

FINDING OF NO SIGNIFICANT IMPACT  
For  
SLOAN CANYON NATIONAL CONSERVATION AREA (NCA) TRAILS MASTER PLAN

NEPA 2009-292  
Case File LLNVS02000

**Finding of No Significant Impact:**

I have reviewed the Environmental Assessment (EA) NEPA 2009-292 dated October 2009. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA (Alternative D) will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined the proposed action is in conformance with the approved Sloan Canyon National Conservation Area Resource Management Plan (2006), and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

*Context.*

The BLM is proposing to develop a comprehensive non-motorized trail network (Trails Master Plan or Master Plan) within the Sloan Canyon NCA, including the North McCullough Wilderness. The Trails Master Plan is intended to meet the needs of hiking, equestrian, and mountain biking users by providing a range of opportunities for differing skill levels, abilities, and interests. The proposed Sloan Canyon NCA trails network would connect to trails identified in the City of Henderson's Open Space and Trails Plan, including the Anthem and McCullough Hills Trails.

The BLM proposes to create a comprehensive, 44.8 linear-mile, non-motorized trail system (hiking, biking, equestrian use) within the Sloan Canyon NCA that would include: 17.3 miles of new trail – new routes designated and new trail segments constructed on locations where trails do not presently exist; 5.5 miles of wash trail – new routes designated in existing wash beds, requiring minimal or no construction/improvements; and 21.9 miles of existing trail improvement and rehabilitation – existing service roads and motorized/non-motorized social routes reconstructed to: 1) avoid known resource issues (e.g., erosion or sensitive habitat), 2) avoid excessively steep slopes or other trail sustainability issues, or 3) improve the overall visitor and/or recreational experience.

The new construction would consist of trail bed excavation, vegetation clearing/pruning, development of wash entry/exits, switchbacks and climbing turns, as well as construction of partial and full bench trails including cut-and-fill on steep side slopes. Rehabilitation of existing motorized/non-motorized social routes would consist of barricading social routes, raking the social trail tread, scattering rocks and dead vegetation to disguise the former tread, and may include some seeding or plantings from local genetic sources. Maintenance would consist of removing minor rockfalls, collecting trash, pruning vegetation, disguising newly developed social trails, or rebuilding cairns. Disturbances outside of the trail corridor may include cross-country travel by crew personnel to access rock gathering and borrow areas and the actual removal of rock or other native materials. These areas would be restored on a site-by-site basis per the specifications in the final construction documents. On dual-purpose routes (e.g., utility rights-of-way and maintenance access roads), trails would be maintained to service-road standards by right-of-way grant holders.

Trails would consist of compacted native surfaces, be delineated with native materials (e.g., large rocks), vary in width depending on steepness of the cross-slope (e.g., the steeper the crossslope, the wider the area of potential disturbance) and level of use, and developed to meander avoiding large or prominent natural features, obstacles, or mature vegetation.

*Intensity.*

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

The EA has considered both the beneficial and adverse impacts of the proposed Trails Master Plan and trail development activities.

Minor, adverse effects would include localized short-term air quality effects resulting from construction activities, temporary displacement of some recreational uses during construction, temporary trampling of vegetation resources near the trail construction corridor, and short-term disturbances to wildlife resulting from construction noise, personnel, and activities. Long-term adverse effects would include the removal of vegetation from the trailbed corridor, potential for increased human presence (recreationists), and long-term exposure of soils in the trailbed corridor.

Moderate or greater beneficial effects are anticipated for recreation resources as the proposed trail network would present new opportunities for non-motorized recreation in the NCA.

Additionally, the development of a designated trail network may help to reduce social trail proliferation and the subsequent impacts of social trails, including soil disturbances and vegetation trampling.

2) *The degree to which the proposed action affects public health or safety.*

The act of constructing and/or designating trails in the NCA has little to no impact on public health and safety, therefore, no significant effects to public health or safety are anticipated to result from the proposed action.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The proposed action trail network would be located in proximity to unique cultural resources, such as the Petroglyph Canyon and other recorded sites in the NCA. In the Petroglyph Management Area, visitors would be required to utilize the designated trail system – cross-country travel in this area would be prohibited. As such, the proposed trail system would benefit the perpetuity and protection of unique cultural resources in this area.

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

The EA documents the extensive public outreach for the proposed action, including public meetings and workshops, stakeholder interviews, and correspondence. There have been no objections to the proposed action and no indications that anticipated effects are likely to be controversial.

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

None of the actions or effects described in the EA represents an unusually high degree of uncertainty or unique or unknown risks. Construction-related activities are anticipated to be of very short-duration (less than one year).

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

The proposed action is being completed within existing authorities, policies and regulations and does not establish a precedent for future actions with significant effects or constitute a decision in principle about a future consideration.

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

No significant cumulative impacts were identified in the EA.

- 8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No adverse effects to NRHP eligible sites or structures, or to any scientific, cultural or historical resources, are expected to result from the proposed action. The BLM will continue to uphold its requirement to comply with applicable resource protection laws, policies and regulations.

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

The BLM is proposing project specific minimization measures regarding operation of vehicles/equipment, litter control, handling of desert tortoises, surface disturbance, predation, and reporting. If implemented appropriately, these measures should minimize the potential effects to the desert tortoise. The U.S. Fish and Wildlife Service (USFWS) has determined that the proposed action would not kill or injure any desert tortoises and may cause up to ten (10) desert tortoises to be captured and moved out of harm's way.

Furthermore, based on the analysis of effects, impact minimization measures, and anticipated project duration, USFWS anticipates that no desert tortoise may be incidentally killed or injured as a result of the action and an unknown number of desert tortoises may be captured and displaced from the project site; however, USFWS estimates that no more than 10 desert tortoises may be incidentally taken by capture.

It is the USFWS's biological opinion that the proposed action is within the scope of the Programmatic Biological Opinion previously issued to the BLM (Service File No. I-5-06-F-416) and is therefore, not likely to jeopardize the continued existence of the threatened Mojave population of the desert tortoise.

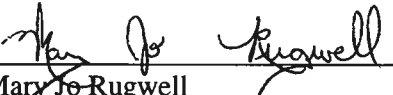
No adverse effects to listed species or critical habitat will occur as a result of the proposed action.

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

The proposed action will not violate or threaten to violate any Federal, State or local law or requirements imposed for the protection of the environment. The proposed action is consistent with Title II, Sec. 204 of the Federal Land Policy and Management Act of 1976.

No other significant impacts are expected to result from implementation of the selected action.

Although important cultural and archeological resources are known to be present, no significant impacts to these resources will result from implementation of the selected alternative. These resources will continue to be managed in accordance with existing laws, regulations, and Department of Interior policies.

  
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Mary Jo Rugwell  
Southern Nevada District Office Manager

12/21/09  
\_\_\_\_\_  
Date

DECISION  
For  
SLOAN CANYON NATIONAL CONSERVATION AREA (NCA) TRAILS MASTER PLAN  
NEPA 2009-292  
CASE LLNVS02000

**Decision:** It is my decision to approve Alternative D as described in the EA, with the following modifications:

- Approximately 1.5 miles of trails have been removed from the Dutchman Pass area (Section 2.2.4, *Alternative D – Proposed Action*) A revised map of the Preferred Alternative – Alternative D, with minor modifications, is attached to this document.
- Section 2.2.6, *Project Design Features* has been updated to reflect the U.S. Fish and Wildlife Service’s recommendations on Reasonable and Prudent Measure to minimize the taking of desert tortoise during project construction and implementation.
- Section 2.4.2, *Future Effectiveness Monitoring* has been updated to reflect additional wildlife monitoring needs and to reiterate monitoring and enforcement of the NCA’s dog regulations.
- Section 3.4.3, *Cultural Resources, Affected Environment* has been revised to reflect updated site and eligibility information as well as the current BLM-State Protocol Agreement.
- Section 4.7.3, *Cultural Resources, Environmental Consequences* has been revised to reflect updated site and eligibility information as well as the current BLM-State Protocol Agreement.
- A new appendix, Appendix D, USFWS Reasonable and Prudent Measures, has been added to incorporate USFWS’s suggestions a noted in the previous bullet.

**Rationale for Decision:** Alternative D, as modified, would successfully implement RMP guidelines and objectives to provide a designated trail network in the NCA. The Preferred Alternative would provide enhanced public access and enjoyment and would offer new opportunities for education and interpretative activities in the NCA. As described in the EA, the Preferred Alternative would not result in any irretrievable commitment of resources and, with complete implementation of Project Design Features and the USFWS’s suggested reasonable and prudent measures, would not result in any major long-term impacts to natural or human resources in the NCA. Currently, access to and travel within the NCA is poorly defined and has resulted in resource damage. The Preferred Alternative would establish well-defined access to the NCA from surrounding areas as well as a sustainable trail network within the NCA. Although portions of the NCA would remain open to cross-country travel under this alternative, the Preferred Alternative’s trail network would encourage use of designated trails in heavily used areas.

**Appeal Regulations:** This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-001. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

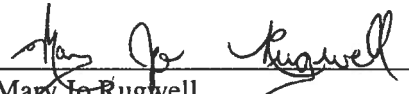
If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of

Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

  
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Mary Jo Rugwell  
Southern Nevada District Office Manager

12/21/09  
\_\_\_\_\_  
Date





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

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- 1. NOTICE OF APPEAL.....** A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
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- 2. WHERE TO FILE**
- NOTICE OF APPEAL..... U.S. Department of Interior, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road  
Carson City, NV 89701
- WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753,  
Sacramento, CA 95825-1890
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- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753,  
Sacramento, CA 95825-1890
- 
- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
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- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
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- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.



**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

**STATE OFFICES AND AREAS OF JURISDICTION:**

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.