

Decision Notice & Finding of No Significant Impact

Desert View Overlook Rehabilitation Project

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

I. Decision Summary

My decision will implement a combination alternative that includes the following elements: 1) widen State Route (SR) Highway 158 adjacent to the existing parking site to provide for a passing lane; 2) widen the existing parking area to provide for additional parking, improved ingress and egress, and a designated median to separate the parking area from SR 158; 3) reconstruct the existing 450-foot long walking trail to meet the Americans with Disabilities Act (ADA) requirements for accessibility and extend the trail an additional 600 feet to a new overlook; 4) provide additional site facilities such as benches; 5) implement vegetation management following construction; and 5) provide improved environmental and historical education opportunities at the site.

II. Introduction

The Spring Mountains National Recreation Area (SMNRA) prepared the Desert View Overlook Rehabilitation Project (Desert View Overlook) Environmental Assessment (EA) to analyze impacts of the proposed improvements. The existing Desert View Overlook consists of a turnout on SR 158 with undefined parking, signs and interpretive displays, and a short trail that accesses a small overlook with views of the desert and the Sheep Mountains in the distance.

Location

Desert View Overlook is located at milepost 7 on SR 158, approximately two miles south of the intersection of SR 158 and 156, in the Spring Mountains NRA, approximately 40 miles to the west of Las Vegas, Nevada, in Clark County. The legal description is as follows: the Western 1/2 of Section 31, T18S, R57E, Mount Diablo Base & Meridian (see Figure 1-1 – Vicinity Map)

Desert View Overlook is approximately 8,000 feet in elevation with superlative views of the Las Vegas Valley and the mountain ranges to the north and east. Interpretive material at the site provides information related to the geology and ecology of the Great Basin and the site's history as it relates to the Cold War and the above-ground nuclear tests conducted the Nevada Test Site. The site receives an estimated annual visitation of 60,000 people, who tour the surrounding public lands. Visitors consist of local southern Nevada residents, as well as a wide variety of national and international visitors to Las Vegas.

Purpose and Need

The existing parking area is inadequate for the number of vehicles that stop at the site, and the location of the parking area poses a safety hazard for vehicles traveling along SR 158. There is a need to provide:

- additional parking and safer egress and ingress to the parking area;
- a parking site that can accommodate oversized vehicles;
- accessible parking and trail opportunities; and
- updated educational information to the public on topics of historical and environmental interest.

III. Alternatives Considered (EA, Sec. 2, p.2-1 through 2-2)

Alternative 1 - No Action

Under Alternative 1, no changes would occur to the existing Desert View Overlook parking area, trail, and interpretive display panels. Alternative 1 serves as a baseline from which to compare the effects of the action alternatives.

Alternative 2 – Proposed Action

A new parking area would be developed downslope from the existing Desert View Overlook to provide delineated parking spaces for up to 25 passenger vehicles and three oversized vehicles and tour buses, if feasible. An access road would be constructed from SR 158 to the new parking area. Signs directing vehicles to the new parking area would be placed on SR 158. Accessible parking spaces would be designated. The existing parking area adjacent to the highway would be closed and rehabilitated.

A new scenic overlook would be developed near the new parking area. An accessible trail would be developed from the new parking area to both overlooks. A section of the existing trail would be retained. At the overlooks, new display panels would be installed to provide information on topics of historical and environmental interest. An informal barrier or railing would be used to define the overlook area.

The construction site and old parking area would be landscaped with native vegetation, primarily mountain mahogany woodland species. The existing vegetation would be pruned or removed, where needed, to create the desired views from the overlooks. Natural areas inadvertently disturbed during construction also would be revegetated with native plant species.

Alternative 3 – Improve Existing Parking Area

Under Alternative 3, the existing parking area would be improved to provide delineated parking spaces for up to 10 passenger vehicles. The parking area would be delineated from the highway and include one way in/out signage. The design would reduce vehicular hazards and traffic congestion. Accessible parking spaces would be designated.

The existing trail and the overlook would be reconstructed to meet USFS accessibility guidelines. New display panels would be installed to provide public information on topics of historical and environmental interest, similar to Alternative 2.

Other Alternatives Considered

In addition to the foregoing alternatives, the EA identifies two other alternatives:

Parking Area Unchanged. This alternative would involve no improvements to the parking area, but would include reconstruction of the trail to meet Forest Service accessibility guidelines, as well as improvements to the overlook displays. This alternative was eliminated, because it would not meet the purpose and need for vehicular safety, as well as not provide needed additional parking spaces.

Redesign of SR 158 for Additional Parking. This alternative would straighten SR 158 by cutting back the slope on the northwest side of the road. This construction would increase the current site distance and allow for increased parking near the overlook. In addition, more interpretative information could be provided along SR 158, as well as trail renovation to meet accessibility standards. This alternative was eliminated because the size increase of the parking area would be minimal compared to the effort expended and funding required. This alternative would not completely meet the purpose and need for problems with safety regarding vehicles pulling directly off the road to park along the roadside.

IV. Decision

Based on my review of the alternatives, I have decided to implement a combination alternative that will best address the purpose and need for the project while minimizing environmental impacts and

financial costs at the site (see Figures 1-2 and 1-3, Conceptual Drawings). While my selected alternative was not analyzed as a specific alternative, each component of my decision and its area of impact was assessed in Alternatives 2 or 3 in the EA. To clarify this, I will outline the specific elements of my decision relative to each alternative that was considered in the EA:

1. Remove approximately 100,000 cubic feet (ft³) of material from the SR 158 cut slope west of the new parking lot, if necessary, to facilitate the construction of a new passing lane on SR 158. (Alternative 3).
2. Construct a new parking area on an enlarged footprint of the existing parking turnout. Enlarge this parking area using approximately 15,000 ft³ of material removed from the cut slope as described in decision point number one, or other material. Identify a designated median between the parking area and the highway and designate entry and exit points for the new parking lot. (Alternative 3).
3. Reconstruct the existing 450-foot long walking trail to meet the Americans with Disabilities Act requirements for accessibility. Extend the trail with new construction for an additional 600 feet to a new scenic overlook for a final trail length of 1,050 feet. The trail will have a paved surface. The new scenic overlook will be defined with barriers or railings. (Alternatives 2 and 3).
4. The project will provide environmental and historical education opportunities at the site, including construction of interpretive display panels. An organization known as the Silent Heroes of the Cold War will be contacted for input for the interpretive historical display panels. (Alternatives 2 and 3).
5. The construction site will be landscaped with native vegetation, primarily mountain mahogany woodland species. The existing vegetation will be pruned or removed, where needed, to create the desired views from the overlooks. Natural areas inadvertently disturbed during construction also will be revegetated with native plant species. (Alternative 2).
6. Additional site facilities will include retaining walls, benches, signs, and railings. (Alternatives 2 and 3).
7. The project will not include restroom facilities. Public restroom facilities are located at Forest Service (USFS) campgrounds, picnic sites and trailheads within two miles of overlook (EA, Sec. 1.7).
8. The USFS will consult with Nevada Department of Transportation (NDOT) on design and construction to accommodate NDOT's ability to conduct road maintenance on that portion of the highway. Construction will not commence prior to securing NDOT's concurrence with design specifications.

Conservation Design Specifications

The following design specifications will be incorporated into the project as required by the SMNRA GMP (October 1996), as recommended by U.S. Fish and Wildlife Service (FWS) and in the Clark County Multiple Species Habitat Conservation Plan (MSHCP), and as delineated in the Conservation Agreement (CA) for the SMNRA.

1. Best Management Practices (BMPs) (FSH 2509.22) will be used where ground-disturbing activities occur. BMPs and other measures will be applied to protect soil, water, and vegetation resources. The BMPs will be described for site-specific conditions within the erosion and drainage control plan developed as part of final design.
2. If construction is implemented between March 1 and August 15, nest surveys for neo-tropical bird species will occur and all nests located will be avoided by a set distance as recommended by the FS District biologist, until fledging occurs.
3. A vegetation plan for the site will be prepared during final design for the project. Among other things, the plan will include:
 - a. Identification of disturbed sites and how they will be revegetated. Revegetation should

- be with local native species. Temporary vegetative coverage with sterile, non-native, non-invasive species may be used until native species can be established. Weed-free mulch may also be used for soil stabilization and enhancement.
- b. Identification of butterfly host plants so they can be saved where possible by including these species within preserved vegetation clump areas around pinyon pine, especially *Viola* sp, *Lupinus* sp., *Chaenactis* sp., and *Chrysothamnus* sp.
 - c. Identify, mark and maintain mature pinyon pine (*Pinus monophylla*) trees where possible. This may include the construction of temporary fencing around tree(s) to protect them from mechanical damage.
 - d. Identify and maintain a minimum of five wildlife cover sites per acre within the recreation site by adding dead and down woody material or rocks at appropriate locations.
 - e. Survey and identify existing invasive weeds within the project area and mark them for eradication before construction. In addition to site-specific measures, the forest-wide noxious and invasive weed management plan will be implemented to minimize any potential effects from noxious and invasive weeds during construction of the proposed project.
4. Exits from trenches (drop in branches) will be provided or the ends of trenches will be gradually sloped for wildlife accessibility (especially for snakes and lizards) if the trenches are left exposed overnight. Trenches will be backfilled as soon as possible.
 5. The parking lot will be designed to control surface runoff so that off-site gullyng or riling will not occur.
 6. Design will follow the Built Environment Image Guide for the SMNRA (Spring Mountains National Recreation Area Built Environment Image Guide, USDA Forest Service, February 2007).

V. Rationale for the Decision

I selected elements from each of Alternatives 2 and 3 to meet the Purpose and Need to improve the Desert View Overlook parking area. My selection of a Combination Alternative will reduce the amount of ground disturbance, decrease costs, and lessen impacts to vegetation and wildlife communities, while achieving increased numbers of parking spaces (including accessible parking spaces), reducing vehicular hazards and traffic congestion, and providing additional trail opportunities and updated education information for the public.

Alternative 3 adequately addresses the need to provide additional parking opportunities, up to 10 passenger vehicles. Ultimately, design drawings and measurements clarified the fact that the Proposed Action (Alternative 2) would only accommodate 10 passenger vehicles, or approximately the same as Alternative 3, but would cost approximately \$400,000 more than Alternative 3. Therefore, the parking solution provided in Alternative 3 is the most plausible, even though the object of having up to 25 parking spaces will not be met. No known alternatives will meet the increased parking objective as identified in the Purpose and Need because of site limitations.

Alternative 3 also addresses the need for safer ingress and egress because the expanded parking area will be delineated from the highway by a designated median between the parking area and the highway and will include one way in/out signage, which will reduce vehicular hazards and traffic congestion. The enlarged footprint of the existing parking turnout, as defined in Alternative 3, will accommodate oversized vehicles, thereby fulfilling another objective of the Purpose and Need.

I selected Alternative 3 to improve the existing parking area because it provides the most practical and economical means to achieve increased parking capacity, accommodate oversized vehicles, provide designated accessible parking spaces, and ensure safer egress and ingress needs. Additionally, Alternative 3 will impact fewer acres of wildlife and plant habitat than Alternative 2 (EA, Table 2.5, p. 2-5).

To address the need for more trail opportunities, I selected the component of Alternative 2 that provides for a new ADA-accessible trail from the new parking area to the existing scenic overlook and includes extending the trail an additional 600 feet to a new scenic overlook. Alternatives 2 and 3 both provide for new display panels to provide public information on topics of historical and environmental interest.

My decision to implement a Combination Alternative for the Desert View Overlook Project is consistent with the intent of the SMNRA General Management Plan (GMP) and its long term goals and objectives (General Management Plan for the Spring Mountains National Recreation Area (October 1996), an amendment to the Toiyabe National Forest Land and Resource Management Plan) (EA, p. 1-4 and 1-5). The project was designed in conformance with plan standards and incorporates the following plan objectives, standards and guidelines, and Desired Future Conditions, for Management Area 11 – Developed Canyons, pages 11-27 to 11-36:

- manage the area for a variety of high quality public recreational activities in both summer and winter, with an emphasis on those that are not available on private lands;
- minimize traffic congestions on major roads in cooperation with state agencies;
- increase capability to monitor and manage visitor traffic in Kyle and Lee Canyons;
- inform visitors through public education and interpretive opportunities;
- improve public safety within recreation and administrative facilities; and
- manage traffic in upper Kyle and Lee Canyons through parking area management.

I believe my decision represents a reasonable and less costly alternative to improving the needs for parking improvements and trail and educational opportunities at the Desert View Overlook. Public comments were very valuable in providing ideas for interpretive displays and developing alternatives, and ultimately, defining my decision to implement components from Alternatives 2 and 3. I believe these considerations enabled me reach a decision of what to do and why to do it, with minimal impact to wildlife and plant habitats.

VI. Finding of No Significant Impact

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

1. My Finding of No Significant Impact (FONSI) is not biased by the beneficial effects of the action. The multiple benefits of improved parking, ADA access, trail experience with overlooks and other recreation features do not form the basis for a FONSI determination.
2. There will be no significant effects on public health and safety. Public safety will be enhanced with the delineation of parking spaces and ingress and egress from the Desert View Overlook parking area (EA, p. 2-2).
3. There will be no significant effects on unique characteristics of the area because of consideration of the following criteria:
 - Steep slopes – The project is located on steep slopes. The soils are dolomite and limestone based over deeply fractured bedrock. Exposed bedrock is common in this area. Significant cuts for the existing highway and turnout reveal no deeply eroded gullies or surface erosion due to excellent water infiltration of the soils and substrate. Trail and parking construction design will emphasize water collection and dispersion to minimize off-site erosion (EA, pp. 3-6 and 3-8).
 - Wetlands or floodplains – There are no wetlands or floodplains in the project area.
 - Biodiversity Hotspot - The project is not located within a Biodiversity Hotspot (EA, Sec. 3.1, p. 3-1 and Appendix A).
 - Scenery - The overlook development will not impact the visual quality, but is designed to enhance the public's access to this very scenic overlook (EA, pp. 3-7).

- The project is not in close proximity to any of the following: park lands, prime farmlands, or wild and scenic rivers.
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (EA, pp. 3-1 through 3-11).
 5. The SMNRA has considerable experience with the types of activities to be implemented. The effects analysis (environmental consequences) show that the effects are not uncertain, and do not involve unique or unknown risk (EA, pp. 3-1 through 3-11).
 6. The action is not likely to establish a precedent for future actions with significant effects because it is a stand-alone decision that rehabilitates an existing facility and brings it up to current USFS standards. Any future improvements will have separate environmental analyses and be subject to public comments (EA, pp. 1-1 through 1-7).
 7. The cumulative impacts are analyzed in the EA and they are not significant (EA, pp. 3-4 through 3-6). This EA discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The cumulative contribution of this action to the direct and indirect effects from other project would have either no effect or a negligible effect on biological resources.
 8. The action will have no effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. There will be no destruction of significant scientific, cultural, or historical sources because the planning area has been surveyed and no cultural sites were located. The Nevada State Historic Preservation Officer concurred with this finding in a letter dated July 9, 2004, a copy of which is located in the project file (EA, pp. 1-6 and 3-9; project file).
 9. The action will not adversely affect any endangered or threatened species or their habitat determined to be critical under the Endangered Species Act (ESA) of 1973 because there are no ESA-listed species in or adjacent to the project area. The project area contains one special status plant species and three wildlife species; however, the two acres of impact will not impact species viability or cause a trend toward listing. The aforementioned discussion is documented in a Biological Evaluation/Biological Assessment (BE/BA), dated November 4, 2004, and by U.S. Fish and Wildlife Service concurrence, dated December 15, 2004, with the findings contained the BE/BA (EA, Sec. 1.5, p. 1-6; project file).
 10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment, as outlined in Section VII of this decision.

VII. Public Involvement

Since the fall of 2002, the Desert View Overlook project has been included in the Schedule of Proposed Actions (SOPA). This document is published quarterly by the Humboldt-Toiyabe National Forest and mailed to the Forest-wide mailing list of approximately 700 agencies, organizations, and individuals.

The public was initially contacted for this project through a scoping document mailed to addressees on the SMNRA mailing list on February 13, 2004. The mailing list included residents, agencies, businesses, and environmental organizations. The comment period occurred from February 13, 2004, through March 15, 2004. The SMNRA received five comments letters. A summary of comments and agency responses can be found in Appendix A of the EA.

To ensure compliance with the Endangered Species Act of 1973 and the Conservation Agreement for the SMNRA, the FS initiated discussions regarding the proposed project with biologists from the U.S. FWS, Southern Nevada Field Office. The FS also consulted the Nevada Department of Transportation, Nevada State Historic Preservation Office, and the Nevada Division of Wildlife during the development of this EA.

A project scoping letter was sent to the Chairpersons of the Las Vegas Paiute Tribe, the Moapa Band of Paiutes, and the Pahrump Band of Paiutes, the Kaibab Southern Paiute Tribe, the Paiute Indian Tribe of Utah, the Chemehuevi Tribe, and the Chemehuevi of the Colorado River Indian Tribes (CRIT), on February 12, 2004. No comments were received regarding this project at that time. Subsequently, Tribal Cultural Coordinators and Representatives were contacted by telephone during the week of June 1-7, 2004, to follow-up and ascertain if there were any cultural concerns for the project area. Several tribes responded with comments as a result of the phone calls.

VIII. Findings Required by Other Laws and Regulations

My decision is consistent with and meets requirements of the National Environmental Policy Act, as amended (42 USC 4321-4347; 40 CFR 1500, et seq.). The range of alternatives is adequate and responds to the issues raised during public scoping. The analysis provides information needed to make an informed decision. Documentation of the analysis process is located in the project record in the Spring Mountains National Recreation Area administrative offices.

My decision is consistent with all laws, regulations, and USFS policies, the most relevant of which include the following:

- National Forest Management Act, as amended (16 USC §§1600-1614; EA, Sec. 1.1, p. 1-1)
- National Historic Preservation Act (16 USC 470) and its parallel authority, Protection of Historic Properties (36 CFR 800) (EA, Sec. 1.5, pp. 1-6 and Sec. 3.2.5, p. 3-9)
- The Americans with Disabilities Act of 1990 (Pub.L. 101-336; 42 USC §12101 et seq.; EA, Sec. 1.2.1, p. 1-3)
- Endangered Species Act (16 USC 1531-1543; EA, Sec. 1.5, p. 1-6)
- Migratory Bird Treaty Act, as amended (16 USC 703-712; EA, Sec. 1.6.1, p. 1-7)
- Federal Noxious Weed Act of 1974, as amended (7 U.S.C. §§ 2801-2814)
- Clean Air Act (42 USC 7401; EA, Sec. 3.2.4, pp. 3-8 and 3-9)
- Executive Order 12898, Environmental Justice
 - Developing the Desert View Overlook will not have a disproportionate effect on minority and low income communities (EA, pp. 2-6 and 3-9).
- Conservation Agreement for the Spring Mountains National Recreation Area, April 13, 1998 (EA, Sec. 1.2.2, p. 1-3 and Sec. 1.5, p. 1-6)
- Clark County Multiple Species Habitat Conservation Plan (MSHCP) (EA, pp. 1-1, 1-3, and 3-1).

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

- Spring Mountains National Recreation Area Act
- USFS Handbooks and Manuals
- Humboldt-Toiyabe National Forest's Draft BMP for Road Construction and Heavy Equipment Use Prevention Guidelines for Noxious Weeds (USFS 2004)

IX. Public Notification, Administrative Appeal Process, Implementation

Contacts

Copies of the Environmental Assessment and Decision Notice and Finding of No Significant Impact are available at the Spring Mountains National Recreation Area Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130, or on the web site <http://www.fs.fed.us/r4/htnf/>. For additional information concerning this decision or the Forest Service appeal process, contact Jane Schumacher, (702) 839-5576.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Only those individuals or organizations that provided comments on the proposed action during the notice and comment period specified at 36 CFR 215.6 are eligible for appeal. A written appeal, including attachments, directed to the Appeal

Deciding Officer, must be postmarked or received within 45 days following the date of publication of this legal notice in the newspaper of record, the *Las Vegas Review Journal*. Publication of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (36 CFR 215.7). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Attachments received after the 45-day appeal period will not be considered.

Appeals may be filed by regular mail, facsimile, email (Microsoft Word (.doc) or rich text format (.rtf)), hand delivery, express delivery, or messenger service. Appeals must meet the content requirements of 36 CFR 215.14 (2005). The appeal must have an identifiable name attached and verification of identity will be required when requested. A scanned signature may serve as verification on electronic appeals. The office business hours for those submitting hand-delivered appeals are: 8:00 a.m. to 4:30 p.m., Monday-Friday, excluding federal holidays.

Appeal filing information:

USDA Forest Service
c/o Planning, Appeals and Litigation
324 25th Street
Ogden, UT 84401
Facsimile: (801) 625-5277
Electronic mail: appeals-intermtn-regional-office@fs.fed.us
Office hours: Monday through Friday, 8:00 a.m. through 4:30 p.m.

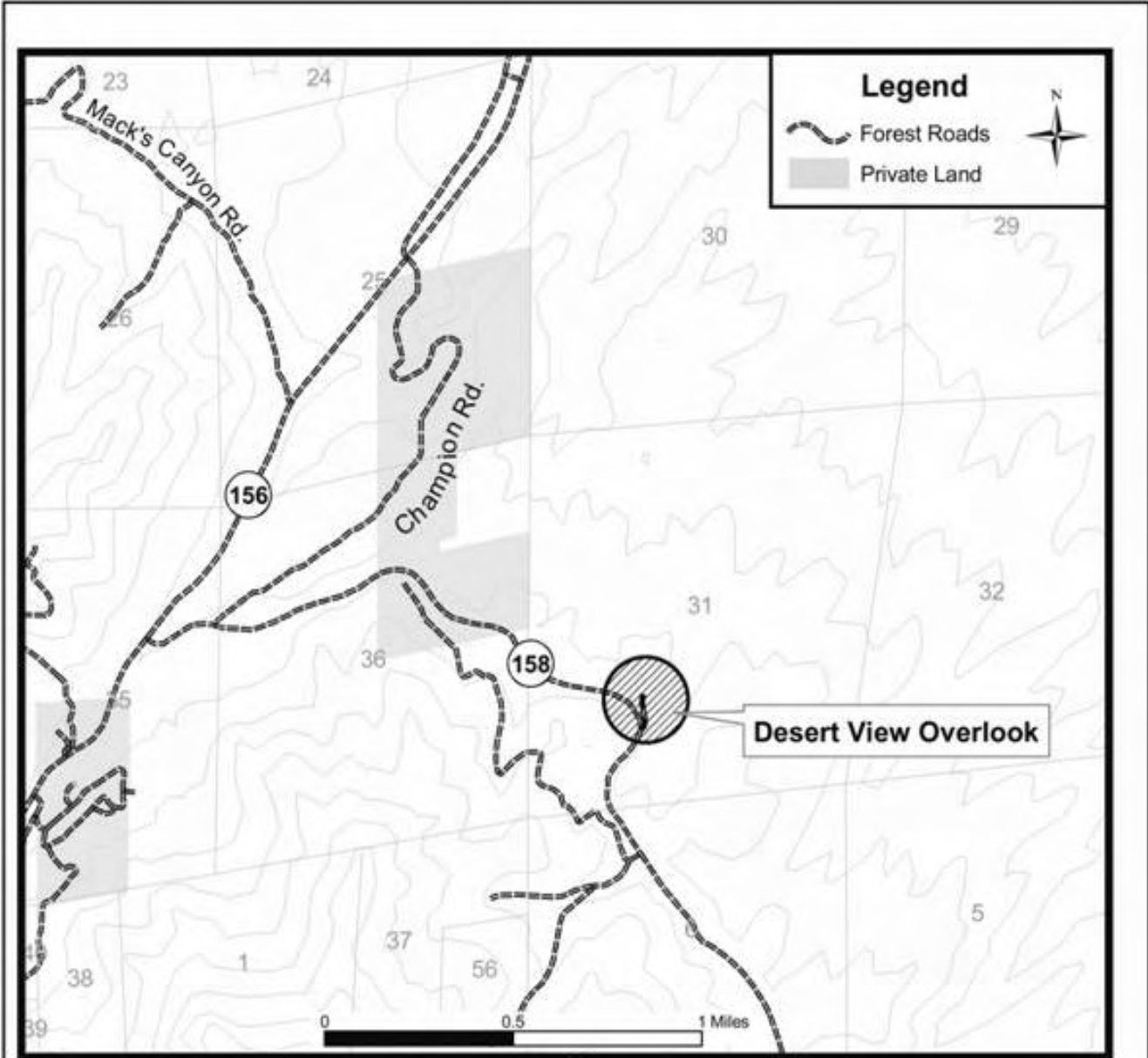
Implementation Date

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

s/ _____
GLEN STEIN
Acting District Ranger
Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest

May 9, 2008
_____ Date

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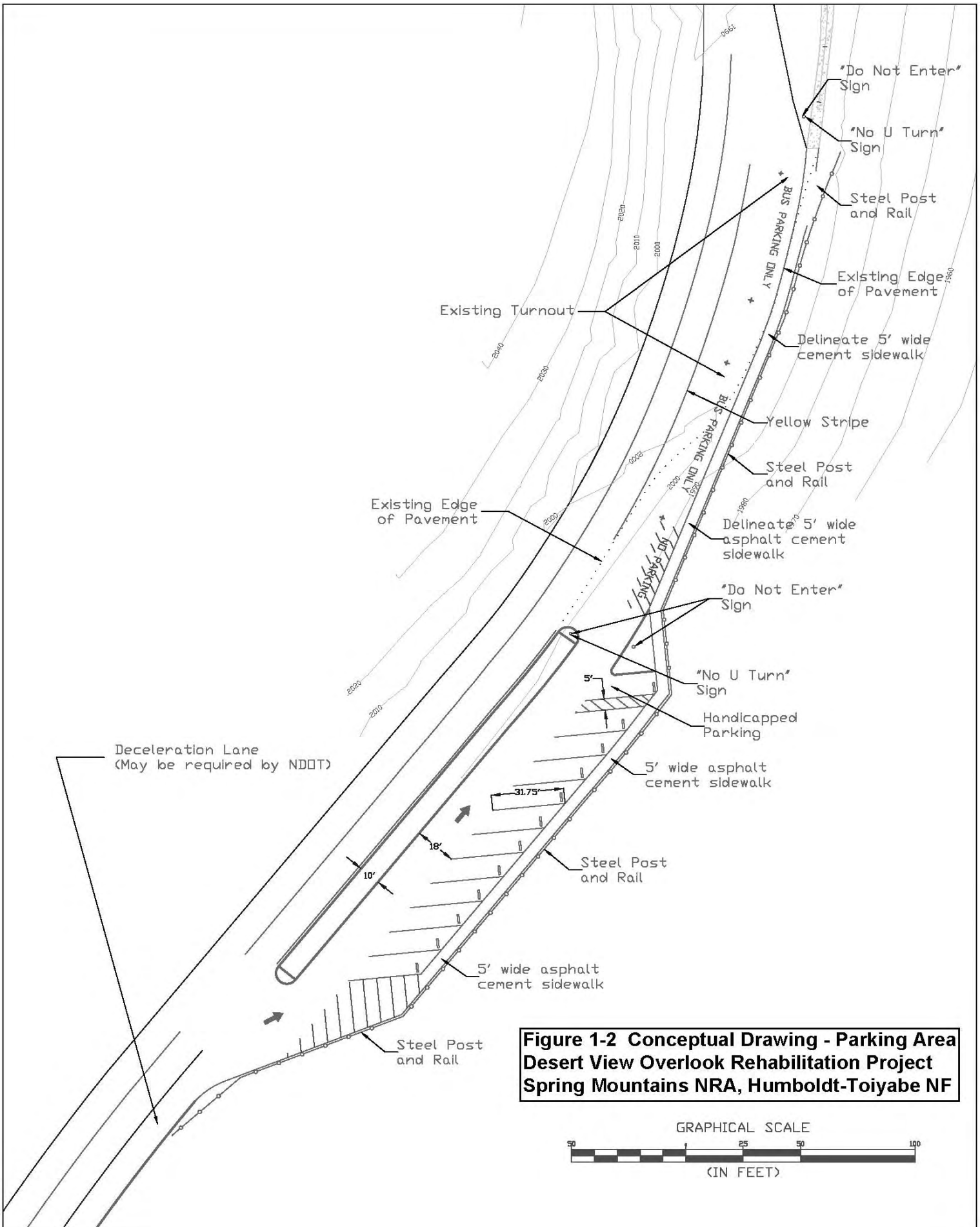


**Figure 1-1 VICINITY
Desert View Overlook
Rehabilitation Project**

**Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest**

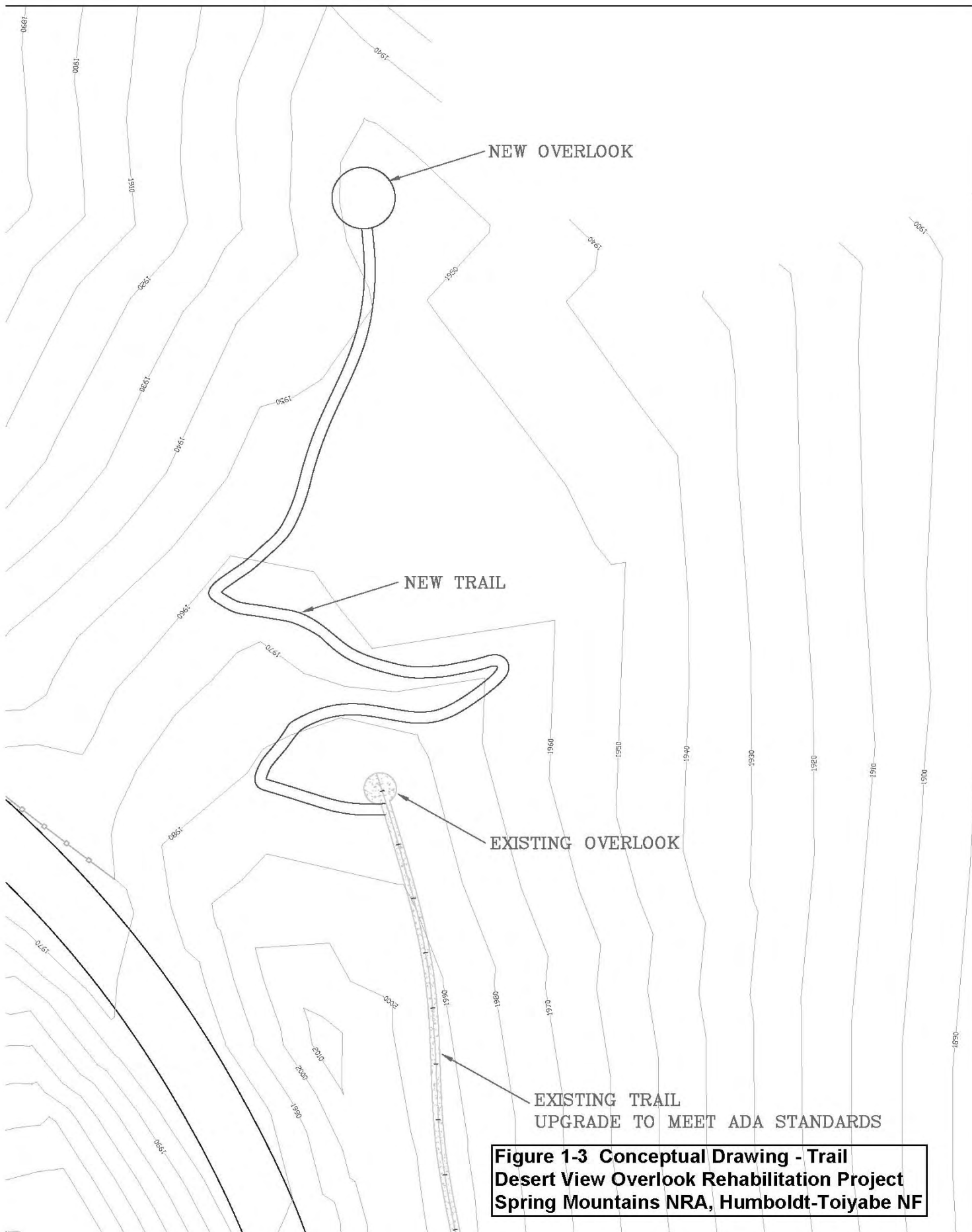


USDA FS 10/27/2004



**Figure 1-2 Conceptual Drawing - Parking Area
Desert View Overlook Rehabilitation Project
Spring Mountains NRA, Humboldt-Toiyabe NF**





**Figure 1-3 Conceptual Drawing - Trail
Desert View Overlook Rehabilitation Project
Spring Mountains NRA, Humboldt-Toiyabe NF**