stations for pack and recreational livestock, especially those located on Forest service land. Evaluate the potential environmental effects of action alternatives and use authorization on existing conditions. For example, describe existing conditions and potential effects of reduced or increased use authorizations on water quality, meadow conditions, and threatened species habitat at pack station locations.	Pages 3.3-27 and 3.7-28 describe the impacts on species from the Proposed Action and Market Supported Alternative. While equestrian facilities are proposed there are currently no permanent equestrian/commercial pack stock facilities on the SMNRA that would provide information on existing conditions.
MKC017	24	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS does not appear to describe or address packstock watering practices which could contribute to water quality impacts. Recommendation: The FEIS should describe packstock watering practices and the potential for environmental impacts to water quality, threatened species, fish and wildlife and sensitive aquatic habitat. If potential impacts are likely, describe alternate stock management practices and mitigation measures to reduce these impacts.	Packstock watering would be limited to developed corral sites using potable water system designed to prevent contamination to the groundwater source and that are located well away from natural drainages. Trails and packstrings will not be located in washes. There are no active streams in the project area and therefore no impact to aquatic impact. There are no threatened or endangered species in the area.

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MKC017	25	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS should describe any impact to water quality from campsites, eroded/incised trails, stockholding and grazing areas. The DEIS should describe water quality monitoring and include quantitative data to support any assumptions. Recommendation: The FEIS should describe current water quality monitoring, if any. EPA recommends implementing a monitoring program in areas with known moderate to severe water quality degradation and high use. If funding and staffing resources are limited, the Forest Service should consider a limited, one-time water quality sampling project to validate water quality assumptions and determine if human health risks are present in drinking water sources (e.g., E. coli, Giardia, other bacterial pollutants).	Current water quality monitoring consists of complying with Forest Service and state drinking water requirements for chemical and bacteriological testing associated with groundwater sources. Since the project is in a dry wash system, there is no proposed surface water quality monitoring program.
MKC017	26	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Hydrology: Natural washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and are adapted to the unique conditions of these systems. Reconstruction of the Kyle Canyon Campground is proposed along the Kyle Wash (at Figure 2-6). The FEIS should commit to the use of natural washes, in their present location and natural form, to the maximum extent practicable with the inclusion [of] adequate	Implementation of the proposed project is not anticipated to disrupt downstream flows. No wetland creation is anticipated as a result of the proposed project; the excavation of large amounts of sediment would not be required. The Kyle Canyon Campground reconstruction does not propose to alter the existing channel. Action alternatives include activities that will improve hydrologic function of the natural wash, including removal of in-stream log structures to restore the natural flood prone areas, and replacement of undersized drainage crossings in Kyle Canyon Campground, Kyle Civilian Conservation Corps (CCC) Camp and Fletcher View Campground. The next higher order of waters is the Las Vegas wash, which is more than 20 miles from the project area and has been extremely altered.

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			natural buffers for flood control. The FEIS should identify how hydrological connectivity along the Project corridor supports the intent to utilize natural stream channels where they can provide adequate protection from flooding. The potential damage that would result from altered, flat-bottomed washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems; adequate capacity for flood control, energy dissipation, and sediment movement, as well as impacts to valuable habitat for desert species. The FEIS should provide adequate hydrological modeling to demonstrate that downstream flows will not be disrupted due to proposed changes to any natural washes, the creation of wetlands, or the excavation of large amounts of sediment.	
MKC017	27	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Commit to the use of natural washes, in their present location and natural form, to the maximum extent practicable with the inclusion of adequate natural buffers for flood control.	We are committed to the use of natural washes, in their present location and natural form, and as a natural buffer for flood control.
MKC017	28	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Identify how hydrological connectivity along the Project corridor supports the intent to utilize natural stream channels where they can provide adequate protection from flooding.	The project does not propose alterations to the hydrologic connectivity along the project corridor such that it would adversely affect natural flood protection potential. Natural stream channels will not be altered with the exception of restoration work, e.g., removing in-stream log structures which would restore the natural hydrologic function of the floodplain and replacing existing undersized drainage crossings. Proposed new drainage crossings would be designed to minimize adverse channel effects.

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MKC017	29	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Provide adequate hydrological modeling to demonstrate that downstream flows will not be disrupted due to proposed changes to any natural washes, creation of wetlands, or the excavation of large amounts of sediment.	Alterations of natural washes that might have the potential to disrupt downstream flows are not proposed.
MKC017	30	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Identify where construction of the Project may provide for an opportunity to improve obstructed natural flows resulting from project construction.	Action alternatives include activities that will improve hydrologic function of the natural wash, including removal of in-stream log structures to restore the natural flood-prone areas, and replacement of undersized drainage crossings in Kyle Canyon Campground, Kyle CCC Camp and Fletcher View Campground.
MKC017	31	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Aquatic Resources: The purpose of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of waters of the United States (waters). These goals are achieved, in part, by controlling discharges of dredged or fill material pursuant to EPA's "Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials" (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA (Guidelines). Fundamental to the Guidelines is the principle that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that there is no less environmentally damaging alternative that achieves the Applicant's project purpose. In addition, no discharge can be permitted if it will cause or contribute to significant degradation of waters. The DEIS presents contradictory information as to the status of the jurisdictional determination for the Project. Section 2.7-17 indicates there are no wetlands within in the project area under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and there are no	The project area is located in a dry, ephemeral wash system and does not contain wetlands or wetland vegetation. The vegetation in the ephemeral washes is upland vegetation. The Forest Service has been in consultation with the Corps regarding the jurisdictional determination of Kyle wash under the Clean Water Act. As a result of the consultation, the Corps will provide a Preliminary Jurisdictional Determination (RGL 08-02), a non-binding written indication that there <u>may be</u> waters of the United States on the site. Consequently the Forest Service will obtain and comply with required 401 and 404 permits. Because we obtained a preliminary jurisdictional determination, delineation of the extent of waters, including wetlands was not completed.

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			non-jurisdictional wetlands that would be adversely impacted from implementation of either action alternative. Section 3.7/7 indicates that coordination with the Corps regarding the jurisdictional determination of Kyle Wash and Section 404 and 401 permitting requirements is ongoing and will be determined prior to publication of the FEIS. The FEIS should include the Corps verification of the delineation of the extent of waters, including wetlands, on the Project site. The FEIS should provide sufficient information to discern the extent of impacts to waters.	
MKC017	32	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The Forest Service should identify the location, extent, and functions and values of all jurisdictional wetlands within the project areas and potential impacts to these wetlands from the proposed project.	There are no wetlands, meadows, or wet meadows in the project area; therefore, the project would have no impacts on these resources.
MKC017	33	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should establish measures that prevent adverse impacts to the hydrology and biology of wetlands and meadows.	There are no wetlands in the project area; therefore, the will be no impacts on wetlands from the proposed project.
MKC017	34	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Pursuant to the Guidelines, the applicant bears the burden of clearly demonstrating that the preferred alternatives is the least environmentally damaging practicable alternative (LEDPA) that achieves the overall project purpose, while not causing or contributing to significant degradation of the aquatic ecosystem. Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, indirect, and cumulative impacts to jurisdictional waters resulting from each alternative considered. Project alternatives that are not practicable and do not meet the project purpose are eliminated. The LEDPA is the remaining alternative with the fewest impacts to	The project is located in a dry wash system, and does not exhibit characteristics of aquatic ecosystems or wetlands. Therefore, references and analysis to aquatic resources do not apply to this project. There will be no discharge of dredged or fill material in aquatic resources. The Forest Service has been in consultation with the Corps regarding jurisdictional determination. The Forest Service has determined in the interest of time and cost factors to request a Preliminary Jurisdictional Determination (RGL 08-02), a non-binding written indication that there <u>may be</u> waters of the United States on the site. Consequently, the Forest Service will obtain and

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			aquatic resources, so long as it does not have other significant adverse environmental consequences. Only when an analysis is correctly structured can the applicant and the permitting authority be assured that no discharge other than the practicable alternative with the least adverse impact on the aquatic environment has been selected (40 CFR 230.10(a)). In addition, the applicant must clearly demonstrate that alternatives that do not result in the discharge of dredged or fill material in aquatic sites are either not practicable, or have other significant adverse environmental consequences. EPA offers the following recommendations to help facilitate compliance of the project with the Section 404 Guidelines, in the event it is determined that jurisdictional waters will be affected: Recommendation: The FEIS should include an evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. The alternatives analysis should include a reasonable range of alternatives that meet the Project purpose while avoiding and minimizing damage to waters. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the FEIS should discuss alternatives to avoid those discharges.	comply with required 401 and 404 permits. The FEIS does consider a range of alternative that meet the purpose and need while minimizing impacts on waters of the United States.

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MKC017	35	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	If a discharge is permitted, the FEIS should discuss how potential impacts would be minimized and mitigated. This discussion should include: a) acreage and habitat type of waters of the U.S. that would be created, restored, or preserved; (b) water sources to maintain the mitigation area; (c) a revegetation plan utilizing native plants; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; (e) an Adaptive Management Plan; (f) the parties that would be ultimately responsible for the plan's success; (g) contingency plans that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.	The Market Supported Alternative identified in the DEIS and the Selected Alternative identified in the Record of Decision do not include the sewer lagoon treatment plant and, therefore, a discharge permit would not be required for this project.
MKC017	36	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Air Quality: Although the DEIS reports in Section 3.1.3 that the Project will have no adverse operational or construction impacts to air quality, the document contains insufficient information to the support this conclusion. While we [U.S. EPA] recognize the DEIS references an Air Quality Specialist Report for the Middle Kyle Complex, the DEIS itself does not comprehensively assess the Project's operational and construction direct, indirect, or cumulative impacts to air quality. To address this insufficiency, the FEIS should include a complete description of potential impacts and commitments to reduce those impacts. In particular, EPA has concerns regarding: 1) the minimal mitigation measures to curb particulate matter (PM) and nitrogen oxides (NOx) emissions from construction equipment, 2) the absence of data describing additional vehicular traffic and resulting emissions from	Clark County Department of Air Quality and Environmental Management (CCDAQEM), the jurisdictional responsible agency for the project area, was a cooperating agency on this EIS. CCDAQEM reviewed and provided input on the air quality specialist report and design criteria to ensure that appropriate analysis and minimization measures were included in the action alternatives to minimize potential air quality impacts. The specialist report included URBEMIS air quality modeling, which was used to predict construction and operation emissions associated with the alternatives. URBEMIS is a computer program used to estimate emissions from construction, vehicle trips, and fuel use resulting from land use development projects. The program estimates emissions based on the type of land use and area source and vehicular emissions typically associated with the land uses.

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			the Project, and 3) the lack of discussion and analysis of OHV and helipad use. Emissions from diesel construction equipment, haul trucks, OHVs and other vehicles associated with this Project include PM, sulfur oxides, volatile organic compounds (VOCs), and NOx. VOCs and NOx are precursors to ozone. In March 2008, EPA further tightened the National Ambient Air Quality Standard (NAAQS) for ozone. Clark County is currently within a non-attainment area for carbon monoxide (CO), PM10, and 8-hour ozone. Note that the nonattainment boundaries do not follow the air basin or county boundaries and are different for each pollutant and area. The FEIS should include a discussion of the regional impacts of increase NOx and VOC emissions on the area's ability to attain the ozone standards.	The action alternatives actually reduce OHV use in the area with the closure of several roads/trails currently open to OHV use. The helipad use is anticipated to be at or near the same level as current use patterns that are limited to emergency response situations. In a letter from CCDAQEM, the Forest Service was informed that the U.S. Court of Appeals for the District of Columbia Circuit vacated Subpart 1 of the Clean Air Act; therefore, Clark County currently has no formal ozone classification.
MKC017	37	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The DEIS does not state whether there are existing visibility concerns caused by dust generated by motorized use, valleys subject to inversion conditions, or smoke from residential area, dispersed camping, timber management activities, or wildfires. Direct effects of fugitive dust and smoke are reduced visibility on and adjacent to routes and increased levels of particulate matter less than 10 microns in diameter (PM10), and particulate matter less than 2.5 microns in diameter (PM2.5) which are human health concerns. We [U.S. EPA] are concerned with the potential increase in ozone, fugitive dust, and smoke in vulnerable viewsheds and areas of high use which could have adverse impacts on smog levels, visibility, and human health.	There are no visibility concerns in the project area. Relative to the surrounding populated areas, very little motorized use occurs in the project area. The elevation of the project area is above valley inversion areas. Campfires are restricted from April through October, and no timber management occurs on the SMNRA. Down canyon airflow will minimize any affects that might occur. Potential air quality effects from the project alternatives are disclosed in Chapter 3 of the FEIS.

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MKC017	38	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should include a discussion of the regional impacts of increased NOx and VOC emissions on the area's ability to attain the ozone standards.	In a letter from CCDAQEM, the Forest Service was informed that the U.S. Court of Appeals for the District of Columbia Circuit vacated Subpart 1 of the Clean Air Act; therefore, Clark County currently has no formal ozone classification.
MKC017	39	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The section for Air Quality should include a detailed description of conducted air quality analyses, including analysis of current and projected emissions from vehicular, OHV and helicopter usage, anticipated exceedences of standards, and mitigation measures to address these impacts.	See response to MKC0017 comment 36 on this topic.
MKC017	40	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should provide a description and evaluation of the potential visibility impacts from fugitive dust, ozone, and smoke in the project area, in addition to effects on nearby Class I airsheds. We recommend the evaluation include information on dust generated in motorized vehicle high-use areas, the presence and frequency of valley inversion conditions, and the extent of existing visibility concerns as a result of smog and smoke.	Visibility effects to Class 1 airsheds are disclosed in Chapter 3 of the FEIS. Relative to the surrounding populated areas, very little motorized use occurs in the project area. The elevation of the project area is above valley inversion areas. Campfires are restricted from April through October, and no timber management occurs on the SMNRA. Down canyon airflow will minimize any affects that might occur. Action alternatives include paving high-use recreation roads and trails.
MKC017	41	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	EPA commends the Forest Service for incorporating mitigation strategies to reduce or minimize fugitive dust emissions (at p. 2-33). However, in addition to a fugitive dust control plan, this Project should incorporate more stringent emission controls for PM and ozone precursors for construction-related activity. There are additional mitigation measures that can be considered and applied to reduce emissions. Under NEPA, "all relevant, reasonable mitigation measures that could improve the project are to be identified. Mitigation measures must be considered even for impacts that by themselves would not be	Analysis for PM and ozone precursors determined effects to be minimal and, therefore, mitigation measures were not provided. We will continue to work with CCDAQEM in the permitting process to minimize PM and ozone precursors for construction-related activities consistent with the design criteria identified in Table 2.4 of the FEIS.

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			considered significant" (see Council on Environmental Quality (CEQ), 1981, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations").	
MKC017	42	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Fugitive Dust Source Control: Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites during workdays, weekends, holidays and windy conditions.	We will comply with the CCDAQEM construction dust control permit and design criteria identified in Table 2.4 of the FEIS.
MKC017	43	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Fugitive dust source control: Install wind fencing, and phase grading operations, where	We will comply with the CCDAQEM construction dust control permit and design criteria identified in Table 2.4 of the FEIS.

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			appropriate, and operate water trucks for stabilization of surfaces under windy conditions.	
MKC017	44	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Fugitive Dust Source Control: When hauling material and operating non-earthmoving equipment, prevent spillage, and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.	We will comply with CCDAQEM Dust Control Permit for Construction Activities and design criteria included in Table 2-4 of the FEIS.
MKC017	45	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Mobile and Stationary Source Controls: Reduce use, trips, and unnecessary idling from heavy equipment.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.

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MKC017	46	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Mobile and Stationary Source Controls: Maintain and tune engines per manufacturer's specifications to perform at California Air Resources Board (CARB) and/or EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, turned, and modified consistent with established specifications. CARB has a number of mobile anti-idling requirements. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.
MKC017	47	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.

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			Mobile and Stationary Source Controls: Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.	
MKC017	48	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Mobile and Stationary Source Controls: If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, only Tier 2 or newer engines should be employed in the construction phase.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.
MKC017	49	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Mobile and Stationary Source Controls: Utilize EPA-registered particulate traps and other appropriate controls where suitable, to reduce	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.

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			emissions of diesel particulate matter and other pollutants at the construction site.	
MKC017	50	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Administrative controls: Identify all commitments to reduce construction emissions and incorporate these reductions into the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.
MKC017	51	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Administrative controls: Identify where implementation of mitigation measures is rejected based on economic infeasibility.	We have consulted with CCDAQEM and have included their recommendations in the design criteria Table 2-4 of the FEIS. The design criteria will be incorporated into the Record of Decision. There were no air quality mitigation measures identified, and therefore, none rejected based on economic feasibility.

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MKC017	52	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Administrative controls: Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before ground-breaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtown and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirements for off-road and on-highway (i.e., 15 ppm), and where appropriate use alternative fuels such as natural gas and electric.	We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.

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MKC017	53	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Administrative controls: Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.	We will comply with CCDAQEM permit requirements and NDOT encroachment/traffic control permits.
MKC017	54	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Due to the serious nature of PM10 and 8-hour ozone conditions in Clark County, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. At a minimum, these measures should be incorporated into the ROD. We recommend that all applicable requirements under local rules and the following additional measure be incorporated into a Construction Emissions Mitigation Plan and that the FEIS and ROD incorporate the Construction Emissions Mitigation Plan. Administrative controls: Identify sensitive receptors in the project area, such as children, elderly, and infirm and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.	The project area is entirely on National Forest System lands and uninhabited. Construction equipment and staging zones are located sufficiently far enough away from adjacent private development so as not to affect fresh air intakes on buildings and air conditioners. In addition, natural air flow in the project and canyon area maintains constant movement of air.

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MKC017	55	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	If specific mitigation measures are used for purposes of determining total emission levels, a firm commitment to implementing the mitigation measures should be included in the FEIS. Recommendation: The FEIS should identify and commit to specific mitigation measures or specific emission reduction target levels not only for fugitive dust emissions, but also for exhaust emissions.	The analysis in the EIS determined that this was not a significant effect and, therefore, no mitigation was identified. We will comply with CCDAQEM permit requirements and design criteria included in Table 2-4 of the FEIS.
MKC017	56	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Habitat Fragmentation: The DEIS indicates that potential wildlife habitat fragmentation may occur in areas that are currently undeveloped—north of SR 157 and along the bench south of SR 157 (at p. 3.3-2). The FEIS should address wildlife movement impacts associated with the proposal and present mitigating measures to maintain wildlife movement at specific locations in the Project area, especially where wildlife movement already occurs. Monitoring to determine where wildlife currently crossover the existing roadways is critical to determining where the Forest Service should commit to wildlife movement features within the design of the proposed project.	There will be some fragmentation to reptiles, invertebrates, and small animals. With the proposed construction of roads, trails, and facilities we cannot reasonably eliminate fragmentation for these species. Wildlife movement features were not a need identified by the Interdisciplinary Team (IDT) or biologists or in consultation with USFWS.
MKC017	57	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Proposed stream and ephemeral wash crossings should be designated to maintain or improve existing wildlife passages, as appropriate.	There are no existing wildlife passages at proposed ephemeral wash crossings in the areas. Because of natural landscape character (e.g., dry washes), road and trail crossings will not affect wildlife passages.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC017	58	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	The FEIS should include a commitment to incorporate into the design of the Project specific wildlife crossing features that are developed to support key movement patterns for each species. Information such as roadkill data can inform placement of larger wildlife movement structures. Monitoring of wildlife usage of existing roadways is important for designing how the Project can incorporate design measures to maintain existing movement.	Because of the natural landscape character, the project will not affect wildlife passages. There is no concentration of large wildlife/big game in the project area; therefore, there is no need for large wildlife movement structures.
MKC017	59	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Identify the connections that would likely remain after construction of the Project and highlight these areas as "connectivity zones" for protection and preservation. In the FEIS, identify specific commitments for preservation of these corridors through mitigation measures and cooperative agreements.	There is no concentration of large wildlife/big game in the project area; therefore, we did not analyze the vegetation connections. Existing connections in the project area are sufficient in meeting the corridor movement of the current wildlife populations. Proposed construction is not anticipated to substantially change the present connectivity.
MKC017	60	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	As applicable, disclose how fencing in the Project area will affect wildlife movement and discuss how fencing will be integrated with any identified "connectivity zones".	Proposed fencing is for reducing and managing recreation impacts. Fencing is open-ended, i.e., does not create an enclosure or exclosure that would adversely impact wildlife movement.
MKC017	61	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Critical Habitat: The proposed project could have direct effects on the habitat of the Spring Mountains acastus checkerspot butterfly. The DEIS identified the potential effects on butterfly habitat as a significant issue in the DEIS due to construction of the Kyle Canyon Wash Trail and utility rights-of-ways. Section 3.7.4 ultimately identifies the permanent acreage loss of butterfly habitat as irreversible and irretrievable. Proposed designs for the Project should avoid and minimize impacts to all federally threatened and endangered species, as well as	There are no listed threatened and endangered species or their habitat affected by this project. Mitigation measures resulting from consultation with USFWS is included in the Record of Decision, which clearly identifies the design features and mitigation that will be implemented.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
			Forest Service species of concern and State species of concern. Any mitigation measures that resulted from consultation with the U.S. Fish and Wildlife Service to protect sensitive biological resources should be included in the FEIS and, ultimately, the ROD. While the DEIS describes mitigation measures for potential impacts to sensitive species, it does not provide a clear commitment to implement these measures. The FEIS should also clearly articulate under which alternatives sensitive biological resources would be least impacted and to what extent impacts can be mitigated. Recommendations: - A clear commitment to implement mitigation measures to avoid and minimize adverse effects to the habitat of the Spring Mountains acastus checkerspot butterfly and other sensitive species should be made in the FEIS. These measures should include the identification of sensitive habitats and seasons, a user education program, pet restrictions, and monitoring and enforcement of trail use and pet restrictions. - Mitigation measures that resulted from consultation with the U.S. Fish and Wildlife Service to protect sensitive biological resources should be included in the FEIS, and ultimately, the ROD.	

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC017	62	Kathleen Goforth, U.S. Environmental Protection Agency, Region IX	Monitoring and Enforcement. It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the adverse effects of the proposed Project. While we recognize the monitoring and implementation strategy described with respect to invasive and non-invasive species, we believe the public and decision makers would benefit if this strategy is expanded to include specific information on funding, monitoring and enforcement criteria, thresholds, and priorities. Recommendation: We recommend development of a detailed Monitoring and Enforcement Strategy. Such a strategy should include specific information on the monitoring and enforcement program priorities, focus areas (e.g., issues, specific locations), personnel needs, costs, and funding sources. We recommend the FEIS demonstrate that the proposed monitoring and enforcement strategy is adequate to assure that motorized vehicle use will not violate access restrictions or exacerbate already identified road-related resource problems. We recommend the Monitoring and Enforcement Strategy be periodically updated (e.g., annually or biennially).	See response to MKC0017 comment 4.
MKC018	1	Pete Anderson, Nevada Division of Forestry	In reference to an email sent to Mark Blankensop regarding Nevada Division of Forestry's desire to locate our fire apparatus in the proposed Middle Kyle Canyon Facility. At this time we have evaluated the proposal and have determined that stationing our Type 1 and Type 3 apparatus at this location does not meet our response times to Rainbow, Old Town, and Echo subdivisions. Thank you for considering the Division in your plans.	Thank you for your response. This information has been taken into account in the decision.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC020		John Hiatt, General Public	I am concerned that the plan to create a new center of activity south of Highway 157 and east of the junction with Highway 158 will not be successful as a destination for visitors because it lacks the key factors that attract visitors during the summer months, namely large trees and shade. Provision of artificial shade structures will help but is not much of a substitute for a forest setting under tall Ponderosa Pines. The commercial style campground proposed in this area (Middle Kyle Canyon) would require extensive plantings of fast growing trees (with active irrigation system) to be attractive in the short term and then would seem just like another KOA facility rather than a Forest Service campground. The emphasis on providing facilities for large motorhomes and trailers at the commercial style campground would seem to be geared toward a demographic that is not really interested in a "forest type experience", but rather a place to park with entertainment facilities. It is not clear to me that the goal of diverting existing visitors away from the overcrowded area of upper Kyle Canyon will be accomplished by the planned campground and picnic facility at the middle Kyle Canyon site.	We agree that visitors will want to visit the upper canyon areas for a variety of reasons including the shade of the Ponderosa pines. The Middle Kyle Complex will provide other recreation options, in a different setting, with a variety of activities intended to attract some users from the upper canyon areas. Providing for shade and other amenities such as trails, education programs, and a visitor center are key to making the Middle Kyle Complex a desirable attraction. We have been and will continue to work with experts in designing facilities and developing activities that are socially sustainable that will continue to attractive our local users. We also recognize that most of our guests come from urban areas and are looking for activities as opposed to a traditional Forest Service setting. The commercial-style campground will be designed to accommodate a wide range of camping opportunities from tent camping to Class A RVs, and provide additional amenities not available at other campgrounds on the SMNRA.
MKC020	2	John Hiatt, General Public	The draft EIS indicates that the entire proposed project will require almost 1,000 acres of disturbance, much of it temporary but really doesn't address how that area of temporary disturbance will be rehabilitated. Given that the area under discussion is semi-arid in character natural recovery from disturbance is quite slow. It would be helpful to see some concrete plans for rehabilitating disturbed areas with appropriate native plants.	We share your concern about the slow natural recovery in disturbance areas due to the semi-arid nature of the area. We will implement the design criteria listed in Table 2-4 of the FEIS to minimize disturbances and use native plants. Because of the wide range of proposed land uses and activities we did not disclose concrete plans for rehabilitating disturbed areas (reference note 2 at the end of Table 2-1 in the FEIS). Specific plans for rehabilitating disturbed areas will be developed as part of the construction documents.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC020	3	John Hiatt, General Public	An important part of the planning effort involves new or re-aligned trails. While it is understandable that planners desire to accommodate all likely users mountain bikes are not compatible with either pedestrians or equestrians, especially on steep trails where bicycles travel up to ten times faster than either horses or pedestrians. A significant portion of mountain bike users desire to have a "challenging" trail system with some fast downhill sections. These trails are not sustainable unless paved, at which point they are just narrow roads. It is my understanding that the primary mission of the Forest Service is resource protection with recreation facilities and uses being secondary and needing to be compatible with the goal of resource protection. Careful attention needs to be given to safety concerns when creating multi-use trail systems.	We agree that we need to be careful when creating multiuse trails. We recognize that some uses will be restricted or prohibited on some trails due to legal requirements, resource impacts, and safety concerns. Our intent is to meet the needs of the majority of the mountain bikers but recognize that we cannot meet the needs of some of the more extreme downhill bicyclists.
MKC020	4	John Hiatt, General Public	The planning document indicates plans for a "put and take" fishing pond. In the arid Spring Mountains, where surface water is a rare commodity, this seems to be a bit out of place and more appropriate for a commercial entertainment facility than a Forest Service visitor center and campground/day use facility.	The intent is to provide a water feature that can serve as wildlife/fishing ponds for children and provide educational opportunities.
MKC020	5	John Hiatt, General Public	Figure 1-4 shows the "La Madre WSA" on the area map. That area was designated the La Madre Wilderness Area by Congress in 2002.	This correction has been made in the FEIS.

Letter Number	Comment Number	Name and Affiliation	Public or Agency Comment	Forest Service Response
MKC020	6	John Hiatt, General Public	The Fletcher Canyon trail is shown as a combined pedestrian/equestrian trail. With no connection to other trails, a trail length of only about a mile and limited parking facilities for horse trailers this doesn't make a lot of sense. The upper portion of Fletcher Canyon is a slot canyon with hardly enough room for a horse to turn around. Pedestrian only would be more appropriate for this trail.	We agree that pedestrians would be the most appropriate user for this trail. However, we are not restricting horses from this trail. The Fletcher Canyon Trailhead will provide only limited space for horse trailer parking.
MKC020	7	John Hiatt, General Public	Figure 2-3 shows an eight foot wide paved trail between the Kyle Canyon Campground and the Middle Kyle area. If this is intended to accommodate both bicycles and pedestrians the speed differential between the two may pose a hazard to both user types unless the trail is striped and clearly marked which side is for pedestrians and which for bicycles.	Thank you for your suggestion. There are several different ways of striping to reduce hazards for user types.
MKC020	8	John Hiatt, General Public	The disc-golf area near the commercial style campground seems a bit out place and will be problematic in terms of maintaining a native plant community in that area. Native grasses don't withstand foot traffic very well and shrubs are not appreciated by the users.	Our intent is to provide a space for low-impact recreation activities, such as disc golf, that do not require a large amount of manipulation of the native vegetation. We are flexible and can adapt to other similar appropriate uses in this area.
MKC020	9	John Hiatt, General Public	The EIS states that a biomass heating and cooling system will be used to maintain comfortable temperatures in the visitor center. Biomass systems are effective for providing heat but rather inefficient for cooling. In that area a below ground heat sink for a high-efficiency conventional AC system would be a better option.	The decision does not include a biomass heating and cooling system. We will actively investigate cost-effective and environmentally appropriate heating and cooling systems during the design phase.

Appendix A3

Nuwuvi Participatory Consultation

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MKC019

Nuwuvi Participatory Consultation

Draft Environmental Impact Statement
Middle Kyle Complex

Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest
Clark County, Nevada

Nuwuvi Participatory Consultation Meeting I participants.

Researched and Written By:
The Nuwuvi Working Group and Jeremy Spoon, Ph.D.

Submitted To:
Spring Mountains National Recreation Area, Humboldt-Toiyabe National Forest, Clark County, Nevada

November 2009

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EXECUTIVE SUMMARY

The following report includes all project documents for Nuwuvi Participatory Consultation, Middle Kyle Complex, Draft Environmental Impact Statement (DEIS), Spring Mountains Recreation Area, Humboldt-Toiyabe National Forest, Clark County, Nevada. Nuwuvi represents seven culturally affiliated federally recognized and unrecognized American Indian nations, also known as the Las Vegas Paiute, Moapa Band of Paiute Indians, the Pahrump Paiute Tribe, Paiute Indian Tribes of Utah (five bands), Kaibab Band of Paiute Indians, The Chemehuevi Indian Tribe, and The Colorado River Indian Tribes (Chemehuevi only). The consultation process is described and an essay is included about Nuwuvi and their relationship with the Spring Mountains, utilizing research conducted by the Nuwuvi Working Group and Jeremy Spoon, PhD. All meeting agendas are included and goals and outcomes captured in the meetings are listed. Comments about the DEIS, both general and specific, are documented, followed by a photo record from the meetings and a reference list.

CONSULTATION DESCRIPTION

The following describes the participatory processes utilized to capture comments from a Working Group comprised of representatives from seven nations of Nuwuvi (Southern Paiute and Chemehuevi) about the Draft Environmental Impact Statement (DEIS) for the Middle Kyle Complex, Spring Mountains National Recreation Area (SMNRA), Humboldt-Toiyabe National Forest, Clark County, Nevada. The method included two meetings (June 23-25 and October 18-20, 2009) with seven tribally designed representatives at the Resort at Mount Charleston located inside the Spring Mountains National Recreation Area. Jeremy Spoon, PhD facilitated each meeting. The dates for the meetings were decided upon in advance and letters were sent to each Tribal Chairperson and designated Working Group member thirty days in advance.

The first meeting, convened June 23-25, 2009, served as an introduction to the proposed developments in the Middle Kyle Canyon (SMNRA). At the onset, Nuwuvi Working Group members and U.S. Forest Service representatives discussed their goals and expectations for the consultation. The group visited the sites of proposed development and modification in the Middle Kyle Canyon. Thereafter, Nuwuvi Working Group members held executive sessions to begin commenting on the proposed and market-supported alternatives for the Middle Kyle Complex.

Nuwuvi Working Group members and Tribal Chairpersons received copies of the DEIS and Vegetation Management Plan the week of October 5, 2009. Copies of the Draft Heritage Resource Survey of the USFS Lower Kyle Canyon Project were received on October 18, 2009. It should be noted that the following comments reflect a consultation period bounded by the stated dates regarding the receipt of documents and deadline for public comment (November 16, 2009).

The second meeting held October 18-20, 2009 was an opportunity for the Nuwuvi Working Group to comment on the DEIS and associated documents for the Middle Kyle Complex. Jeremy Spoon and Richard Arnold created a framework for the meeting in advance. Based on the results of the first meeting, this method included broad themes to capture general comments and prioritized areas. Participants provided additional comments and suggestions for text refinement. The meeting also afforded a forum to discuss the government-to-government consultation processes using this project as an example. The Project Manager for the Middle Kyle Complex attended lunch and the afternoon session on the final day of the meeting. He provided background on the process for writing the Final EIS and answered questions about the Proposed and Market Supported Alternatives. The Nuwuvi Working Group also shared brief comments on the Vegetation Management Plan and the Draft Heritage Resource Survey.

The following document represents comments captured at the meeting added to the initial draft framework written by Spoon and Arnold. An additional essay is added—drawing from research conducted in collaboration with the Nuwuvi Working Group and Jeremy Spoon between October and February 2009. This research is currently being applied to interpretive planning for the Middle Kyle Complex and other areas in SMNRA.

The review process for this document consisted of sending a draft electronic version to Nuwuvi Working Group members for comment on November 2, 2009. If possible, Working Group members shared the document with their respective Tribal Chairpersons and/or Tribal Council Members. These nations included: the Las Vegas Paiute Tribe, the Pahrump Paiute Tribe, the Kaibab Band of Paiute Indians, Paiute Indian Tribes of Utah, the Chemehuevi Indian Tribe, and the Colorado River Indian Tribes. Further, the document was presented at the Paiute Indian Tribes of Utah Tribal Council on November 9, 2009, which included Tribal Chairpersons from five bands. Presentations are pending at other Tribal Councils due to the short timeframe for review. The truncated timeline from the October 18-20, 2009 meeting to the November 16, 2009 deadline for public comment made it difficult for all Working Group members to discuss the draft document with members of their tribal governments and/or present at Tribal Council. Comments from this review period are incorporated where appropriate into the final report.

NUWUVI AND THE SPRING MOUNTAINS LANDSCAPE

Introduction

The following essay presents information collected through ethical participatory processes by Jeremy Spoon, Ph.D. and the Nuwuvi Working Group between October 2008 and February 2009. The purpose is to describe the Nuwuvi relationship to the Spring Mountains landscape from their perspective. The hope is to provide readers a better understanding of the Nuwuvi way of knowing that informs the decision-making process. Working Group members contacted a total of 21 Nuwuvi informants (5 males and 16 females) between the ages of 48 and 82. Interviews were semi-structured (Bernard 2002), following six thematic topics including the Spring Mountains landscape. The text is written in the first-person plural in order to express that Nuwuvi co-conducted the research and writing of the document, rather than a non-American Indian. This literary device also reinforces an image of a living culture (Nuwuvi Working Group and Spoon 2009a).

Research from various anthropologists provided background to the ethnographer and is incorporated where applicable. These contributions include publications and reports by Stoffle et al. (2004) and Stoffle et al. (2009) about the Spring Mountains, classic ethnography by Sapir (1992), Steward (2002 [1938]), Kelly (1939), Fowler and Fowler (1971), and Kelly and Fowler (1986), as well as more recent efforts, including the Inter-Tribal Council of Nevada (1976), Stoffle and Zedeno (2001), Stoffle et al. (1999), Stoffle et al. (2001), and Knack (2001).

Nuwuvi Past, Present, and Future

We are a Numic speaking people who call the southern Great Basin home. Our oral history explains that we were created at *Nuvagantu* or *Nuvankai* (the Spring Mountains landscape) at the beginning of time. We call ourselves *Nuwuvi* or *Nungwu*, meaning 'the people.' In English we are known as the Southern Paiute and Chemehuevi. These names came from other non-native peoples; however we have adopted them as our English identity. Our territory spans four states (Nevada, Utah, Arizona, and California) and our current population has diminished to approximately 3,000 people. We presently live on various reservations and in rural communities and nearby cities.

Starting in mid 19th century, we were relocated by the federal government to reservation lands. Some of us were allotted territories within our traditional areas, while others were denied recognition by the government, which in the case of the Pahrump Paiute, continues to this day. Some of our people also resisted going to reservations, retreating to different parts of our traditional territory. Most of these reservations were thought to be unproductive lands that other settlers did not want to inhabit at that time.

The Moapa Paiute of southern Nevada were relocated to lands east of the Sheep Mountains near the Virgin River. This area was originally intended for all southern Nevada Paiutes. The Las Vegas Paiute were first given a small area of land near downtown Las Vegas, which was gifted to them by the Euro-American settler Helen J. Stewart. These lands were later expanded to an area between the Spring and Sheep Mountains. The five bands of Southern Paiute in Utah were all allotted land during this era. After some time, the federal government terminated all but one of them. These nations were later reinstated under the umbrella of the Paiute Indian Tribes of Utah. The Kaibab Paiute of Arizona share their lands with Pipe Springs National Monument and a nearby Mormon community. For the Chemehuevi Tribe, many individuals were relocated to the Colorado River Indian Tribes reservation (which houses Chemehuevi, Hopi, Navajo and Mojave peoples) when some of their land was covered by water with the construction of a dam in Arizona and California. Some returned later with the reestablishment of the Chemehuevi Tribe reservation, while others stayed where they were relocated or out-migrated to other areas.

The most far-reaching change that the contact period caused is that it disconnected some Nuwuvi from our land. It was a time of great hardship, where we saw many of our peoples die in unfortunate circumstances. The fact that we persist today shows the resilience of our culture to these outside forces. Some say that we are still in the contact period. Examples of the most significant events were Spanish exploration in the late 18th century, the enslavement of our people by the Spanish and others, the Mormon migration, the official opening of the Santa Fe Trails, horse trading, the gold rush, Mormon expansion, and old diseases in the New World. Enslavement and disease in particular drastically reduced our population and disrupted many social institutions. Some say as much as 80% or more of our population perished during this era. European settlers also took away ceremonial locations and made ceremonial acts illegal after the Ghost Dance ceremony of 1890 (Stoffle et al. 2004; Kelly and Flower 1986).

During this time when our population was rapidly declining, settlers encroached upon our lands. As more and more people settled, our lands were taken away and we were forced out. In some areas, we were forbidden to access resources, such as Pinyon-Juniper forests and springs, and we were generally not allowed to practice our spiritual traditions. Our farming tradition also was not respected, as the settlers did not understand our method compared to theirs. No treaties were made for the lands lost in the Spring Mountains landscape area, resulting in the loss of large tracts of land through settler land claims. Without our lands and with restrictions on our spiritual traditions, our culture had to adapt to survive the outside occupation.

Our Livelihoods

Our system of survival is complex and continues to adapt and change depending on the circumstances affecting us. It provides for us what we need to survive in this landscape. Before contact with western peoples and contrary to what is written in most history books, we were more than merely hunters and gatherers wandering throughout the desert. Rather, our way of life was sophisticated—receiving the songs, stories, foods, and medicines that we needed to survive by the Creator. This included hunting numerous animals such as Mule Deer, Mountain Sheep, Jackrabbit, Desert Tortoise, and Cotton Tail, as well as gathering resources such as *teuv* (pine nuts) and *op* (mesquite beans). We also farmed various crops, such as squash, corn and beans while harvesting hundreds of medicinal plants for healing. There are areas that we returned to each year for resources and managed them with values of respect so that they continued to provide what we needed. Many of these traditions persist today and are mixed with other strategies to survive. Much of our value system that reinforces respect and maintains balance remains consistent even when our subsistence practices adapt and change.

During the reservation era we adapted to our changing circumstances and began other ways of life to survive. These included ranching, farming, mining, serving in the military, and more. Many of our peoples also out-migrated to cities in search of employment, especially in the case of non-federally recognized tribes. Our peoples helped in the development of the areas around us, providing labor and crucial knowledge of the land. In many cases, we taught the settlers how to live in this environment based on our extensive knowledge. It is in this era that we received our western names.

Today, each federally recognized tribe has a tribally owned business enterprises that they share to benefit tribal citizens. These include casinos, golf courses, gas stations, various stores, museums, cultural centers, and more. All of these businesses support the infrastructure of the tribes and provide resources for social, cultural, and environmental programs.

Persistence and Change

Contact with westerners caused far-reaching change among our peoples. Many political and economic forces influenced our culture and ways of life. Because of these factors, there is much generational change that has occurred. Similar to many indigenous cultures, American Indian people are faced with many challenges today. The younger generations have many distractions and often know less about our connections with our traditional lands and many do not speak the Nuwuvi language. The older generations are very concerned about these changes and the affects on the culture. They remain very interested in programs that reinforce the culture and language.

As a point of resistance to the contact period, some Nuwuvi have not only retained and transmitted much about the culture, but also initiated projects to safeguard these traditions. The participation of the seven nations in this project at the Spring Mountains is an example of our unity and how we want to preserve our culture. It also demonstrates the importance of this area and our desire to collaborate with the federal government.

Nuwuvi and Nuvagantu (The Spring Mountains Landscape)

Mountains are sacred places to us. They provide everything that we need to survive as a people and a culture. Mountains are our spiritual places, where we harvest resources and conduct ceremonies that are central to our lives. Every mountain in the Nuwuvi territory has a name and was the place of significant events that helped to shape our history and relation to our land.

Nuvagantu (literally 'where snow sits' or the Spring Mountains landscape) is our holy land, and considered a true cultural landmark. It is important to us because it is the site of our creation, which defines who we are as a people. *Nuvagantu* is also a crucial reserve of resources that we use and a place to visit with family. Our connection to this landscape reinforces our ties to the Creator, the land, and our people (Stoffle et al. 2004; Stoffle et al. 2009).

Since the beginning of time, the Creator made Nuwuvi at *Nuvagantu* and here we became attached to this place and the place to us. The land is alive, which means that there is power in all things such as rocks, water, air, plants, animals, and humans. All of these beings are interconnected; they can talk with each other and work together to balance the world. The land has eyes and ears. It can talk and knows our thoughts. This makes it in balance and provides guidance. When treated badly, the mountains and everything within them suffers. Misuse of these areas upsets the balance and can cause great harm as well as diminish their power.

We come here for spiritual power and resources, but do not stay, as the mountain must rest. You must have a good heart to visit here and ask permission to take or use anything, which can never be more than you need. This land has been a protected area long before it was designated a National Recreation Area. Today, the U.S. Forest Service manages the land. We appreciate their efforts to protect the landscape and work collaboratively to co-manage the area with them to make sure that it remains in balance both physically and spiritually

Nuvagantu provides everything we need to survive as a people. It is our school, place of worship, pharmacy, and grocery store, along with many other things. The Creator made it this way for us. For this reason, we treat the land with the utmost of respect and make sure that our actions do not harm it in any way. We travel here when we need to, returning throughout each year at the appropriate times. It is part of a complex ecological system that the Creator made for us to manage.

We rely on thousands of years of experience when we interact with the landscape to ensure that it is kept as it was given to us at creation.

Our Values of Respect and Balance

We consider the land and everything within it to be alive and deserving respect. This value is the foundation for how we treat each other and the land. In *Nuvagantu*, this means we do not harvest more than we need and we must always feed the Mountain and give an offering before taking anything away. We also leave things behind for the other living beings in this place, as we know that they need the land's resources and we are connected to them through creation. In any interaction with the land, we must have the appropriate state of mind, rooted in respect. When we take something away from this place, we make sure to share it with people who were not able to make the journey. This is the same way we treat the people and the land in our territory; however this landscape is extra special because of what happened here and the power that it holds.

Sometimes the land is unable to produce because it is not in balance. This can be the result of an over harvest of resources, the influx of non-native invasive plants, littering, pollution, or a host of other factors. To restore balance, the land needs to hear our songs and voices, and of course, be treated with respect. Native plant re-vegetation programs and controlled burning in a culturally acceptable manner also help to re-establish balance.

Songs and Landscape (Songscapes)

Our songs are sacred to us. They are vocal snapshots that talk about places and the things that happened there. These songs include the words of the animals that cannot talk anymore and are gifts from the wind, water, and land. The Creator and other deities filled the area with these songs. Some songs have dances that express our connection to the land and other living beings. They are in the Southern Paiute language and are transmitted orally from generation to generation. Specific individuals know certain songs, while more people know others. There are songs that we sing to the land that make it in balance. When they are not sung, we suffer and the land suffers. Some of our songs describe locations in the Spring Mountains and the other living beings that reside here.

The Salt and Silver Songs are our most sacred songs. They are sung at funerals to appease the spirits and to return the soul back to the Creator. Only certain individuals know these songs that are passed down from generation to generation. As the song is sung, the soul takes a physical journey through *Nuvagantu*, crossing Nuwuvi territory. The order of the songs is very important, as they lead the soul on its journey. As life began at *Nuvagantu*, the soul must travel through here to balance the universe and ensure a safe journey to the afterlife. We believe that the origin of the songs is near *Nuvagantu*. These songs reinforce the deep connection we have with this place and how it is part of us.

Ecological and Management Knowledge

Our culture has an intimate knowledge of the flora, fauna, and other natural features in our lands. These resources were provided for us by the Creator to help us survive. The harvesting of wild plants and the hunting of animals are some of the traditions that have sustained us since the beginning of time. In all of these activities, we treat living things with respect, never harvesting or hunting too much. When we do take the life an animal, we ask for its permission while explaining our intentions and giving thanks for helping us. We never waste anything and use every part and share our taking as a gift we can and share with our families and friends. As children, we are taught the rules about who can hunt, when, and at what age. The landscape provides us with food and resources that make us whole and help us in our daily lives.

In *Nuvagantu*, we harvest many plant species for food including Pinyon nuts, Indian Spinach, Mesquite beans, Currant, Water Cress, various cactus fruit, berries, Yucca, and Cattails. There are also various plants that provide us with tools for survival, such as Sumac and Willow for basket making and Bitterbrush, Sage Brush, and Banana Yucca for pine nut roasting, to mention a few. Our complex way of life also includes intimate knowledge about animals, which we establish relationships with before we hunt. We hunt Mule Deer, Mountain Sheep, rabbit, quail, doves, desert tortoise, and more. In all hunts, we make sure not to take away too much and to treat the animals we are hunting with respect by talking to them and thanking them for giving up their lives to help us.

The *teuv* (pine nut) harvest is one of our most important traditions. It renews our ties to the land, providing us with a crucial food source and restores harmony within the mountain. The harvest also is an opportunity to rekindle our bonds with family members and individuals from the various Southern Paiute/Chemehuevi nations. There are various places in the *Nuvagantu* landscape that we prefer to harvest pine nuts in. These harvests are an opportunity for us to transmit our culture to the younger generations. It is also a time when we renew our ties with friends and family that live in other parts of our land. We offer morning prayers, sing songs and play games together. It is a very happy time.

We know that poor environmental management moves the world out of balance, causing the land and our people to be unhealthy. It is vitally important for our people to establish the appropriate relations with these living elements in order to survive, which includes talking to them in the Paiute language with a good heart and the appropriate state of mind. You must therefore explain your actions to the element with which you establish a relationship. Tools made from flora and fauna must be ceremonially retired to the landscape when they are no longer in use and sometimes suitable replacements are made as offerings to the landscape. We have relationships with these living things both in the past and in the present.

Our Welcome Statement

The following is a Welcome Statement intended for the public written in collaboration with Jeremy Spoon, Ph.D. and the U.S. Forest Service about our relationship with the Spring Mountains landscape. It concisely shares the Nuwuvi relation with our ancestral holyland:

> Welcome to our sacred land, *Nuvagantu*. It is a place that is alive and has power. The land has feelings to greet you, eyes to see you, and ears to hear you. It talks from every place in your sight. All of the plants, animals, rocks, water, snow, and air in this landscape are living and need to be in balance to remain healthy. To sustain this balance, we treat all beings with the utmost respect, as we have since the beginning of time. We are inseparable from these mountains, which are powerful, yet delicate. Our language and songs resonate through the springs, trees, rocks, and animals. We harvest resources here and renew our cultural and familial ties.
>
> Nuwuvi (Southern Paiute/Chemehuevi) continue to care for this land as we have for thousands of years, long before it became a National Recreation Area. We along with the U.S. Forest Service actively strive to keep the land in balance in culturally appropriate ways. Although you may not see us, you will surely hear our voices and feel our presence. Take a moment to get acquainted with this special place and allow it to know you. Use your senses and open your heart. This is a landscape where your spirit can be replenished and you can learn valuable lessons. Please walk softly on these grounds as we do and it will continue to thrive for generations.

Conclusion

This essay describes our ancestral connection to the Spring Mountains landscape, and in a broader sense, our relationship to the Nuwuvi traditional homeland. It helps to frame why we think the way we do about this project and others associated with public lands in the four state territory. Our sincere hope is that our way of knowing this landscape is respected at the same level as others. The information we shared was communicated to help educate others about our history and traditions. We hope that our efforts are considered in the developments for the Middle Kyle Complex, as well as other parts of the SMNRA. This landscape is an integral part of what makes us who we are and we care deeply about the management of it.

MEETING AGENDAS

Nuwuvi Participatory Consultation Meeting I
Environmental Impact Statement (EIS)

Middle Kyle Canyon Complex
Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest

The Resort at Mt. Charleston
Las Vegas, Nevada
June 23-25, 2009

Tuesday June 23, 2009

5:00-6:00 pm	Nuwuvi Working Group Executive Session
6:00-7:00 pm	Dinner
7:00-9:00 pm:	Film Presentation and Discussion

Wednesday June 24, 2009

8:00-9:00 am	Breakfast
9:00-10:00 am	Nuwuvi Working Group Executive Session
10:00 am-12:00 pm	1. Goals and Roles of Nuwuvi Consultation 2. Overview of Project (proposed development and vegetation plan) 3. Results of Cultural Resource Survey
12:00-1:00 pm	Lunch
1:00-3:00 pm	Site Visit
3:00-4:00 pm	Debrief Site Visit and Next Steps
4:00-5:00 pm	Break
5:00-6:00 pm	Nuwuvi Working Group Executive Session
6:00-7:00 pm	Dinner
7:00-9:00 pm	Film Presentation and Discussion

Thursday June 25, 2009

8:00-9:00 am	Breakfast
9:00 am-12:00 pm	Nuwuvi Working Group Executive Session—Comments on Alternatives and Vegetation Plan
12:00-1:00 pm	Lunch
1:00-4:00 pm	Nuwuvi Working Group Executive Session—EIS Text Development and Timeline for Completion and Submission
4:00 pm	Meeting Adjourned

Nuwuvi Participatory Consultation Meeting II
Environmental Impact Statement (EIS)

Middle Kyle Canyon Complex
Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest

The Resort at Mt. Charleston
Las Vegas, Nevada
October 18-20, 2009

Sunday October 18, 2009

5:00-6:00 pm	Arrival and Check-In
6:00-7:00 pm	Dinner
7:00-9:00 pm:	Meeting Introduction

Monday October 19, 2009

8:00-9:00 am	Breakfast
9:00-10:00 am	Review of Proposed and Market-Supported Alternatives
10:00 am-12:00 pm	Comments on Proposed Developments
12:00-1:00 pm	Lunch
1:00-4:00 pm	Comments on Proposed Developments/Text Refinement
4:00-5:00 pm	Break
5:00-6:00 pm	Discussion on Government-to-Government Consultation
6:00-7:00 pm	Dinner
7:00-9:00 pm	Film Presentation and Discussion

Tuesday October 20, 2009

8:00-9:00 am	Breakfast
9:00 am-12:00 pm	Vegetation Management Comments/Text Refinement
12:00-1:00 pm	Lunch
1:00-2:00 pm	Discussion with Hal Peterson, Project Manager on Consultation Processes
2:00-4:00 pm	Text Refinement/Next Steps
4:00 pm	Meeting Adjourned

CONSULTATION PROCESS GOALS AND OUTCOMES

The following are goals for Nuwuvi Participatory Consultation Meeting I captured from Nuwuvi Working Group members and select U.S. Forest Service staff at the beginning of the meeting (June 23-25, 2009):

- To clearly and accurately communicate the project.
- To improve communication.
- To build relationships.
- To reach agreement on the Environmental Impact Statement.
- To make the U.S. Forest Service available to the tribes for information.
- To improve relationships.
- To communicate to bring people together.
- To improve understanding of place.
- To work together for understanding.
- To communicate to open doors and nurture relationships.
- To engage in a planning process that helps to understand cumulative effects.

The following are outcomes from Nuwuvi Participatory Consultation Meeting I participants (Nuwuvi and U.S. Forest Service) documented at the end of the meeting:

- Team building.
- Learned about sites with sensitive cultural relationships.
- Saw a lot of areas; glad to be part of the process.
- Better understanding of proposed development.
- Field visits help us to understand the process.
- Enjoyed time together.
- People were brought together.
- Momentum is developing between the tribes and the U.S. government.
- Great to be with the native people.
- Enjoyed time together; opens doors on this project.
- Wish we were part of the process earlier.
- Enjoyed sharing and learning and spending time with our elders.

The following are goals for Nuwuvi Participatory Meeting II captured from Nuwuvi Working Group members at the beginning of the meeting (October 18-20, 2009):

- To engage in productive work.
- To enable positive thinking.
- To have productive reading and writing.
- To provide a better understanding of native thinking.
- To convey our voice in the Final EIS.
- To provide an opportunity for the U.S. Forest Service to listen to us.

- To encourage collaboration among the seven culturally affiliated nations and the U.S. Forest Service.

The following are outcomes from Nuwuvi Participatory Consultation Meeting II documented from Nuwuvi Working Group members at the end of the meeting:

- Better understanding.
- Achieved initial goals.
- Opened doors about having new input.
- Consultation process makes U.S. Forest Service accountable.
- Better awareness of native viewpoint and our ways of life.
- Useful comments and text.
- Heading towards goal.
- We are moving in the right direction.
- Productive meeting.
- Nuwuvi and U.S. Forest Service are working productively together.

COMMENTS ON DRAFT MIDDLE KYLE COMPLEX DRAFT ENVIRONMENTAL IMPACT STATEMENT

General Comments

The following are general comments generated by two participatory planning meetings (June 23-25 and October 18-20, 2009). They are listed here because they are relevant to the Middle Kyle Complex Proposed and Market-Supported Alternatives on a macro scale.

MKC019-1

The participatory processes utilized to generate comments from the seven culturally affiliated Nuwuvi nations began in May 2009. The seven culturally affiliated nations recognize that resources and staff support were garnered to conduct this consultation process. Both the Draft Environmental Impact Statement (DEIS) consultation and Interpretive Planning Project (initiated in September 2008) have improved the communication among the federal government and the culturally affiliated nations. Previous engagements with the nations were initiated; however they were not organized in the same method, did not utilize tribally designated representatives from each nation, and did not provide time for participants to discuss their opinions before they were presented to the federal agency. Consequently, we were unable to provide text for the DEIS. We are aware that resources were allotted to hold two meetings with tribally designated representatives after May 2009. These meetings were organized and conducted in a culturally appropriate manner and we approve of the process that ensued to capture our comments for the DEIS. In the future, we request to be contacted earlier in order to be part of the planning process in this participatory framework.

MKC019-2

Within the DEIS, there are various documents referenced that have not included Nuwuvi participation in their development, such as the General Management Plan and Conservation Agreement. We request that the U.S. Forest Service include the culturally affiliated nations in the development and refinement of these documents in the same participatory framework conducted for the latter portion of this project.

MKC019-3

Nuwuvi are interconnected with our ancestral lands. Any ground disturbance can cause changes in our homeland, unearthing human remains and precious material culture, and altering songscapes, storyscapes, and sacred sites. These activities cause the whole landscape to be out of balance. As such, we request that the Forest Service provide opportunities for native monitors from the culturally affiliated nations to be fully engaged in all major developments in the Middle Kyle Complex.

MKC019-4

We have interacted with the Spring Mountains landscape, and specifically Middle Kyle Canyon, for thousands of years. We return to this landscape on a regular basis for spiritual purposes and to harvest resources within our traditional

homelands. We consider ourselves connected to these lands, and these lands are connected to us. Our people were created there and pass through the landscape in our journey to the afterlife. It is our holy land. We applaud the efforts of the Forrest Service in recognizing the importance of preserving Slot Canyon to the culturally affiliated nations and the adverse impacts of the proposed bridge. This collaborative resolution reinforces the need for early tribal consultation on proposed development in SMNRA. MKC019-4

Recreational use of the area is a new development in relation to the amount of time our people have interacted with this landscape. We are concerned about disrupting the serenity of this special area and the impacts of off-highway vehicles (OHV), mountain bikes, equestrian use, and increased trail use. In the Proposed and Market-Supported Alternatives we request that a impact analysis be conducted and the nations be informed about the impacts of these increased recreational activities. We also encourage the Forest Service to restrict the use of OHVs, mountain bikes, and horses. These restrictions will limit soil erosion and sedimentation on trails, the onset of unofficial social trails, the spread of invasive non-native plants, and viewscape pollution due to dust. Trail planning can also take into account visitor traffic, spreading out use more evenly. We are aware that Nuwuvi also recreate in the area and will therefore be informed by their respective nations about the impacts of their activities. MKC019-5 MKC019-6

The Nuwuvi Working Group proposes specific comments on various components of the Proposed and Market-Supported Alternatives. In general, we support a blending of both the Proposed and Market Supported Alternatives. We are aware that SMNRA needs to update its facilities to handle current and future visitors. We consider this as an opportunity for more visitors to learn about Nuwuvi and other peoples' relationships with this special place. However, we strongly suggest that the proper aesthetic of solitude be maintained with the new developments. In order to achieve this goal, we support the Market Supported Alternative plans for the village size and the number of campgrounds and picnic facilities. MKC019-7

A prioritized issue that emerged from the meeting concerns the proposed commercial-style campground in the Market-Supported alternative, which will accommodate Class A recreational vehicles (RVs). We do not support the development of this commercial-style campground. We are concerned that this development will significantly impact the natural and cultural resources in the landscape. This proposed action will increase visitor flow and may threaten various components of this fragile landscape. It will affect the viewscape, interrupting how the Spring Mountains are connected to other landscapes and the role of this landscape in our sacred songs. We are also concerned about the air pollution that Class A RVs cause and the litter and human waste generated from these tourists. Less development will ensure perpetuating the proper aesthetic for the landscape. We consider the lack of development to be important to maintain a degree of isolation for the area and its connection to other landscapes. Isolation MKC019-8

and the connection with other landscapes are vital components of our songs and stories. MKC019-8

If visitation does increase as projected, we suggest implementing environmentally sustainable regulations and technologies that minimize the impacts from the increased visitation for the stated developments. Suggestions include requiring RV vehicles to use sustainable bio-fuels and providing prioritized parking for hybrid vehicles. Biodegradable and non-biodegradable waste minimizing facilities, including increased access to and interpretation about recycling and composting, as well as composting toilets, are innovations that could assist in achieving our shared management goals of this precious landscape. These technologies should be implemented in culturally appropriate ways and in collaboration with the Nuwuvi Working Group. MKC019-9

Finally, in both the Draft Environmental Impact Statement and the Draft Heritage Resource Survey the terms ‘heritage resources’ and ‘cultural resources’ are unclear. They are used interchangeably and it is hard to discern if one specifically denotes Nuwuvi cultural resources and the other both Nuwuvi and non-Nuwuvi heritage resources. We consider the landscape to be part of our heritage and connected to us. It is unclear whether the Forest Service accepts our definition of heritage/cultural resources that includes natural features (mountains, rocks, caves, springs, plants, animals, etc.) and the archaeological record. We are concerned that the ambiguity in the definition of these terms may negatively impact what we consider to be our ancestral homeland. MKC019-10

Specific Comments

The following comments are attributed to the stated chapter, section, and page in the Draft Environmental Impact Statement:

Chapter 1 Purpose and Need for Action

Section 1.2 Background

Page 1-2

- **Nuwuvi Working Group Comment:** Text should be expanded to identify the Spring Mountains as a landscape that is central to our people. The Mountains are our creation place and a fundamental reservoir of resources. We do not separate ourselves from this landscape—we are interconnected. Our holy land is also a songscape, emerging in the sacred songs that describe and transmit the Nuwuvi relation with place. These songs include the ancient Salt Song, which vocally transports the soul upon death across our traditional territory, brining it to rest in this world. MKC019-11

Section 1.2.2 Agency Direction Document *(General Management Plan for the Spring Mountains National Recreation Area)*

Page 1-5 (Second Bullet)

- **Nuwuvi Working Group Comment**: Revise text to read: 'Promote culturally affiliated American Indian use and protect heritage resources.' Participation and protection are both essential ingredients to sustaining balance, biodiversity, integrity and beauty of the SMNRA. We consider the U.S. Forest Service to be our partners in the management of the area. Promoting our use helps to satisfy the goals of both the federal agency and our people. Our use also ensures the transmission of our ancient culture to the future generations and the public. It is important to denote culturally affiliated American Indian uses and heritage resources. Seven nations of Nuwuvi consider the landscape to be our creation place. These federally and non-federally recognized nations are the culturally affiliated American Indian nations. MKC019-12

Section 1.2.3 Agency Guidance Documents

Page 1-6

- **Nuwuvi Working Group Comment**: We are concerned that the MSHCP had the limited scope of Clark County. The habitats of various species occur on both side of the landscape, encompassing Clark and Nye Counties. We request that the conservation priorities of Nye County also be taken into account for this project. MKC019-13

Page 1-7

- **Nuwuvi Working Group Comment**: None of the bulleted points that indicate the guidelines in the Conservation Agreement for select species or the six project planning commitments and three educational commitments mention Nuwuvi, our desire to contribute to the management of the ecosystem, or our intention to inform the public about our relationship with the landscape. We request a role in developing the objectives of these stated guidelines and commitments to properly reflect the goals of the Forest Service and the culturally affiliated nations. MKC019-14

- **Nuwuvi Working Group Comment**: We request that sufficient funding be secured to hire a Nuwuvi interpreter and that opportunities be created for Nuwuvi youth to learn about potential employment positions at SMNRA in cultural and natural resource management. MKC019-15

Page 1-8 (First Bullet)

- **Nuwuvi Working Group Comment**: SMNRA staff should also become familiar with Nuwuvi relationships with the Spring Mountains landscape documented in Nuwuvi Working Group and Spoon (2009b). MKC019-16

Page 1-8 (Second Bullet)

Nuwuvi Working Group Comment: The information distributed to the public about biodiversity protection and ecosystem management should also include past and present information about Nuwuvi relationships with and management of the Spring Mountains landscape. MKC019-17

Page 1-8

Nuwuvi Working Group Comment: The significant elements of biodiversity hotspots listed should include the Nuwuvi perspective on threatened and endangered species. We recommend that this information be collected in a participatory manner in collaboration with Forest Service natural scientists and other contractors. MKC019-18

Section 1.2.4 Other Relevant Resource Documents *(Spring Mountains National Recreation Area Landscape Assessment*)

Page 1-9

- **Nuwuvi Working Group Comment:** We have a strong ancestral connection with the Spring Mountains landscape and were not involved in the Landscape MKC019-19

Assessment. Provisions should be made to include the cultural practices and traditional ecological knowledge of our people in the following areas: MKC019-19

1. Vegetation management at multiple scales, from species to landscape.

2. Fire-fuel reduction. MKC019-20

3. Recreation management, especially to ameliorate potential threats to culturally and ecological important species and valued landscape features, such as sacred rocks, water sources, caves, and petroglyph sites. MKC019-21

- **Nuwuvi Working Group Comment:** The text states that the Conversation Agreement (CA) and General Management Plan (GMP) will be used to guide the future revisions of these documents. Previously, we have not participated in the development of the CA and GMP. Our ancestral connection to the landscape embodies extensive ecological and management knowledge that can help to forward the management goals of the Forest Service. The Spring Mountains are also central to our identity, as we consider no separation between our culture and the land. Consequently, the Forest Service should make efforts to include our people in CA and GMP development and implementation. This collaborative relationship will foster government-to-government consultation, forwarding the goals of both the federal agency and the indigenous inhabitants of the region. MKC019-22

Section 1.3.1 Need Statement 1

Page 1-10

- **Nuwuvi Working Group Comment**: The text states four primary goals relating to providing new recreation facilities and visitor services. Item (d) focuses on the reduction of natural resource impacts to major concentrations of plant and wildlife species of concerns. This need fails to identify heritage resources, both American Indian and Euro-American. The text should be expanded to include these resources beyond those currently identified in the document. MKC019-23

Page 1-12 Existing Condition

- **Nuwuvi Working Group Comment:** The text indicates that Hispanics are the most frequent minority users of the SMNRA while other minorities are not frequent visitors. This statement is shortsighted; we have had a presence on this landscape for thousands of years. We continue to frequent the landscape for spiritual reasons, to collect resources, and to recreate. It can be inferred that we were not part of the research that yielded these results. MKC019-24

- **Nuwuvi Working Group Comment:** The text attempts to recognize and provide examples of Hispanic and Euro-American user groups and their recreation practices. Given the strong cultural ties that we have to the area and our unique use, no consideration is given or identified about this relation. MKC019-25

Page 1-13 Mountain Biking

- **Nuwuvi Working Group Comment:** We do not support the use of mountain bikes within the SMNRA due to their adverse impacts on cultural resources. Mountain bikes have aggressive tread designs similar to those found on Off-Highway Vehicles (OHVs) that cause adverse impacts on soil quality and productivity, accelerating erosion and sedimentation. We have observed OHVs steering away from designated trails and creating new trails, which increases adverse impacts to cultural and natural resources. We request to be included in the planning of mountain bike trails to help the Forest Service forward its mission of protecting the landscape. MKC019-26

Section 1.3.3 Need Statement 3

Page 1-20 Existing Condition

- **Nuwuvi Working Group Comment:** We strongly support the need for improved visitor information and environmental interpretation. MKC019-27

- **Nuwuvi Working Group Comment:** We agree that the interpretation opportunities for biological and cultural resources are inadequate as stated. MKC019-28

- **Nuwuvi Working Group Comment:** The use of the term "cultural resources" appears to be inconsistent with the term "heritage resources" as used throughout the document. The text/terminology should be revised to maintain consistency. MKC019-29

Pages 1-21 & 1-22 Desired Conditions

- **Nuwuvi Working Group Comment:** We acknowledge the importance of providing accurate information to the public as it relates to environmental interpretation. As such, the Working Group brings a breadth of experience and specific ecological knowledge that can be applied through participatory processes to interpretive content and design. The product could be an example of government-to-government collaboration applicable to other protected areas in the United States and beyond. MKC019-30

- **Nuwuvi Working Group Comment:** It is recommended that the Forest Service adapt the same methodology for interpretive content development, initiated with the Nuwuvi Working Group in September 2008. This process MKC019-31

ensures the appropriate development and review of text, design, photos, and other interpretive mechanisms. MKC019-31

Section 1.4 - Proposed Action

Page 1-23

- **Nuwuvi Working Group Comment:** The Forest Service is proposing to construct and operate a variety of facilities. We are concerned with the inadvertent unearthing of sensitive heritage resources and other impacts to the cultural landscape. Prior to any ground disturbing activities, arrangements should be made to have traditional prayers conducted by Nuwuvi in the area to sustain a cultural balance within the Nuwuvi holy lands. MKC019-32

- **Nuwuvi Working Group Comment:** The Forest Service should make arrangements to have designated Nuwuvi monitors present during the construction phase of the proposed facilities. MKC019-33

Page 1-26

- **Nuwuvi Working Group Comment**: We were not consulted in the development of the Motor Vehicle Use Map and Travel Management Plan. We request copies of these documents for review and to be included in future planning initiatives. MKC019-34

Section 1.6.1 *Pre-NEPA Public Involvement – Middle Kyle Canyon Framework Plan*

Page 1-28 (Second Bullet)

- **Nuwuvi Working Group Comment:** Text states a 2-day workshop and field trip "*with*" American Indian tribes …The text uses the term "*with*" and should be changed to "*for*" to accurately reflect the intent of the workshop and who was present. The referenced workshop and field trip were conducted "for" the Tribes who in turn sent their designated representatives. This subtle distinction clarifies the potential confusion that tribal government officials participated when in actuality their representatives with cultural ecological knowledge and familiarity of the area were in attendance. MKC019-35

- **Nuwuvi Working Group Comment**: The date of the 2-day workshop should be stated as it demonstrates that consultation with the Nuwuvi Working Group occurred in June 2009. MKC019-36

Section 1.6.4 American Indian Collaboration

Page 1-30

- **Nuwuvi Working Group Comment:** The text states tribes "with a connection" to the Spring Mountains were informed about the Middle Kyle Complex project. The word "connection" is misleading and could include non-culturally affiliated tribes who sponsor field trips to the Spring Mountains. The text should be revised to "culturally affiliated tribes" to alleviate any potential confusion. MKC019-37

- **Nuwuvi Working Group Comment:** The text references a second meeting on March 18 and 19, 2008 in conjunction with other federal agencies. While the Southern Paiute and Chemehuevi Tribes acknowledge participation in a meeting with U.S. Forest Service and Fish and Wildlife Service, it should be noted this meeting was for the express purpose of discussing the Southern Paiute Contemporary Ethnography and Ethnohistory Projects and not the Middle Kyle Complex project as alluded. MKC019-38

- **Nuwuvi Working Group Comment**: The Nuwuvi Working Group did not receive a copy of the DEIS before the June 23-25 meeting. The Proposed and Market Supported Alternatives were presented to the Group with maps and a field visit. The DEIS was provided the week of October 5, 2009. MKC019-39

Section 1.7.2 Non-Significant Issues

Page 1-32

- **Nuwuvi Working Group Comment:** The text states "*the Forest Service evaluated resources in the project area and identified several resources that would not be impacted by the project. These include: air quality; general biological resources; non-native invasive species; federally listed threatened or endangered species; management indicator species; geology and soils; heritage resources; hydrology; social and economic resources; transportation; and visual resources.*" We disagree with this evaluation and conclusion. Any ground disturbing activities in this sacred area may result in impacts to the areas listed above. This text should be revised to provide more clarity and explanation why the areas mentioned above would <u>not</u> be impacted. MKC019-40

- **Nuwuvi Working Group Comment:** The text is confusing; it states that heritage resources will not be impacted while also suggesting that consultation and coordination with the Nevada State Historic Preservation Office will be conducted. The text should be modified to provide more clarification. MKC019-41

- **Nuwuvi Working Group Comment:** The text in this section has omitted any reference to tribal consultation as required in NEPA and Executive Orders relating to government-to-government relations. As such, the text should be expanded to include this reference. MKC019-42

Chapter 2 Alternatives, Including the Proposed Action

Section 2.3 Summary Comparison of Alternatives

Table 2-1

Page 2-19 (Proposed and Market Supported Alternative)

- **Nuwuvi Working Group Comment**: We acknowledge the need to expand the existing facilities in the SMNRA. However, we are concerned about the scale of these proposed developments and their resulting impacts on the landscape. We support a blending of both the Proposed and Market Supported Alternatives that maintain the appropriate aesthetic and degree of isolation. Isolation and the connection with other landscapes are vital components of our songs and stories. Based on the information provided, the village, campground, and picnic area proposed dimensions in the Market Supported Alternative appear to be less impacting on the landscape. We do not support the construction of a commercial size campground that can accommodate Class A RVs. In all developments, it is our sincere hope that the scale respects the isolation of the landscape. MKC019-43

Page 2-21 (Market Supported Alternative)

- **Nuwuvi Working Group Comment**: We support the aspects of both Alternatives that propose less development on the landscape. The Proposed Alternative contains more developments than the Market Supported Alternative. However, the Market Supported Alternative contains the development of a Class A RV campground, which we do not support. Less development will ensure perpetuating the proper aesthetic for the landscape. We consider the lack of development to be important to maintain a degree of isolation for the area and its connection to other landscapes. Isolation and the connection with other landscapes are vital components of our songs and stories, and are part of what makes us who we are and what makes this land important to other landscapes in our traditional territory that spans four states. MKC019-44

- **Nuwuvi Working Group Comment:** The text currently identifies the potential construction of a bridge in Slot Canyon; however the cover letter (File Code: 1950-3) dated September 1, 2009 indicates that the Responsible Official for this project would not support certain proposed project components including a bridge in Slot Canyon. MKC019-45

- **Nuwuvi Working Group Comment:** Since no final decision has been made and all alternatives are currently under evaluation pending additional comments, we do not support a bridge at Slot Canyon as previously shared by the Nuwuvi Working Group and other tribal government officials. MKC019-46

- **Nuwuvi Working Group Comment:** We do not support the Market Supported Alternative as presented, which includes an amphitheatre, commercial style campground, parking for Class A RVs, and expanded mountain bike trails. Increased visitation can threaten natural and cultural resources. If visitation does increase, we suggest implementing environmentally sustainable regulations and technologies that minimize the impacts of the increased visitation for the stated developments. Suggestions include requiring RV vehicles to use sustainable bio-fuels and providing prioritized parking for hybrid vehicles. Biodegradable and non-biodegradable waste minimizing facilities, including increased access to and interpretation about recycling and composting, as well as composting toilets, are innovations that could assist in achieving our shared management goals of this precious landscape. These technologies should be implemented in culturally appropriate ways and in collaboration with the Nuwuvi Working Group. MKC019-47 MKC019-48

Page 2-22

- **Nuwuvi Working Group Comment:** The table indicates that a vegetation treatment and management plan would be implemented. On September 26, 2009, The Nuwuvi Working Group received a document entitled: *Vegetation Management for the Kyle Campground, Kyle CCC Camp, and the Proposed Middle Kyle Complex* dated April 2009. Presently there is no consideration of tribal collaboration within the vegetation management plan. If this plan is to be implemented, we strongly reaffirm the importance of including tribal representatives in the co-management of vegetation. This will provide additional expertise to Forest Service managers and ensure cultural compatibility. MKC019-49

Table 2-2 Issue Comparison by Alternative - Mitigation

Page 2-24 Measure or Mitigation

- **Nuwuvi Working Group Comment:** This table focuses on adverse impacts to the *Acastus* Checkerspot Butterfly with varying degrees of mitigation. We strongly support the protection of habitat for the butterfly and directing trail users away from these areas. MKC019-50

- **Nuwuvi Working Group Comment:** We believe that prior to the construction of any fences, the Forest Service should arrange to have traditional prayers offered. MKC019-51

- **Nuwuvi Working Group Comment:** We request periodic updates from the monitoring results of recreational use on these habitats. MKC019-52

- **Nuwuvi Working Group Comment:** The Mitigation Measures is limited to the *Acastus* Checkerspot Butterfly without consideration to establishing mitigation measures relating to species of importance to American Indians. The Forest Service should make provisions to address our concerns about other species with a strong cultural connection in a proactive fashion. MKC019-53

Page 2-29 Heritage Resources

- **Nuwuvi Working Group Comment:** The text states that evaluation and assessment of potential effects on heritage resources is on-going as is consultation with the Nevada State Historic Preservation Office. Previously it was stated that "*the Forest Service evaluated resources in the project area and identified several resources that would not be impacted by the project. These include: air quality; general biological resources; non-native invasive species; federally listed threatened or endangered species; management indicator species; geology and soils; heritage resources; hydrology; social and economic resources; transportation; and visual resources*." We disagree with this evaluation and conclusion and believe the text is inconsistent. As previously stated, any ground disturbing activities especially within a traditional holy land would result in impacts to the areas listed above. This text should be revised to provide more clarity and explanation why the areas mentioned above would <u>not</u> be impacted. MKC019-54

- **Nuwuvi Working Group Comment:** The text is confusing; it states that heritage resources will not be impacted while the table suggests that the evaluation and assessment of potential effects on heritage resources is on-going. More clarification on this inconsistency is requested. MKC019-55

- **Nuwuvi Working Group Comment:** Although efforts will be made to consult and coordinate with the Nevada State Historic Preservation Office, the text should be modified to provide more clarification and to add provisions for tribal consultation. MKC019-56

Page 2-29 - Market Supported Alternative

- **Nuwuvi Working Group Comment:** The table identifies potential adverse impacts to the proposed Slot Canyon trail bridge and wildlife rehabilitation facility as having an adverse impact in areas of American Indian importance and value. Many of the proposed activities included in the Proposed and Market Supported Alternatives are not culturally compatible and may result in the same adverse impacts as the Slot Canyon trail bridge and wildlife rehabilitation facility. This sacred landscape is our creation place and is part of us. Any additional development to the area can threaten the status of the natural and cultural resources here. We accept that multiple peoples utilize this landscape for recreation. We want to make sure that it is documented that we have concerns about other developments—Slot Canyon and the wildlife MKC019-57

facility were proposed developments with high priority concerns and therefore we communicated our concerns specifically about them. MKC019-57

- **Nuwuvi Working Group Comment:** We recommend that the text be modified to illustrate and note the adverse impacts to other cultural or heritage resources within the proposed Area of Potential Effect. This evaluation should be considered to allow a thorough analysis and parity with other elements within the DEIS. MKC019-58

Page 2-30 - Visual Resources

- **Nuwuvi Working Group Comment:** The table describes the effects of all three alternatives under consideration on visual resources. No provisions have been made to document and evaluate the adverse impacts to the visual resources incorporating culturally affiliated tribes. We consider views to be important cultural resources that contribute to the location and performance of American Indian ceremonialism. Views combined with other cultural resources produce sacred places where power is sought for medicine and other types of ceremonies. Central viewscapes are experienced from high places, including mountaintops and mesa edges. Panoramic American Indian viewscapes gain additional sanctity when they contain highly diverse topography. Viewscape panoramas are further enhanced by the presence of volcanic cones and lava flows. Viewscapes are connected to song and storyscapes, especially when the vantage point has a panorama composed of locations in songs and stories. Vital to the indigenous American Indian experience of viewscapes is isolation. MKC019-59

- **Nuwuvi Working Group Comment:** We suggest that the Forest Service evaluate potential effects to the cultural landscape before making final decisions relating to the selection of an alternative and the record of decision. MKC019-60

Section 2.3.1 Design Criteria and Mitigation Common to All Alternatives

Page 2-33 Botany

- **Nuwuvi Working Group Comment:** The table indicates using the recommendations included in the *Vegetation Management Plan for the Kyle Campground, Kyle CCC Camp and the Proposed Middle Kyle Complex*. Presently there is no consideration of tribal collaboration within the vegetation management plan. If this plan is to be implemented, the Nuwuvi Working Group reaffirms the importance of including tribal representatives in the co-management of vegetation, supplementing the expertise of the Forest Service and ensuring cultural compatibility. MKC019-61

- **Nuwuvi Working Group Comment:** We believe that prior to any ground disturbing activities, a traditional blessing of the area should be conducted to provide harmony and balance. MKC019-61.5

- **Nuwuvi Working Group Comment:** In the event disturbance and/or removal of Joshua trees, other yuccas and cacti occur, the Forest Service should notify culturally affiliated Indian tribes to have first right of refusal to take plants destined for destruction to be used in a culturally appropriate manner. MKC019-62

- **Nuwuvi Working Group Comment:** We recommend that the Forest Service provide funding to conduct research on ecological knowledge using knowledgeable tribal representatives to document knowledge relating to the plant name, use and traditional management practices of native species. MKC019-63

Page 2-37 Wildlife

- **Nuwuvi Working Group Comment:** The text states that it will "*avoid impacts on the Western Burrowing Owl during nesting season by establishing an appropriate buffer area around active burrow sites and avoiding the area. Outside the nesting season and prior to construction, collapse burrows to prevent owls from returning to the burrow*." We do not support the intentional destruction of animal habitats including the collapsing of burrows to prevent the Western Burrowing Owl from returning to its burrow. This practice is not compatible with cultural protocol and upsets the natural balance of the area. MKC019-64

Chapter 3 Affected Environment and Environmental Consequences

Page 3.1-4 Affected Environment

- **Nuwuvi Working Group Comment:** The text provides an overview and description of the existing environmental setting. There is no consideration in the text that this landscape is our holy land. We believe opportunities should be provided for Nuwuvi to develop text for this and future undertakings, illustrating the importance of the Affected Environment from a unique cultural perspective. This approach, which has been used by other federal agencies in the region, promotes government–to-government relations and mutual understanding. MKC019-65

Page 3.1-6 Direct and Indirect Effects (3 Alternatives)

- **Nuwuvi Working Group Comment:** We support the systematic removal of Non-Native Invasive Species (NNIS) in a culturally appropriate manner. MKC019-66

- **Nuwuvi Working Group Comment:** We do not support the expansion of trails for Mountain Bikes with aggressive tread designs comparable to those of motorized Off Highway Vehicles (OHVs), which cause adverse impacts to soil quality and productivity, and accelerate erosion and sedimentation. MKC019-67

- **Nuwuvi Working Group Comment:** We do not support the ongoing soil disturbance along trails and campgrounds. MKC019-68

- **Nuwuvi Working Group Comment:** We do not support the removal of native plant communities for any of the alternatives and feel that culturally compatible ecosystem management should be incorporated. MKC019-69

- **Nuwuvi Working Group Comment:** We do not support the removal of the tree and shrub canopy and agree that it fragments areas of previously undisturbed vegetation communities. MKC019-70

Section 3.1.3 Geology and Soils

Page 3.1-9

- **Nuwuvi Working Group Comment:** The Middle Kyle Canyon Complex falls within our traditional holy land. This land is known as *Nuvagantu.* It is alive and has power. The land has feelings to greet you, eyes to see you, and ears to hear you. It talks from every place in your sight. All of the plants, animals, rocks, water, snow, and air in this landscape are living and need to be in balance to remain healthy. To sustain this balance, we treat all beings with the utmost respect, as we have since the beginning of time. We are inseparable from these mountains, which are powerful, yet delicate. Our language and songs resonate through the springs, trees, rocks, and animals. We believe that when treated in a non-culturally compatible manner, events occur which ultimately impact the area, including the proposed projects described in this DEIS. MKC019-71

Proposed Action and Market Supported Alternative

Page 3.1-10-11 Direct and Indirect Effects

- **Nuwuvi Working Group Comment:** We are concerned with the disturbance that would result in the proposed activities. Impacts may include the reduction in native plant species and litter, poor soil quality and productivity, and an increased risk of erosion and sedimentation. MKC019-72

Section 3.1.4 Hydrology

Page 3.1-12 – Proposed Action

- **Nuwuvi Working Group Comment:** The text describes the impacts associated with the proposed actions. We are concerned about the effects of vegetation cover and plant litter removal. We are also concerned about impacts to water quality, accelerating erosion and subsequent sedimentation. MKC019-73

- **Nuwuvi Working Group Comment:** We are aware that no provision or consideration was given to tribal perspectives as emphasis appears only to be focused on Heritage Resources. The terms Heritage Resources is inadequately defined throughout the document. MKC019-73.5

Section 3.1.5 Social and Economic Resources

Page 3.1-19

- **Nuwuvi Working Group Comment:** The text describes the social and economic conditions in and relating to the proposed project area. We believe that the assessment of social and economic condition is incomplete and does not accurately reflect nor consider the future economic development plans of the Las Vegas Paiute Tribe. The text should be expanded to further consider other initiatives to more accurately reflect the conditions in Clark County. MKC019-74

Affected Environment – Direct and Indirect Effects

Page 3.1-21 Proposed Action

- **Nuwuvi Working Group Comment:** The text provides an overview of conditions relating to Proposed Action including proposed descriptions of retail enterprises. We strongly suggest that opportunities are made to sell Nuwuvi items at retail outlets and vendor operations. MKC019-75

Page 3.1-22 - Market Supported Alternative

- **Nuwuvi Working Group Comment:** The text provides an overview of conditions relating to the Market Support Alternative with an overlap with the Proposed Action. Although only one food vendor is planned at the proposed Village, we suggest that opportunities be provided for Nuwuvi to sell culturally appropriate items at retail outlets and as part of vendor operations. MKC019-76

Section 3.3 Biological Resources

Page 3.3-8 Direct and Indirect Effects

- **Nuwuvi Working Group Comment:** The text discusses the potential effects attributed to construction of the Middle Kyle Complex project on sensitive biological resources. We do not support the developments that result in potential impacts to plant and animal habitats attributed to ground disturbance from foot, domestic animals, equestrian traffic. MKC019-77

- **Nuwuvi Working Group Comment:** The overall Nuwuvi perspective is that we were not included as part of the biological assessment for either the Proposed Action or Market Supported Alternatives. MKC019-78

- **Nuwuvi Working Group Comment:** We do not support the destruction of native plant species and believe that collaborative Forest Service/Nuwuvi ecosystem management should be incorporated as an integral component of the proposed Middle Kyle Canyon project. MKC019-79

- **Nuwuvi Working Group Comment:** We request that removed native plant species be offered to members of the culturally affiliated tribes for use in an appropriate manner. MKC019-79.5

- **Nuwuvi Working Group Comment:** The Nuwuvi Working Group recommends the Forest Service provide funding to conduct an Ethnobotany Study using knowledgeable tribal representatives to document cultural information relating to the plant name, use and traditional management practices relating to native plant species. MKC019-80

Section 3.3.2 Spring Mountains *Acastus* Checkerspot Butterfly Habitat

- **Nuwuvi Working Group Comment:** We support the protection of habitat for the butterfly and directing trail users away from these areas. MKC019-81

- **Nuwuvi Working Group Comment:** We request that prior to the construction of any fences, the Forest Service should arrange to have traditional prayers offered. MKC019-81.5

- **Nuwuvi Working Group Comment:** We request periodic updates on the monitoring results of recreational use on these habitats.

- **Nuwuvi Working Group Comment:** The Mitigation Measures are limited to the *Acastus* Checkerspot Butterfly without consideration to establishing mitigation measures relating to culturally important species of American Indians. The Forest Service should make provisions to address the cultural concerns of the culturally affiliated American Indian people in a proactive fashion. MKC019-82

Section 3.4 Heritage Resources

Page 3.4-1 Affected Environment

- **Nuwuvi Working Group Comment:** The text provides an overview of heritage resource surveys including archaeological resources, ethnographic resources and historic structures. To date, we feel that Nuwuvi have had limited participation in the assessment of heritage resources. We request the Forest Service to arrange to conduct a systematic ethnographic overview incorporating tribal perspectives about this important area. A qualified individual or institution should carry out this research with expertise working MKC019-83

with indigenous peoples, protected areas, and resource management. Any research conducted for the benefit of heritage resource management should include participatory processes that ensure adequate representation of the culturally affiliated nations and the U.S. government. MKC019-83

Page 3.4-2 Heritage Resources

- **Nuwuvi Working Group Comment:** The text states that the Working Group will provide written content for the Final EIS. We are willing to provide content for the Final EIS; however since the final document includes the Record of Decision (ROD) for the proposed alternatives, the text will not be as important as it could be if it was included in the Draft EIS. For future initiatives, we request being a part of drafting of text for Draft EIS documents. MKC019-84

Page 3.4-2 (Table 3.4.1- Heritage Resources)

- **Nuwuvi Working Group Comment:** The table lists heritage resource sites that have been identified within the project area. We have not been involved in the recording or observation of Heritage Resource sites. In reviewing Table 3.4.1, it appears that no previous recorded sites within the project area were considered eligible for the National Register of Historic Places. Five out of 6 newly discovered sites were considered eligible. This is inconsistent and unclear. We request additional text to clarify what is meant here. In the future, consultation on heritage resource site designation will help to document the culturally important sits in the area, helping to preserve them for the future generations. MKC019-85

- **Nuwuvi Working Group Comment:** Since no heritage resource sites were visited by tribal representatives as a basis of the information presented in the DEIS, we recommend that site visit arrangements be organized to observe these areas. MKC019-86

- **Nuwuvi Working Group Comment:** We request copies of the Heritage Resources Report, which has been identified as incomplete as of the DEIS publication date. MKC019-87

- **Nuwuvi Working Group Comments:** We request copies of all site forms and related reports to further evaluate the findings in this important area.

Section 3.4.2 Direct and Indirect Effects

Page 3.4-5 – (No Action Alternative, Proposed Action and Market Supported Alternative)

- **Nuwuvi Working Group Comment:** The text provides an overview of potential effects consistent with each alternative and proposed action. We do MKC019-88

not support unnatural impacts to heritage resources including those attributed to the construction of proposed facilities that could potentially cause ground disturbance and destruction of surface and sub-surface artifacts. The Forest Service should arrange and fund American Indian monitors to be present during ground disturbing activities to avoid inadvertent damage. MKC019-88

Section 3.5 Visual Resources

Page 3.5-2 – Affected Environment

- **Nuwuvi Working Group Comment:** The text provides an overview of visual resources. We are concerned about the impacts to the cultural visual resources in comparison to what is perceived as limited visual resources. MKC019-89

- **Nuwuvi Working Group Comment:** We do not support adverse impacts to geologic landforms, vegetation and water features within the cultural landscape of this important area. MKC019-90

- **Nuwuvi Working Group Comment:** We were not included in the analysis of visual resources and should therefore be included in a cultural visual resource study funded by the Forest Service. MKC019-91

Section 3.6 Compliance with the General Management Plan for the SMNRA

Page 3.6.-1 General Management Plan for the SMNRA

- **Nuwuvi Working Group Comment:** The text provides reference to the Forest Land and Resource Management Plan, including Land and Resource Management Plan for Humboldt-Toiyabe National Forest and the General Management Plan for the SMNRA. The Nuwuvi Working Group requests copies of these reference documents for review. MKC019-92

Section 3.7 Required Disclosures and Executive Orders

Page 3.7-9 - Heritage Resources

- **Nuwuvi Working Group Comment:** The text states "the Forest Service, through coordination with the Nevada SHPO and interested American Indian tribes, will develop appropriate mitigation to minimize or avoid potential adverse impacts on heritage resources within the project area." We appreciate the expressed coordination on issues relating to heritage resources. However, this implied inclusion is not reflected on Pages 1-32 and 2-29 of the DEIS as indicated in the comments of the Nuwuvi Working Group. Therefore, the text in the aforementioned pages should be revised to accurately reflect the proposed coordination to ensure consistency. MKC019-93

PHOTO RECORD

Nuwuvi and Forest Service participants on a site visit in Meeting I.

Nuwuvi Working Group members in Meeting II.

Nuwuvi Working Group member in Meeting II.

The Nuwuvi Working Group at Meeting II.

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APPENDIX: NUWUVI PARTICIAPTORY CONSULTATION MEETINGS I-III LETTERS

USDA United States Department of Agriculture | Forest Service | Humboldt-Toiyabe National Forest | Spring Mountains NRA
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

File Code: 1560
Date: May 27, 2009

Chairperson/Mr. or Mrs. X
XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXX

Dear Chairman X,

Thank you for your letter of concern regarding the Cathedral Rock Picnic Area. The depth and detail of your comments indicates your level of commitment to our partnership in managing the Spring Mountains National Recreation Area (SMNRA), which I greatly appreciate. We are still in the process of responding to that letter, so I thank you for your patience.

As you are aware, the U.S. Forest Service collaborated with the nations on interpretive projects for the Middle Kyle Canyon area by using a tribally appointed Working Group, comprised of designated representatives. Given the success of this approach, we propose to continue with this format for consultation on the Desert View Overlook Project and the Middle Kyle Canyon Environmental Impact Statement. We are pleased to announce that Jeremy Spoon, Ph.D., has been contracted to continue facilitating consultation between the SMNRA and the affiliated nations. Please let us know if this format is not acceptable.

We have scheduled a meeting with the Working Group between June 22 and June 25, 2009 at the Resort on Mount Charleston, Las Vegas, Nevada. The purpose of this meeting will be to comment on the proposed developments, to provide an opportunity to elicit tribal insight, and to continue interpretive planning.

Please arrive by 5 pm on June 22 to begin the important work ahead. We will discuss the Desert View Overlook Project on June 23 and spend the remaining days discussing the Middle Kyle Canyon Environmental Impact Statement. The meeting will adjourn at 4 pm on June 25.

We look forward to the next steps in our partnership and appreciate your continued support.

Sincerely,

STEPHANIE A. PHILLIPS
Deputy Forest Supervisor

United States Department of Agriculture | **Forest Service** | **Humboldt-Toiyabe National Forest** | **Spring Mountains NRA**
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

File Code: 1560
Date: September 21, 2009

Chairman/Mr. X
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

Dear Chairman X,

I am writing to continue our on-going government-to-government relations and consultation on the Middle Kyle Canyon Environmental Impact Statement (EIS) between the Spring Mountains National Recreation Area (SMNRA), and the Southern Paiute and Chemehuevi nations. As you are aware, on June 23-25, 2009, we presented to the tribally designated Nuwuvi Working Group the proposed developments for the Middle Kyle Canyon Complex. The meeting also included time for the Nuwuvi Working Group to meet in executive session to prepare comments on these proposed developments.

It was suggested during the June meeting, that a second meeting occur approximately one month after the public release of the Draft EIS. In this meeting, Nuwuvi Working Group members will have the opportunity to comment on the Draft EIS, and to write a section or chapter to be included in the Final EIS that conveys the importance of the Middle Kyle Canyon area to the Nuwuvi people and the potential impacts of the proposed project.

Accordingly, we propose a Nuwuvi Working Group meeting October 18-20, 2009 at the Resort on Mount Charleston, Las Vegas, Nevada. Please arrive by 5 pm on October 18 to begin the important work ahead. The meeting will adjourn at 4 pm on October 20. I am pleased to announce that Jeremy Spoon, Ph.D., will continue to facilitate consultation between SMNRA and the affiliated nations. Dr. Spoon will be contacting you regarding logistics for the meeting.

Copies of the draft environmental impact statement and vegetation management plan for the Middle Kyle Complex are being mailed in a separate package, which should arrive in the next couple of weeks. If you do not receive this package by September 29th, please contact Judy Suing at (702) 839-5563 or at jsuing@fs.fed.us.

I look forward to the next steps in our partnership and appreciate your continued support.

Sincerely,

STEPHANIE A. PHILLIPS
Deputy Forest Supervisor

United States Department of Agriculture | **Forest Service** | **Humboldt-Toiyabe National Forest** | **Spring Mountains NRA**
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

File Code: 1560
Date: November 2, 2009

Chairman/Mr. X
XXXXXXXXX
XXXXXXXXX
XXXXXXXXX

Dear Chairman X,

This letter is to update you on the on-going government to government consultation between the Spring Mountains National Recreation Area and the Nuwuvi Nations on the Middle Kyle Complex Project.

As you are aware, on June 23-25 and October 18-20, 2009 the U.S. Forest Service presented the proposed developments for the Middle Kyle Canyon Complex to the tribally designated Nuwuvi Working Group. The meetings also included time for the Nuwuvi Working Group to work in executive session to comment on these proposed developments.

We will be taking the comments of the Nuwuvi Working Group into account when developing final decision, which will be documented in a Record of Decision (ROD), for the Middle Kyle Complex. We will then provide a forum to discuss the ROD with the Nuwuvi Working Group and how we incorporated the comments.

Accordingly, we propose a Nuwuvi Working Group meeting November 29-30, 2009 at the Resort on Mount Charleston, Las Vegas, Nevada. We ask the Working Group to arrive by 5 pm on November 29 to begin the important work ahead. The meeting will adjourn at 4 pm on November 30. We are pleased to announce that Jeremy Spoon, Ph.D., will continue to facilitate consultation between SMNRA and the affiliated nations.

We look forward to the next steps in our partnership and appreciate your continued support.

Sincerely,

STEPHANIE A. PHILLIPS
Deputy Forest Supervisor

Appendix A4

Response to Tribal Comments

Introduction

Table A4-1 presents Forest Service responses to the comments submitted by the Nuwuvi Working Group during the public review period on the Draft Environmental Impact Statement (DEIS). The comments and Forest Service responses are organized by comment number. A copy of the *Nuwuvi Participatory Consultation* is included in Appendix A3. Specific comments on the DEIS begin on page 20 of the letter (MKC019).

Table A4-1. Forest Service Response to Nuwuvi Working Group Comments on Middle Kyle Complex Draft Environmental Impact Statement

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
1	The participatory processes utilized to generate comments from the seven culturally affiliated Nuwuvi nations began in May 2009. The seven culturally affiliated nations recognize that resources and staff support were garnered to conduct this consultation process. Both the Draft Environmental Impact Statement (DEIS) consultation and Interpretive Planning Project (initiated in September 2008) have improved the communication among the federal government and the culturally affiliated nations. Previous engagements with the nations were initiated; however, they were not organized in the same method, did not utilize tribally designated representatives from each nation, and did not provide time for participants to discuss their opinions before they were presented to the federal agency. Consequently, we were unable to provide text for the DEIS. We are aware that resources were allotted to hold two meetings with tribally designated representatives after May 2009. These meetings were organized and conducted in a culturally appropriate manner and we approve of the process that ensued to capture our comments for the DEIS. In the future, we request to be contacted earlier in order to be part of the planning process in this participatory framework.	We agree that the participatory consultation process worked well for this project and provided valuable information for decision-making. We are aware that this participatory process could have been initiated earlier and that previous engagements with the nations did not follow a culturally approved format. As part of the upcoming ethnography contract, we will work with the Nuwuvi culturally affiliated nations to develop protocols for improved government-to-government consultation that are effective and appropriate for the scope and scale of future projects.
2	Within the DEIS, there are various documents referenced that have not included Nuwuvi participation in their development, such as the General Management Plan and Conservation Agreement. We request that the U.S. Forest Service include the culturally affiliated nations in the development and refinement of these documents in the same participatory framework conducted for the latter portion of this project.	Future revisions to the General Management Plan (GMP) will include consultation with the culturally affiliated American Indian tribes in a participatory framework. The Conservation Agreement (CA) is an agreement developed by the U.S. Forest Service (Forest Service), U.S. Fish and Wildlife Service (USFWS) and the State of Nevada with the goal of protecting species of concern from being listed as threatened or endangered under the Endangered Species Act (ESA). This agreement is not a decision document as defined by the National Environmental Policy Act (NEPA). In the past, the CA was not typically a document on which the agencies would collaborate with the tribes; however, this is certainly a topic that can be discussed in the upcoming ethnography contract as we have many shared interests.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
3	Nuwuvi are interconnected with our ancestral lands. Any ground disturbance can cause changes in our homeland, unearthing human remains and precious material culture and altering songscapes, storyscapes, and sacred sites. These activities cause the whole landscape to be out of balance. As such, we request that the Forest Service provide opportunities for native monitors from the culturally affiliated nations to be fully engaged in all major developments in the Middle Kyle Complex.	We agree to work out the details for an effective construction monitoring program using trained Nuwuvi monitors from the culturally affiliated nations. This has been noted in the Record of Decision.
4	We have interacted with the Spring Mountains landscape, and specifically Middle Kyle Canyon, for thousands of years. We return to this landscape on a regular basis for spiritual purposes and to harvest resources within our traditional homelands. We consider ourselves connected to these lands, and these lands are connected to us. Our people were created there and pass through the landscape in our journey to the afterlife. It is our holy land. We applaud the efforts of the Forrest Service in recognizing the importance of preserving Slot Canyon to the culturally affiliated nations and the adverse impacts of the proposed bridge. This collaborative resolution reinforces the need for early tribal consultation on proposed development in SMNRA.	We respect the Nuwuvi perspective on the area's spiritual and cultural significance. We are aware that this perspective may differ from that of the Forest Service. Although our perspectives may differ, we feel that the culturally affiliated nations and the Forest Service have similar interests in natural and cultural resource stewardship. We agree on the benefits of early and continued consultation.
5	Recreational use of the area is a new development in relation to the amount of time our people have interacted with this landscape. We are concerned about disrupting the serenity of this special area and the impacts of off-highway vehicles (OHV), mountain bikes, equestrian use, and increased trail use. In the Proposed and Market Supported Alternatives we request that an impact analysis be conducted and the nations be informed about the impacts of these increased recreational activities.	An impact analysis (as required under by Council on Environmental Quality (CEQ) NEPA guidance and Forest Service regulations) was conducted as part of the EIS process and is disclosed in Chapter 3 of the EIS and in the individual specialist reports. The Forest Service has analyzed potential environmental effects associated with this project sufficient to provide for an informed decision. At this time we do not intend to perform any additional impact analysis, as defined by NEPA, for this project. Future use and demand for the area will undoubtedly change as the population and demographics shift. To adapt and proactively respond to these and other changes, the agency, consistent with its mandates, will monitor resources and recreation use (e.g., through National Visitor Use Monitoring studies) as necessary to inform future management of the area. Nuwuvi and the Forest Service share common goals for long-term stewardship and protection of these lands. As new information becomes available, we will share it with Nuwuvi and elicit feedback through participatory mechanisms. The details of how to share this information can be worked out as part of the ethnography contract. We believe that improved communication and collaboration will enhance the stewardship of these lands.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
6	We also encourage the Forest Service to restrict the use of OHVs, mountain bikes, and horses. These restrictions will limit soil erosion and sedimentation on trails, the onset of unofficial social trails, the spread of invasive nonnative plants, and viewscape pollution due to dust. Trail planning can also take into account visitor traffic, spreading out use more evenly. We are aware that Nuwuvi also recreate in the area and will, therefore, be informed by their respective nations about the impacts of their activities.	Mountain biking, OHV, and equestrian use are legitimate National Forest uses on designated roads and trails. We agree that unmanaged recreational use can lead to adverse resource damage. Mountain biking, OHV, and equestrian use will be restricted to designated routes. Proper trail location, improved wayfinding or trail marking, enforcement and monitoring will be necessary project components to minimize resource damage. High-use areas will include additional measures, such as trail hardening (pavements, surfacing) to reduce impacts.
7	The Nuwuvi Working Group proposes specific comments on various components of the Proposed and Market Supported Alternatives. In general, we support a blending of both the Proposed and Market Supported Alternatives. We are aware that SMNRA needs to update its facilities to handle current and future visitors. We consider this as an opportunity for more visitors to learn about Nuwuvi and other peoples' relationships with this special place. However, we strongly suggest that the proper aesthetic of solitude be maintained with the new developments. In order to achieve this goal, we support the Market Supported Alternative plans for the village size and the number of campgrounds and picnic facilities.	We look forward to continued work with Nuwuvi in the subsequent phases of the project, including the interpretation and education programs, which will allow visitors to learn about Nuwuvi and other peoples' relationships with this special place. The Forest Service appreciates the Nuwuvi goal for maintaining the proper aesthetic of solitude and will work with you in the future on design elements to achieve this goal.
8	A prioritized issue that emerged from the meeting concerns the proposed commercial-style campground in the Market-Supported alternative, which will accommodate Class A recreational vehicles (RVs). We do not support the development of this commercial-style campground. We are concerned that this development will significantly impact the natural and cultural resources in the landscape. This proposed action will increase visitor flow and may threaten various components of this fragile landscape. It will affect the viewscape, interrupting how the Spring Mountains are connected to other landscapes and the role of this landscape in our sacred songs. We are also concerned about the air pollution that Class A RVs cause and the litter and human waste generated from these tourists. Less development will ensure perpetuating the proper aesthetic for the landscape. We consider the lack of development to be important to maintain a degree of isolation for the area and its connection to other landscapes. Isolation and the connection with other landscapes are vital components of our songs and stories.	We respect and acknowledge your views. RVs, including Class A RVs, are a legitimate recreation use on National Forest System lands. Currently the SMNRA does not have any developed campgrounds that can accommodate this use. We will collaborate with the Nuwuvi Working Group during the design phase to identify appropriate measures that can be included in the design to reduce the impacts on the landscape important to the culturally affiliated American Indian nations.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
9	If visitation does increase as projected, we suggest implementing environmentally sustainable regulations and technologies that minimize the impacts from the increased visitation for the stated developments. Suggestions include requiring RV vehicles to use sustainable bio-fuels and providing prioritized parking for hybrid vehicles. Biodegradable and non-biodegradable waste-minimizing facilities, including increased access to and interpretation about recycling and composting, as well as composting toilets, are innovations that could assist in achieving our shared management goals of this precious landscape. These technologies should be implemented in culturally appropriate ways and in collaboration with the Nuwuvi Working Group.	We appreciate the culturally affiliated nation's viewpoint that new development must include environmentally sustainable and low-impact technologies and we will actively search them out. We are very open to any suggestions and other information from the Nuwuvi Working Group and the public on how to incorporate these new technologies into our design.
10	In both the Draft Environmental Impact Statement and the Draft Heritage Resource Survey the terms 'heritage resources' and 'cultural resources' are unclear. They are used interchangeably and it is hard to discern if one specifically denotes Nuwuvi cultural resources and the other both Nuwuvi and non-Nuwuvi heritage resources. We consider the landscape to be part of our heritage and connected to us. It is unclear whether the Forest Service accepts our definition of heritage/cultural resources that includes natural features (mountains, rocks, caves, springs, plants, animals, etc.) and the archaeological record. We are concerned that the ambiguity in the definition of these terms may negatively impact what we consider to be our ancestral homeland.	This inconsistency has been corrected in the Final Environmental Impact Statement (FEIS) with all references to "heritage resources" changed to "cultural resources." In July 2008, the Forest Service revised policy direction contained in Forest Service Manual 2360 eliminating the term "heritage resource(s)". The correct terminology is "cultural resources," which is defined as "an object or definite location of human activity, occupation, or use identifiable through field survey, historical documentation, or oral evidence. Cultural resources are prehistoric, historic, archaeological, or architectural sites, structures, places, or objects and traditional cultural properties. In this chapter (FSM 2360), cultural resources include the entire spectrum of resources for which the Heritage Program is responsible from artifacts to cultural landscapes without regard to eligibility for listing on the National Register of Historic Places." We are aware that this definition is intended to generally define cultural resources for both native and nonnative peoples. We will use this definition and modify it to the specific relationship of the culturally affiliated Nuwuvi nations to the Spring Mountains landscape as identified in the essay provided by the nations as comments on the DEIS. It is included it in its entirety in Section 3.8, *Nuwuvi and the Spring Mountains Landscape*, of the FEIS.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
11	Text should be expanded to identify the Spring Mountains as a landscape that is central to our people. The Mountains are our creation place and a fundamental reservoir of resources. We do not separate ourselves from this landscape—we are interconnected. Our holy land is also a songscape, emerging in the sacred songs that describe and transmit the Nuwuvi relation with place. These songs include the ancient Salt Song, which vocally transports the soul upon death across our traditional territory, bringing it to rest in this world.	We acknowledge that the Spring Mountains are central to your people. Unfortunately our participatory consultation process did not occur earlier in the NEPA analysis so that your comments could have been incorporated in the DEIS. We have considered your comments and respect the Nuwuvi views of the landscape. Instead of inserting this text in Section 1.2 of the FEIS we have included the perspectives of the culturally affiliated nations in Section 3.8, *Nuwuvi and the Spring Mountains Landscape* of the FEIS.
12	Revise text to read: 'Promote culturally affiliated American Indian use and protect heritage resources.' Participation and protection are both essential ingredients to sustaining balance, biodiversity, integrity and beauty of the SMNRA. We consider the U.S. Forest Service to be our partners in the management of the area. Promoting our use helps to satisfy the goals of both the federal agency and our people. Our use also ensures the transmission of our ancient culture to the future generations and the public. It is important to denote culturally affiliated American Indian uses and heritage resources. Seven nations of Nuwuvi consider the landscape to be our creation place. These federally and non-federally recognized nations are the culturally affiliated American Indian nations.	This reference was taken directly from the SMNRA GMP. When the GMP is revised in the future, we will consult with the culturally affiliated nations for appropriate language and recognition of the importance of this landscape. We are honored to consider Nuwuvi our partner in the management of the Spring Mountains to promote the goals of both the Forest Service and Nuwuvi.
13	We are concerned that the MSHCP had the limited scope of Clark County. The habitats of various species occur on both side of the landscape, encompassing Clark and Nye Counties. We request that the conservation priorities of Nye County also be taken into account for this project.	We acknowledge that limitation in the MSHCP. Our priorities are to manage the resources of all of the SMNRA, whether in Clark County or Nye County.
14	None of the bulleted points that indicate the guidelines in the Conservation Agreement for select species or the six project planning commitments and three educational commitments mention Nuwuvi, our desire to contribute to the management of the ecosystem, or our intention to inform the public about our relationship with the landscape. We request a role in developing the objectives of these stated guidelines and commitments to properly reflect the goals of the Forest Service and the culturally affiliated nations.	The CA was developed by the Forest Service, USFWS and the State of Nevada with the goal of protecting species of concern from being listed as threatened or endangered under the ESA. The best forum for developing your stated objectives may be in the SMNRA Interpretive Plan, an ongoing project in which the Nuwuvi Working Group has been an active partner, as well as the future planned ethnography contract.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
15	We request that sufficient funding be secured to hire a Nuwuvi interpreter and that opportunities be created for Nuwuvi youth to learn about potential employment positions at SMNRA in cultural and natural resource management.	Because of the uncertainty of future funding we cannot commit to obligating funds for a Nuwuvi interpreter. However, we are open to exploring opportunities for Nuwuvi to provide interpreters to tell stories important to Nuwuvi culture. We are also open to providing information and opportunities for Nuwuvi youth on future potential employment positions at the SMNRA where funding is available.
16	SMNRA staff should also become familiar with Nuwuvi relationships with the Spring Mountains landscape documented in Nuwuvi Working Group and Spoon (2009b).	We agree that this is an excellent idea. We are interested in further discussions with the Nuwuvi Working Group to facilitate a better understanding of the Nuwuvi relationship with the Spring Mountains landscape and providing opportunities to share this information with the SMNRA staff.
17	The information distributed to the public about biodiversity protection and ecosystem management should also include past and present information about Nuwuvi relationships with and management of the Spring Mountains landscape.	We agree and suggest the place to do this is in the development of the SMNRA Interpretive Plan and the programs offered at the Middle Kyle Complex and at other locations within the SMNRA.
18	The significant elements of biodiversity hotspots listed should include the Nuwuvi perspective on threatened and endangered species. We recommend that this information be collected in a participatory manner in collaboration with Forest Service natural scientists and other contractors.	We agree and are interested in further discussions with the Nuwuvi Working Group to facilitate a better understanding of Nuwuvi perspectives on threatened and endangered species and identify the details under which we can make this happen.
19	We have a strong ancestral connection with the Spring Mountains landscape and were not involved in the Landscape Assessment. Provisions should be made to include the cultural practices and traditional ecological knowledge of our people in the following areas: Vegetation management at multiple scales, from species to landscape.	We agree that these are good ideas. We have the opportunity in the upcoming ethnography contract to identify projects in this area.
20	We have a strong ancestral connection with the Spring Mountains landscape and were not involved in the Landscape Assessment. Provisions should be made to include the cultural practices and traditional ecological knowledge of our people in the following areas: Fire-fuel reduction.	We agree that these are good ideas. We have the opportunity in the upcoming ethnography contract to identify projects in this area.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
21	We have a strong ancestral connection with the Spring Mountains landscape and were not involved in the Landscape Assessment. Provisions should be made to include the cultural practices and traditional ecological knowledge of our people in the following areas: Recreation management, especially to ameliorate potential threats to culturally and ecological important species and valued landscape features, such as sacred rocks, water sources, caves, and petroglyph sites.	We agree that these are good ideas. We have the opportunity in the upcoming ethnography contract to identify projects in this area.
22	The text states that the Conversation Agreement (CA) and General Management Plan (GMP) will be used to guide the future revisions of these documents. Previously, we have not participated in the development of the CA and GMP. Our ancestral connection to the landscape embodies extensive ecological and management knowledge that can help to forward the management goals of the Forest Service. The Spring Mountains are also central to our identity, as we consider no separation between our culture and the land. Consequently, the Forest Service should make efforts to include our people in CA and GMP development and implementation. This collaborative relationship will foster government-to government consultation, forwarding the goals of both the federal agency and the indigenous inhabitants of the region.	The DEIS states that the "LA findings and recommendations will be used to guide future revisions of two significant documents: the CA and the GMP". Revisions to the GMP will include consultation with the culturally affiliated nations. The best forum for input on the CA revision may be in the SMNRA Interpretive Plan and in deliverables from the future ethnography contract.
23	The text states four primary goals relating to providing new recreation facilities and visitor services. Item (d) focuses on the reduction of natural resource impacts to major concentrations of plant and wildlife species of concerns. This need fails to identify heritage resources, both American Indian and Euro-American. The text should be expanded to include these resources beyond those currently identified in the document.	At this late stage we cannot change the need statement. However, cultural resources both American Indian and Euro-American will be protected in compliance with the National Historic Preservation Act.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
24	The text indicates that Hispanics are the most frequent minority users of the SMNRA while other minorities are not frequent visitors. This statement is shortsighted; we have had a presence on this landscape for thousands of years. We continue to frequent the landscape for spiritual reasons, to collect resources, and to recreate. It can be inferred that we were not part of the research that yielded these results.	This sentence has been deleted in the FEIS. The last three sentences of this paragraph have been replaced with the following sentence "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." The following sentence was added to the next paragraph "Culturally affiliated Nuwuvi nations and other American Indians continue to frequent the Spring Mountains landscape for spiritual reasons, to collect resources, and to recreate."
25	The text [p. 1-12] attempts to recognize and provide examples of Hispanic and Euro-American user groups and their recreation practices. Given the strong cultural ties that we have to the area and our unique use, no consideration is given or identified about this relation.	Text has been added to the FEIS to state: "Culturally affiliated Nuwuvi nations and other American Indians continue to frequent the Spring Mountains landscape for spiritual reasons, to collect resources, and to recreate."
26	Page 1-13 Mountain Biking: We do not support the use of mountain bikes within the SMNRA due to their adverse impacts on cultural resources. Mountain bikes have aggressive tread designs similar to those found on Off-Highway Vehicles (OHVs) that cause adverse impacts on soil quality and productivity, accelerating erosion and sedimentation. We have observed OHVs steering away from designated trails and creating new trails, which increases adverse impacts to cultural and natural resources. We request to be included in the planning of mountain bike trails to help the Forest Service forward its mission of protecting the landscape.	Mountain biking is a legitimate recreational use on designated National Forest System roads and trails outside of wilderness areas. We agree that unmanaged mountain bike (and OHV) use can lead to adverse resource damage. A portion of the north Telephone Canyon area trail network was removed from the decision so that additional location and resource survey work could be completed to ensure trail development in appropriate locations, reducing potential adverse impacts on sensitive resources. This work will be included in a separate NEPA analysis, and the Nuwuvi Working Group will be included in the consultation for that proposed trail network. There is also an opportunity to participate in the layout of the Middle Kyle Complex south canyon hiking and biking trails (Harris Springs area), which is included in the decision. Details of this participation can be worked out at future consultation meetings with the Nuwuvi Working Group.
27	Page 1-20 Existing Condition: We strongly support the need for improved visitor information and environmental interpretation.	Thank you for your support.
28	We agree that the interpretation opportunities for biological and cultural resources are inadequate as stated [p. 1-20].	Thank you for your support.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
29	The use of the term "cultural resources" [p. 1-20] appears to be inconsistent with the term "heritage resources" as used throughout the document. The text/terminology should be revised to maintain consistency.	This inconsistency has been corrected in the FEIS with all references to "heritage resources" changed to "cultural resources". In July 2008 the Forest Service revised policy direction contained in Forest Service Manual 2360 eliminating the term "heritage resource(s)". The correct terminology is "cultural resources" which is defined as "An object or definite location of human activity, occupation, or use identifiable through field survey, historical documentation, or oral evidence. Cultural resources are prehistoric, historic, archaeological, or architectural sites, structures, places, or objects and traditional cultural properties. In this chapter (FSM 2360), cultural resources include the entire spectrum of resources for which the Heritage Program is responsible from artifacts to cultural landscapes without regard to eligibility for listing on the National Register of Historic Places." We are aware that this definition is intended to generally define cultural resources for both native and nonnative peoples. We will use this definition and modify it to the specific relationship of the culturally affiliated Nuwuvi nations to the Spring Mountains landscape as identified in the essay provided by the nations as comments to the DEIS. The essay is included in its entirety in Chapter 3 of the FEIS.
30	We acknowledge the importance of providing accurate information to the public as it relates to environmental interpretation. As such, the Working Group brings a breadth of experience and specific ecological knowledge that can be applied through participatory processes to interpretive content and design. The product could be an example of government-to-government collaboration applicable to other protected areas in the United States and beyond.	We agree and appreciate the involvement and participation by the Nuwuvi Working Group to date on the SMNRA Interpretive Plan. We look forward to continued collaboration in this effort.
31	It is recommended that the Forest Service adapt the same methodology for interpretive content development, initiated with the Nuwuvi Working Group in September 2008. This process ensures the appropriate development and review of text, design, photos, and other interpretive mechanisms.	We agree.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
32	Page 1-23: The Forest Service is proposing to construct and operate a variety of facilities. We are concerned with the inadvertent unearthing of sensitive heritage resources and other impacts to the cultural landscape. Prior to any ground disturbing activities, arrangements should be made to have traditional prayers conducted by Nuwuvi in the area to sustain a cultural balance within the Nuwuvi holy lands.	At the November 30, 2009, Nuwuvi Working Group meeting we agreed to have traditional prayers offered during ground-breaking ceremonies.
33	The Forest Service should make arrangements to have designated Nuwuvi monitors present during the construction phase of the proposed facilities.	We agree to work out the details of an effective construction monitoring program composed of trained Nuwuvi monitors and this has been noted in the Record of Decision.
34	Page 1-26: We were not consulted in the development of the Motor Vehicle Use Map and Travel Management Plan. We request copies of these documents for review and to be included in future planning initiatives.	The Motor Vehicle Use Map (MVUM) was provided to the Nuwuvi Working Group at our November 30, 2009 meeting. We will include the culturally affiliated nations in the next significant revision (i.e., revision requiring NEPA) to the MVUM.
35	Page 1-28 (Second Bullet): Text states a 2-day workshop and field trip “with” American Indian tribes …The text uses the term “with” and should be changed to “for” to accurately reflect the intent of the workshop and who was present. The referenced workshop and field trip were conducted “for” the Tribes who in turn sent their designated representatives. This subtle distinction clarifies the potential confusion that tribal government officials participated when in actuality their representatives with cultural ecological knowledge and familiarity of the area were in attendance.	We agree and this change has been made in the FEIS.
36	The date of the 2-day workshop should be stated as it demonstrates that consultation with the Nuwuvi Working Group occurred in June 2009.	We agree that the date will clarify when this meeting occurred. The referenced meeting transpired during the pre-NEPA phase of the project on September 2 and 3, 2004. This change has been made in the FEIS.
37	Page 1-30: The text states tribes “with a connection” to the Spring Mountains were informed about the Middle Kyle Complex project. The word “connection” is misleading and could include non-culturally affiliated tribes who sponsor field trips to the Spring Mountains. The text should be revised to “culturally affiliated tribes” to alleviate any potential confusion.	We agree and this change has been made in the FEIS.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
38	The text references a second meeting on March 18 and 19, 2008 in conjunction with other federal agencies. While the Southern Paiute and Chemehuevi Tribes acknowledge participation in a meeting with U.S. Forest Service and Fish and Wildlife Service, it should be noted this meeting was for the express purpose of discussing the Southern Paiute Contemporary Ethnography and Ethnohistory Projects and not the Middle Kyle Complex project as alluded.	The meeting had multiple purposes. The first day of the meeting, the Forest Service and the USFWS briefed the tribal representatives on their respective ongoing projects. The Forest Service presentation discussed a variety of projects including the Middle Kyle Complex project. The second day of the meeting was dedicated to discussions on the Southern Paiute Contemporary Ethnography and Ethnohistory Projects. We are aware that it was confusing to gather members of the culturally affiliated nations on multiple projects without a clear understanding of the expectations of the meeting.
39	The Nuwuvi Working Group did not receive a copy of the DEIS before the June 23-25 meeting. The Proposed and Market Supported Alternatives were presented to the Group with maps and a field visit. The DEIS was provided the week of October 5, 2009.	The intent of this meeting was to review the administrative DEIS, i.e., the preliminary DEIS, prior to public release to obtain tribal comment before completing the print-ready public version. At the time of the meeting we had complete drafts of Chapters 1 and 2, but Chapter 3 was still very preliminary. Admittedly, this was not the ideal situation or our intention, and in the future we will strive to include the culturally affiliated nations in earlier stages of projects and to provide adequate time for comment, when possible. However, we do feel our primary objectives were accomplished at that meeting providing valuable information and insight on tribal concerns that were then considered by the Deciding Official in identifying the preferred alternative included in the published DEIS. We commend the Nuwuvi Working Group for their diligence and spirit of cooperation and collaboration in assisting the agency meet an accelerated timeline for completion of the DEIS providing timely input to assist in an informed decision.
40	The text states “the Forest Service evaluated resources in the project area and identified several resources that would not be impacted by the project. These include: air quality; general biological resources; non-native invasive species; federally listed threatened or endangered species; management indicator species; geology and soils; heritage resources; hydrology; social and economic resources; transportation; and visual resources.” We disagree with this evaluation and conclusion. Any ground disturbing activities in this sacred area may result in impacts to the areas listed above. This text should be revised to provide more clarity and explanation why the areas mentioned above would not be impacted.	We agree. There were errors in this paragraph and it has been deleted from the FEIS because it was inconsistent with the discussion on effects in Chapter 3.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
41	The text is confusing; it states that heritage resources will not be impacted while also suggesting that consultation and coordination with the Nevada State Historic Preservation Office will be conducted. The text should be modified to provide more clarification.	We agree. The statement that heritage (cultural) resources would not be affected was incorrect and the paragraph was deleted from the FEIS because it was inconsistent with the discussion on effects in Chapter 3.
42	The text in this section has omitted any reference to tribal consultation as required in NEPA and Executive Orders relating to government-to-government relations. As such, the text should be expanded to include this reference.	We agree. The disclosure of tribal consultation occurs in Sections 3.7.12 and 3.7.15 of the DEIS and FEIS, respectively. The last two paragraphs of Section 1.7.2 have been deleted in the FEIS. In addition, Section 1.6.5 of the FEIS has been updated and additional detail regarding the tribal consultation that has occurred during the EIS process has been added.
43	We acknowledge the need to expand the existing facilities in the SMNRA. However, we are concerned about the scale of these proposed developments and their resulting impacts on the landscape. We support a blending of both the Proposed and Market Supported Alternatives that maintain the appropriate aesthetic and degree of isolation. Isolation and the connection with other landscapes are vital components of our songs and stories. Based on the information provided, the village, campground, and picnic area proposed dimensions in the Market Supported Alternative appear to be less impacting on the landscape. We do not support the construction of a commercial-size campground that can accommodate Class A RVs. In all developments, it is our sincere hope that the scale respects the isolation of the landscape.	We will continue to involve the Nuwuvi Working Group during the design phase of the project providing an opportunity to develop landscape sensitive designs that consider the Nuwuvi connection to the landscape, especially regarding the aesthetic of isolation in the area.
44	We support the aspects of both Alternatives that propose less development on the landscape. The Proposed Alternative contains more developments than the Market Supported Alternative. However, the Market Supported Alternative contains the development of a Class A RV campground, which we do not support. Less development will ensure perpetuating the proper aesthetic for the landscape. We consider the lack of development to be important to maintain a degree of isolation for the area and its connection to other landscapes. Isolation and the connection with other landscapes are vital components of our songs and stories, and are part of what makes us who we are and what makes this land important to other landscapes in our traditional territory that spans four states.	We will continue to involve the Nuwuvi Working Group during the design phase of the project providing an opportunity to develop landscape-sensitive designs that consider the Nuwuvi connection to the landscape, especially regarding the aesthetic of isolation in the area.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
45	The text currently identifies the potential construction of a bridge in Slot Canyon; however the cover letter (File Code: 1950-3) dated September 1, 2009 indicates that the Responsible Official for this project would not support certain proposed project components including a bridge in Slot Canyon.	The Slot Canyon bridge is part of the Market Supported Alternative described in the DEIS; however, prior to publication of the DEIS, the Forest Service Responsible Official determined that he would not support this element of the alternative because of concerns about facility compatibility with Nuwuvi significance and potential adverse impacts on the landscape and costs associated with construction of this facility. It was determined that this section of the DEIS would be an appropriate place to inform the interested reader. We appreciate your comments and we took them into account in the Record of Decision.
46	Since no final decision has been made and all alternatives are currently under evaluation pending additional comments, we do not support a bridge at Slot Canyon as previously shared by the Nuwuvi Working Group and other tribal government officials.	The Slot Canyon bridge is part of the Market Supported Alternative described in the DEIS; however, prior to publication of the DEIS the Forest Service Responsible Official determined that he would not support this element of the alternative because of concerns about facility compatibility with Nuwuvi significance and potential adverse impacts on the landscape and costs associated with construction of this facility. It was determined that this section of the DEIS would be an appropriate place to inform the interested reader. We appreciate your comments and we took them into account in the Record of Decision.
47	We do not support the Market Supported Alternative as presented, which includes an amphitheatre, commercial style campground, parking for Class A RVs, and expanded mountain bike trails. Increased visitation can threaten natural and cultural resources.	We acknowledge your concern. We recognize that the Spring Mountains are part of the Nuwuvi cultural landscape. We acknowledge that this area is the Nuwuvi creation place and that it is central to Nuwuvi identity in the past, present, and future. We will strive to design improvements in an environmentally responsible manner and continue to involve the Nuwuvi Working Group in the subsequent phases of the project to accomplish this goal.
48	If visitation does increase, we suggest implementing environmentally sustainable regulations and technologies that minimize the impacts of the increased visitation for the stated developments. Suggestions include requiring RV vehicles to use sustainable bio-fuels and providing prioritized parking for hybrid vehicles. Biodegradable and non-biodegradable waste-minimizing facilities, including increased access to and interpretation about recycling and composting, as well as composting toilets, are innovations that could assist in achieving our shared management goals of this precious landscape. These technologies should be implemented in culturally appropriate ways and in collaboration with the Nuwuvi Working Group.	We agree with much of what you state and we will actively look at appropriate and feasible environmentally sustainable low-impact technologies. We are very open to any suggestions and other information from the Nuwuvi Working Group and the public on how to incorporate these new technologies into our design.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
49	The table indicates that a vegetation treatment and management plan would be implemented. On September 26, 2009, The Nuwuvi Working Group received a document entitled: Vegetation Management for the Kyle Campground, Kyle CCC Camp, and the Proposed Middle Kyle Complex dated April 2009. Presently there is no consideration of tribal collaboration within the vegetation management plan. If this plan is to be implemented, we strongly reaffirm the importance of including tribal representatives in the co-management of vegetation. This will provide additional expertise to Forest Service managers and ensure cultural compatibility.	We agree that it is important to include tribal representatives in the comanagement of vegetation to provide expertise and ensure cultural compatibility. We are open to further discussions on what this might include and can work out the details in the ethnography contract.
50	This table focuses on adverse impacts to the Acastus Checkerspot Butterfly with varying degrees of mitigation. We strongly support the protection of habitat for the butterfly and directing trail users away from these areas.	Thank you for your support.
51	We believe that prior to the construction of any fences, the Forest Service should arrange to have traditional prayers offered.	At the November 30, 2009, Nuwuvi Working Group meeting we agreed to have traditional prayers offered during ground-breaking ceremonies.
52	We request periodic updates from the monitoring results of recreational use on these habitats.	We agree to provide this information within a reasonable timeframe after it becomes available.
53	The Mitigation Measures is limited to the Acastus Checkerspot Butterfly without consideration to establishing mitigation measures relating to species of importance to American Indians. The Forest Service should make provisions to address our concerns about other species with a strong cultural connection in a proactive fashion.	Mitigation is applied when there are significant impacts on a specific resource, in this case the Spring Mountains acastus checkerspot butterfly, and the mitigation is designed to bring the impacts to an acceptable level. In this case, the mitigation is a fence to funnel recreation users onto the Kyle Canyon Wash Trail in the vicinity of a recorded mate selection area for the Spring Mountains acastus checkerspot butterfly. For future projects the upcoming ethnography contract will provide an opportunity to identify species that are of importance and have a strong cultural connection to the culturally affiliated American Indian nations.
54	The text states that evaluation and assessment of potential effects on heritage resources is ongoing as is consultation with the Nevada State Historic Preservation Office. Previously it was stated that “the Forest Service evaluated resources in the project area and identified several resources that would not be impacted by the project. These include: air quality; general biological resources; non-native invasive species; federally listed threatened or endangered species; management indicator species; geology and soils; heritage resources; hydrology; social and economic resources; transportation; and visual resources.” We disagree with this evaluation and conclusion and	We agree that this text is inconsistent and it has been corrected in the FEIS as described in the responses to comment numbers 40 and 41. In addition, the text in Table 2-3 has been updated in the FEIS.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
	believe the text is inconsistent. As previously stated, any ground disturbing activities especially within a traditional holy land would result in impacts to the areas listed above. This text should be revised to provide more clarity and explanation why the areas mentioned above would not be impacted.	
55	The text is confusing; it states that heritage resources will not be impacted while the table suggests that the evaluation and assessment of potential effects on heritage resources is ongoing. More clarification on this inconsistency is requested.	We agree that this text is inconsistent and it has been corrected in the FEIS.
56	Although efforts will be made to consult and coordinate with the Nevada State Historic Preservation Office, the text should be modified to provide more clarification and to add provisions for tribal consultation.	The table has been corrected in the FEIS to include reference to consultation with the culturally affiliated tribes.
57	The table identifies potential adverse impacts to the proposed Slot Canyon trail bridge and wildlife rehabilitation facility as having an adverse impact in areas of American Indian importance and value. Many of the proposed activities included in the Proposed and Market Supported Alternatives are not culturally compatible and may result in the same adverse impacts as the Slot Canyon trail bridge and wildlife rehabilitation facility. This sacred landscape is our creation place and is part of us. Any additional development to the area can threaten the status of the natural and cultural resources here. We accept that multiple peoples utilize this landscape for recreation. We want to make sure that it is documented that we have concerns about other developments—Slot Canyon and the wildlife facility were proposed developments with high priority concerns and therefore we communicated our concerns specifically about them.	We added the following statement to the Proposed Action column of the table (and in the Executive Summary table): “This is a sacred landscape to Nuwuvi people. The proposed activities and development in general would not be culturally compatible in areas of Nuwuvi significance and would have an adverse impact on the landscape.” We rephrased the statement in the Market Supported Alternative column of the table (and in the Executive Summary table) from “However, construction of the Slot Canyon trail bridge and wildlife rehabilitation facility have been identified as having an adverse impact in areas of American Indian importance and values” to “Slot Canyon trail bridge construction and the commercial-style campground were identified by the Nuwuvi Working Group as areas of high concern regarding impacts on the landscape.”
58	We recommend that the text be modified to illustrate and note the adverse impacts to other cultural or heritage resources within the proposed Area of Potential Effect. This evaluation should be considered to allow a thorough analysis and parity with other elements within the DEIS.	Please see responses to comments 54 and 55.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
59	The table describes the effects of all three alternatives under consideration on visual resources. No provisions have been made to document and evaluate the adverse impacts to the visual resources incorporating culturally affiliated tribes. We consider views to be important cultural resources that contribute to the location and performance of American Indian ceremonialism. Views combined with other cultural resources produce sacred places where power is sought for medicine and other types of ceremonies. Central viewscapes are experienced from high places, including mountaintops and mesa edges. Panoramic American Indian viewscapes gain additional sanctity when they contain highly diverse topography. Viewscape panoramas are further enhanced by the presence of volcanic cones and lava flows. Viewscapes are connected to song and storyscapes, especially when the vantage point has a panorama composed of locations in songs and stories. Vital to the indigenous American Indian experience of viewscapes is isolation.	We acknowledge your viewpoint. To address your comment we have inserted the following paragraph at the end of the Visual Resources Affected Environment section: "Nuwuvi consider views to be important cultural resources that contribute to the location and performance of American Indian ceremonialism. Views combined with other cultural resources produce sacred places where power is sought for medicine and other types of ceremonies. Central viewscapes are experienced from high places, including mountaintops and mesa edges. Panoramic American Indian viewscapes gain additional sanctity when they contain highly diverse topography. Viewscape panoramas are further enhanced by the presence of volcanic cones and lava flows. Viewscapes are connected to song and storyscapes, especially when the vantage point has a panorama composed of locations in songs and stories. Vital to the indigenous American Indian experience of viewscapes is isolation." In addition, the Visual Resources section of Table 2-3 and Table ES-1 (Effects on Natural Landscape Character row) includes the following sentence: "The Forest Service acknowledges that all new construction would have a degree of impact on the American Indian experience of viewscapes and isolationism. In the design and construction phases of the Middle Kyle Complex, consultation will be conducted with culturally affiliated American Indian nations to ensure that these impacts are mitigated where and when feasible."
60	We suggest that the Forest Service evaluate potential effects to the cultural landscape before making final decisions relating to the selection of an alternative and the record of decision.	We acknowledge that the culturally affiliated nations view the natural and cultural resources in a different perspective than the federal agency. We have taken your essay and comments into consideration in arriving at the Record of Decision.
61	The table indicates using the recommendations included in the *Vegetation Management Plan for the Kyle Campground, Kyle CCC Camp and the Proposed Middle Kyle Complex*. Presently there is no consideration of tribal collaboration within the vegetation management plan. If this plan is to be implemented, the Nuwuvi Working Group reaffirms the importance of including tribal representatives in the comanagement of vegetation, supplementing the expertise of the Forest Service and ensuring cultural compatibility.	We agree that it is important to include tribal representatives in the comanagement of vegetation to provide expertise and ensure cultural compatibility. We are open to further discussions on what this might include and can work out the details in the ethnography contract.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
61.5	We believe that prior to any ground disturbing activities, a traditional blessing of the area should be conducted to provide harmony and balance.	At the November 30, 2009, Nuwuvi Working Group meeting we agreed to have traditional prayers offered during ground-breaking ceremonies.
62	In the event disturbance and/or removal of Joshua trees, other yuccas and cacti occur, the Forest Service should notify culturally affiliated Indian tribes to have first right of refusal to take plants destined for destruction to be used in a culturally appropriate manner.	We are open to this suggestion and will work out the details during the design and implementation phase.
63	We recommend that the Forest Service provide funding to conduct research on ecological knowledge using knowledgeable tribal representatives to document knowledge relating to the plant name, use and traditional management practices of native species.	Because of the uncertainty of future funding we cannot commit to obligating funds for research on indigenous ecological knowledge. However, we are open to exploring opportunities with the Nuwuvi for grants and other non-appropriated funding sources for this purpose.
64	The text states that it will “avoid impacts on the Western Burrowing Owl during nesting season by establishing an appropriate buffer area around active burrow sites and avoiding the area. Outside the nesting season and prior to construction, collapse burrows to prevent owls from returning to the burrow.” We do not support the intentional destruction of animal habitats including the collapsing of burrows to prevent the Western Burrowing Owl from returning to its burrow. This practice is not compatible with cultural protocol and upsets the natural balance of the area.	This design criterion has been revised in the FEIS to delete the last sentence regarding the collapse of unoccupied burrows.
65	The text provides an overview and description of the existing environmental setting. There is no consideration in the text that this landscape is our holy land. We believe opportunities should be provided for Nuwuvi to develop text for this and future undertakings, illustrating the importance of the Affected Environment from a unique cultural perspective. This approach, which has been used by other federal agencies in the region, promotes government–to-government relations and mutual understanding.	We acknowledge that the landscape is the Nuwuvi holy land. We are including a statement about this under the affected environment description for the visual resources and we will make this acknowledgement in the Record of Decision.
66	We support the systematic removal of Non-Native Invasive Species (NNIS) in a culturally appropriate manner.	We will work with the culturally affiliated nations to understand culturally appropriate methods for NNIS removal. A possible forum for this discussion and documentation will be the upcoming ethnography contract.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
67	We do not support the expansion of trails for Mountain Bikes with aggressive tread designs comparable to those of motorized Off Highway Vehicles (OHVs), which cause adverse impacts to soil quality and productivity, and accelerate erosion and sedimentation.	Mountain bikes are a legitimate use on designated National Forest System roads and trails outside of the wilderness. We will strive to minimize resource impacts through appropriate trail location and design.
68	We do not support the ongoing soil disturbance along trails and campgrounds.	We will strive to minimize resource impacts through implementation of best management practices, hardening of trails and sites in high-use areas, improved wayfinding, and fencing where appropriate to direct users to designated trails.
69	We do not support the removal of native plant communities for any of the alternatives and feel that culturally compatible ecosystem management should be incorporated.	While there will be loss of vegetation with construction of the facilities, we will strive to minimize impacts on native vegetation and include revegetation of temporary disturbance areas. We are open to learning from the culturally affiliated nations on how best to retain and restore native vegetation.
70	We do not support the removal of the tree and shrub canopy and agree that it fragments areas of previously undisturbed vegetation communities.	There will be loss of some trees and shrubs with construction of the facilities. We will strive to minimize impacts on native vegetation and include revegetation of temporary disturbance areas. We acknowledge the need to save as many trees as possible. We are open to learning from the culturally affiliated nations on how best to manage native plant communities.
71	The Middle Kyle Canyon Complex falls within our traditional holy land. This land is known as *Nuvagantu*. It is alive and has power. The land has feelings to greet you, eyes to see you, and ears to hear you. It talks from every place in your sight. All of the plants, animals, rocks, water, snow, and air in this landscape are living and need to be in balance to remain healthy. To sustain this balance, we treat all beings with the utmost respect, as we have since the beginning of time. We are inseparable from these mountains, which are powerful, yet delicate. Our language and songs resonate through the springs, trees, rocks, and animals. We believe that when treated in a non-culturally compatible manner, events occur which ultimately impact the area, including the proposed projects described in this DEIS.	We acknowledge the spiritual and cultural significance of this area. We will collaborate with the Nuwuvi Working Group during the design phase of the project, institute a construction monitoring program with trained Nuwuvi monitors, and provide for traditional prayers prior to ground-breaking for the project.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
72	We are concerned with the disturbance that would result in the proposed activities. Impacts may include the reduction in native plant species and litter, poor soil quality and productivity, and an increased risk of erosion and sedimentation.	We will strive to minimize resource impacts through implementation of low-impact design, best management practices, design criteria and mitigation measures. We will also include the Nuwuvi Working Group in the design phase to ensure that the developments respect the Nuwuvi spiritual and cultural relationship with this landscape as much as possible.
73	The text describes the impacts associated with the proposed actions. We are concerned about the effects of vegetation cover and plant litter removal. We are also concerned about impacts to water quality, accelerating erosion and subsequent sedimentation.	We will strive to minimize resource impacts through implementation of low-impact design, best management practices, design criteria and mitigation measures. We will include erosion control, landscaping and revegetation of temporary disturbance areas in the project design. We will also include the Nuwuvi Working Group in the design phase to ensure that the developments respect the Nuwuvi spiritual and cultural relationship with this landscape as much as possible.
73.5	We are aware that no provision or consideration was given to tribal perspectives as emphasis appears only to be focused on Heritage Resources. The terms Heritage Resources is inadequately defined throughout the document.	The term “heritage resources” has been changed throughout the FEIS to “cultural resources.” We have provided the tribal perspective in Chapter 3 of the FEIS with the inclusion of the essay you provided in your DEIS comments. This information provides valuable insight for the reader and the decision maker.
74	The text describes the social and economic conditions in and relating to the proposed project area. We believe that the assessment of social and economic condition is incomplete and does not accurately reflect nor consider the future economic development plans of the Las Vegas Paiute Tribe. The text should be expanded to further consider other initiatives to more accurately reflect the conditions in Clark County.	This project has minimal social and economic effects within the defined areas, and even less effect within Clark County. We believe that there is sufficient information and analysis to arrive at an informed decision. We acknowledge that the Las Vegas Paiute Golf Course is close to the project area and that increases in visitation on the SMNRA may also lead to increased use at the golf course. There may be an opportunity to share information on the golf course at the visitor center and provide information on SMNRA activities at the golf course.
75	The text provides an overview of conditions relating to Proposed Action including proposed descriptions of retail enterprises. We strongly suggest that opportunities are made to sell Nuwuvi items at retail outlets and vendor operations.	We agree. We are looking forward to working with the Nuwuvi Working Group on this suggestion.
76	The text provides an overview of conditions relating to the Market Support Alternative that overlaps with the Proposed Action. Although only one food vendor is planned at the proposed Village area, we suggest that opportunities be provided for Nuwuvi to sell culturally appropriate items at retail outlets and as part of vendor operations.	We agree. We are looking forward to working with the Nuwuvi Working Group on this suggestion.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
77	The text discusses the potential effects attributed to construction of the Middle Kyle Complex project on sensitive biological resources. We do not support the developments that result in potential impacts to plant and animal habitats attributed to ground disturbance from foot, domestic animals, and equestrian traffic.	We respect and acknowledge your views. We will strive to minimize resource impacts through implementation of best management practices, hardening of trails and sites in high-use areas, improved wayfinding, and fencing where appropriate to direct users to designated trails. We will also include the Nuwuvi Working Group in the design phase to ensure that the developments respect the Nuwuvi spiritual and cultural relationship with this landscape as much as possible.
78	The overall Nuwuvi perspective is that we were not included as part of the biological assessment for either the Proposed Action or Market Supported Alternatives.	We currently do not have a process for involving tribal input for biological assessments on projects. We welcome discussion on this topic during the upcoming ethnography contract.
79	We do not support the destruction of native plant species and believe that collaborative Forest Service/Nuwuvi ecosystem management should be incorporated as an integral component of the proposed Middle Kyle Canyon project.	We respect and acknowledge your views. We will strive to minimize resource impacts through implementation of best management practices, minimization measures and revegetation. We will also include the Nuwuvi Working Group in the design phase to ensure that the developments respect the Nuwuvi spiritual and cultural relationship with this landscape as much as possible. The subject of collaborative ecosystem management can be a topic for further discussion during the upcoming ethnography contract.
79.5	We request that removed native plant species be offered to members of the culturally affiliated tribes for use in an appropriate manner.	We are open to this suggestion and will work with members of the culturally affiliated tribes to refine a mutually expectable approach during the project design and implementation phase.
80	The Nuwuvi Working Group recommends the Forest Service provide funding to conduct an Ethnobotany Study using knowledgeable tribal representatives to document cultural information relating to the plant name, use, and traditional management practices relating to native plant species.	This can be accomplished as part of the upcoming ethnography contract.
81	We support the protection of habitat for the butterfly and directing trail users away from these areas.	Thank you for your support.
81.5	We request that prior to the construction of any fences, the Forest Service should arrange to have traditional prayers offered.	At the November 30, 2009, Nuwuvi Working Group meeting we agreed to have traditional prayers offered during ground-breaking ceremonies.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
82	The Mitigation Measures are limited to the Acastus Checkerspot Butterfly without consideration to establishing mitigation measures relating to culturally important species of American Indians. The Forest Service should make provisions to address the cultural concerns of the culturally affiliated American Indian people in a proactive fashion.	Mitigation is applied when there are significant impacts on a specific resource, in this case the Spring Mountains acastus checkerspot butterfly, and the mitigation is designed to bring the impacts to an acceptable level. For future projects the upcoming ethnography contract will provide an opportunity to identify species that are significant to the culturally affiliated American Indians.
83	The text provides an overview of heritage resource surveys including archaeological resources, ethnographic resources and historic structures. To date, we feel that Nuwuvi have had limited participation in the assessment of heritage resources. We request the Forest Service to arrange to conduct a systematic ethnographic overview incorporating tribal perspectives about this important area. A qualified individual or institution should carry out this research with expertise working with indigenous peoples, protected areas, and resource management. Any research conducted for the benefit of heritage resource management should include participatory processes that ensure adequate representation of the culturally affiliated nations and the U.S. government.	We agree. We are in the process of awarding a contract, in partnership with the USFWS, to perform an ethnography study for the Spring Mountains. This contract will include a participatory process to ensure adequate representation of the culturally affiliated nations.
84	The text states that the Working Group will provide written content for the Final EIS. We are willing to provide content for the Final EIS; however since the final document includes the Record of Decision (ROD) for the proposed alternatives, the text will not be as important as it could be if it was included in the Draft EIS. For future initiatives, we request being a part of drafting of text for Draft EIS documents.	We will include the essay you have provided in your DEIS comments in Chapter 3 of the FEIS, and incorporate appropriate references in the Record of Decision. For future projects we will collaborate earlier with the tribes during the NEPA process using protocols agreed to during the upcoming ethnography contract.
85	The table lists heritage resource sites that have been identified within the project area. We have not been involved in the recording or observation of Heritage Resource sites. In reviewing Table 3.4.1, it appears that no previous recorded sites within the project area were considered eligible for the National Register of Historic Places. Five out of 6 newly discovered sites were considered eligible. This is inconsistent and unclear. We request additional text to clarify what is meant here. In the future, consultation on heritage resource site designation will help to document the culturally important sits in the area, helping to preserve them for the future generations.	We have updated this section to reflect current information contained in the final *Middle Kyle Complex Cultural Resources Report*.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
86	Since no heritage resource sites were visited by tribal representatives as a basis of the information presented in the DEIS, we recommend that site visit arrangements be organized to observe these areas.	We would be happy to arrange a site visit.
87	We request copies of the Heritage Resources Report, which has been identified as incomplete as of the DEIS publication date. We request copies of all site forms and related reports to further evaluate the findings in this important area.	A copy of the final *Middle Kyle Complex Cultural Resource Report* and site forms will be provided to the Nuwuvi Working Group.
88	The text provides an overview of potential effects consistent with each alternative and proposed action. We do not support unnatural impacts to heritage resources including those attributed to the construction of proposed facilities that could potentially cause ground disturbance and destruction of surface and sub-surface artifacts. The Forest Service should arrange and fund American Indian monitors to be present during ground disturbing activities to avoid inadvertent damage.	We acknowledge your request and prior to initiating construction we will coordinate with the appropriate tribes to refine the details of American Indian monitoring of ground-disturbing activities.
89	The text provides an overview of visual resources. We are concerned about the impacts to the cultural visual resources in comparison to what is perceived as limited visual resources.	We respect and acknowledge your views. To address your comment we inserted the following paragraph at the end of the Visual Resources Affected Environment section: “Nuwuvi consider views to be important cultural resources that contribute to the location and performance of American Indian ceremonialism. Views combined with other cultural resources produce sacred places where power is sought for medicine and other types of ceremonies. Central viewscapes are experienced from high places, including mountaintops and mesa edges. Panoramic American Indian viewscapes gain additional sanctity when they contain highly diverse topography. Viewscape panoramas are further enhanced by the presence of volcanic cones and lava flows. Viewscapes are connected to song and storyscapes, especially when the vantage point has a panorama composed of locations in songs and stories. Vital to the indigenous American Indian experience of viewscapes is isolation.”
90	We do not support adverse impacts to geologic landforms, vegetation and water features within the cultural landscape of this important area.	We respect and acknowledge your views. We will strive to minimize resource impacts through implementation of best management practices, low-impact design, erosion control, and revegetation in the project design. We will also include the Nuwuvi Working Group in the design phase to ensure that the developments respect the Nuwuvi spiritual and cultural relationship with this landscape as much as possible.

Comment Number	Nuwuvi Working Group Comment	Forest Service Response
91	We were not included in the analysis of visual resources and should therefore be included in a cultural visual resource study funded by the Forest Service.	We do not have funding to commit to such a study. However, regarding the implementation of this project, we will continue to collaborate with the Nuwuvi Working Group during the design phase of the project to provide an opportunity to develop landscape and visually sensitive designs that will integrate the cultural visual resources of the area to the extent practicable.
92	The text provides reference to the Forest Land and Resource Management Plan, including Land and Resource Management Plan for Humboldt-Toiyabe National Forest and the General Management Plan for the SMNRA. The Nuwuvi Working Group requests copies of these reference documents for review.	The Toiyabe National Forest Land and Resource Management Plan and the GMP for the SMNRA was provided to the Nuwuvi Working Group at the November 30, 2009, Nuwuvi Working Group meeting.
93	The text states “the Forest Service, through coordination with the Nevada SHPO and interested American Indian tribes, will develop appropriate mitigation to minimize or avoid potential adverse impacts on heritage resources within the project area.” We appreciate the expressed coordination on issues relating to heritage resources. However, this implied inclusion is not reflected on Pages 1-32 and 2-29 of the DEIS as indicated in the comments of the Nuwuvi Working Group. Therefore, the text in the aforementioned pages should be revised to accurately reflect the proposed coordination to ensure consistency.	These corrections have been made in the FEIS.