

U.S. Department of Transportation
Federal Highway Administration
Central Federal Lands Highway Division

FINDING OF NO SIGNIFICANT IMPACT & FINAL SECTION 4(f) EVALUATION

for the

Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project

at Red Rock Canyon National Conservation Area

FHWA Project No. NV FLAP 500(1)

Clark County, Nevada

This Finding of No Significant Impact is made available pursuant to:
42 U.S.C. §4332 (2)(c) and 49 U.S.C. §303

The Federal Highway Administration , Central Federal Lands Highway Division has determined that the Red Rock Trail Phase 1 Project will have no significant impact on the human or natural environment. Principal areas of public controversy have been addressed, and no major unresolved issues remain outstanding. This finding is based on the United States Department of Interior Bureau of Land Management *Environmental Assessment, DOI-BLM-NV-S020-2021-0008-EA*; public involvement; and applicable laws, executive orders, and regulations. The environmental assessment accurately and adequately discusses the need, environmental issues, and impacts of the proposed federal action and appropriate mitigation measures. A list of measures to be carried out by the Federal Highway Administration to minimize unavoidable impacts associated with its action is presented in the environmental assessment to support this decision. The environmental assessment, with information presented herein, provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

Judy Salomonson
FHWA-CFLHD, Chief of Business Operations

Date

Introduction

The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), with the United States Department of Interior Bureau of Land Management (BLM), State of Nevada Department of Transportation (NDOT), and Clark County, Nevada, have examined actions that include a combination of roadway safety and recreation access improvements in the Red Rock Canyon National Conservation Area (RRCNCA). This Finding of No Significant Impact (FONSI) documents FHWA-CFLHD's decision on the project under the National Environmental Policy Act (42 U.S.C. §4321 et seq. and 40 C.F.R. §1501.6) and FHWA's implementing regulations (23 C.F.R. §771, specifically 23 C.F.R. §771.121). It incorporates by reference the following documents, and presents relevant information to support FHWA-CFLHD's decision on the project:

- Environmental Assessment (EA) No: DOI-BLM-NV-S020-2020-00-EA, Geotechnical Analysis for BLM-FHWA Red Rock Canyon National Conservation Area
- Environmental Assessment DOI-BLM-NV-S020-2021-0008-EA (Phase 1 EA);
- Finding of No Significant Impact DOI-BLM-NV-S020-2021-0008-EA Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project at Red Rock Canyon National Conservation Area (FONSI) (Appendix A)

In 2009, the BLM completed the *SR-159 Corridor Trail Feasibility Study and Programmatic Environmental Assessment (Programmatic EA)* (BLM 2009) which established BLM's vision for a multi-use trail spine that roughly parallels SR-159 from West Charleston Boulevard to SR-160 and provides connections to various nodes within the RRCNCA for recreational use. The Phase 1 EA advances the Programmatic EA Zone 2 trail, from the Summerlin residential area to the Scenic Drive Fee Area, with site-specific impact analysis and mitigations. Where applicable, the Phase 1 EA tiers off the Programmatic EA and supplements information with project-specific details and analyses. The project would also implement goals of NDOT and Clark County to improve recreational access to BLM-managed lands from nearby urban areas and reduce user conflicts along SR-159. The FHWA-CFLHD NV FLAP 500(1) Red Rock Trail EA information gathering started in 2017 when routing of potential trail locations was initiated.

In 2019, BLM requested an environmental assessment to complete geotechnical testing to inform the preparation of the design and construction documents for the new Phase 1 multi-use trail. *Environmental Assessment No: DOI-BLM-NV-S020-2020-00-EA, Geotechnical Analysis for BLM-FHWA Red Rock Canyon National Conservation Area: NV FLAP 500(1) Red Rock Trail and Intersections Project* was completed in mid-2020.

From 2020 to 2022 FHWA-CFLHD continued to advance project design and the environmental review process. The BLM conducted multiple events for public involvement and supervised the related tasks using BLM resource specialists. In 2021 FHWA-CFLHD and BLM released the EA for public review. BLM was the lead federal agency and indicated they would be issuing FONSI.

Subsequently, late in 2022 the trail design was modified following the release of the 2022 EA, but before the issuance of the FONSI. The primary design modification was changing the side slopes along the trail from 2:1 to 3:1, which resulted in a larger footprint for the trail. This adjustment was necessary to meet the new Clark County Public Works Maintenance Standards to ensure the County could properly maintain the trail over the long term.

Because of the design changes FHWA-CFLHD, in coordination with BLM, modified the previously released EA in 2023. BLM was again the federal lead agency and published the EA in January 2024. A BLM FONSI was issued in March 2024, and a BLM Decision Record was issued on March 22, 2024. The BLM FONSI and Decision Record can be found in Attachment A.

In April 2024 a shortfall of funds, due to several factors, resulted in additional project changes. The BLM requested that the BLM NEPA process be left intact in the anticipation that additional funds would become available over the next decade to complete the project. A significant portion of the original proposed trail and appurtenances would not be constructed at this time. Several BLM and NDOT high priority project components were selected for construction to start in late 2024 and continue into a second season in 2025 depending on conditions. The FHWA-CFLHD FONSI document covers only those project elements going to construction in 2024. These project elements are described below.

NV FLAP 500(1) Red Rock Trail Project 2024

The proposed infrastructure improvements for the 2024 project are limited to several selected components of the original project (Figure 1). The components remain unchanged from the revised final approved BLM EA; and designs, details, impacts, and analysis concerning those improvements can be found in the BLM EA documents. The selected components include the following:

1. Build a two-span 205-foot long and 18-foot-wide pedestrian bridge across the Red Rock Wash, parallel to the existing SR-159 bridge.
2. Construct approximately one mile of multi-use trail in the NDOT ROW along SR-159.
3. Construct new deceleration lanes on SR-159 in the NDOT ROW.
4. Build a new 10,000-square-foot asphalt overlook parking area and relocate the “Red Rock Canyon” rock sign.

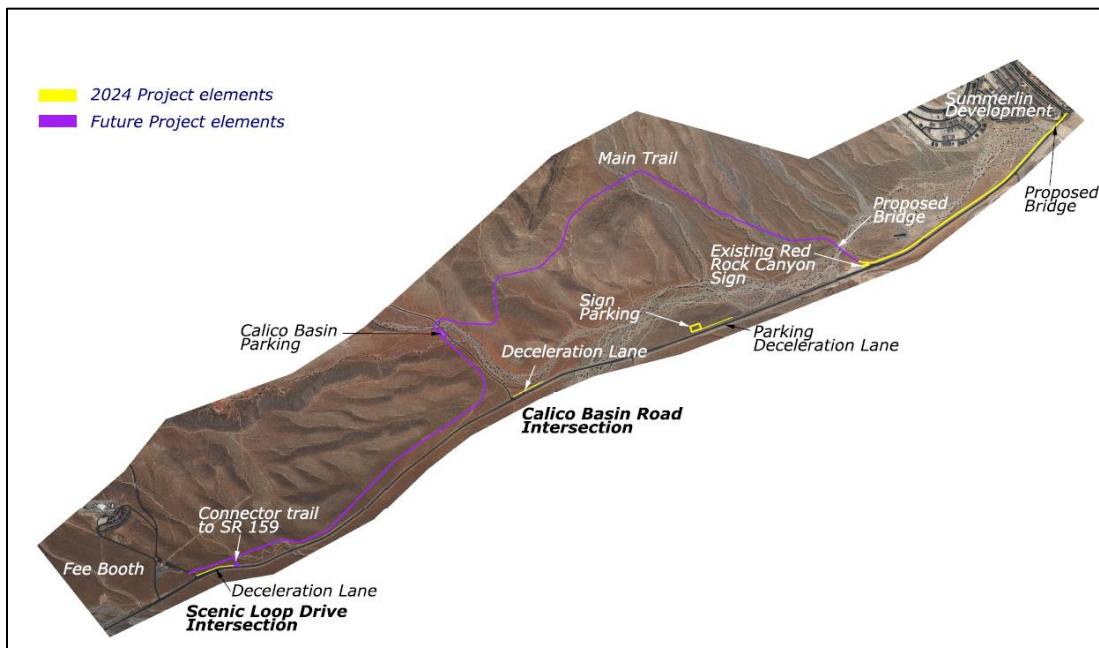


Figure 1. NV FLAP 500(1) Red Rock Trail Project 2024 improvements.

Public Involvement

The majority of the scoping and public involvement for the Legacy Red Rocks multi-use trail was completed as part of the NEPA process for the RRCNCA Programmatic EA. The BLM's intention for the trail project has been to assess the concerns, needs, and desires of the public at-large and to create a multi-use trail system that would be sensitive to their concerns. Several public meetings were held at various locations in the region to solicit comments on the proposed multi-use trail and inform routing analysis.

Native American tribes were included in the NEPA process for the RRCNCA Programmatic EA. In addition, BLM reports contacting the applicable Native American tribes in the summer of 2020. The Moapa Band of Paiutes expressed interest in the project, and the BLM is leading coordination with them.

As part of the environmental review process for the EA public input was solicited by the BLM following the public notice announcing the EA's availability for public review and comment on the BLM Sloan Office Website. In-person and internet meetings were also conducted by the local BLM office. A 30-day public review and comment period occurred between April 7, 2022, and May 9, 2022, in accordance with 40 CFR 1506.6(b). A summary of the public comments resulting from this effort can be found in the BLM EA document. Overall, the public was in favor of the project however there were differing opinions on routing and resulting environmental impacts.

FHWA-CFLHD is posting a notice in the Federal Register announcing its decision described herein, which will invoke a 150-day limitations on claims period in accordance with FHWA regulations (23 USC §139(1)(1)).

Affected Area

The proposed 2024 action would result in significantly reduced temporary disturbance related to construction activities and reduced permanent disturbance as compared to the EA. Most construction disturbance is now located in NDOT right-of-way (ROW) along SR-159 in previously disturbed areas adjacent to the highway where vehicles often park during peak visitation. The 10,000-square-foot Red Rock Canyon sign overlook parking area is located on BLM land.

Resource Evaluation for NV FLAP 500(1) 2024

The list below very briefly summarizes the changes related to each resource as a result of the 2024 reduction in improvements and project components as compared to the EA. In all instances the resource impacts and need for mitigation have been significantly reduced.

1. **Air Quality:** The project area is in Clark County hydrographic area 212, which is designated as a non-attainment area for 8-hour ozone, maintenance area for particulate matter less than 10 micrometers and carbon monoxide, and attainment for all other criteria pollutants. The Phase 1 2024 action includes improvements to bicycle and pedestrian facilities and lengthening of deceleration lanes (no additional travel lanes). Per 40 CFR 93.126, the project is exempt from transportation conformity requirements and no further analysis is needed. Fugitive emissions from construction activities would be temporary and would not create any lasting impacts to the environment. A Clark County Dust Control Operating Permit will be obtained by the

contractor for the Project. Design features would reduce the risk of negative impacts to air quality during construction.

2. Biological:
 - a. Cactus and Yucca: Cactus and Yucca fall under the BLM forestry regulations NRS 527.060 and would require protection and mitigation. In the 2020 biological surveys a total of ten cactus and yucca species were identified with a total of approximately 3,621 individuals that would require recovery and replanting. For the 2024 project components, which occur mostly along the NDOT ROW, there is limited native vegetation. There are only about 50 cactus and yucca individuals remaining in the 2024 construction area, largely on BLM land within the Red Rocks Canyon sign overlook parking area. Minimization and avoidance would be practiced to reduce the number of individual plants requiring mitigation to the extent practicable.
 - b. Critically endangered species of beardtongue occur at RRCNCA. The Yellow Twotone Beardtongue is endemic to Clark County and is known only from a very few scattered locations immediately adjacent the Las Vegas Urban Area. The May 2020 botanical resource surveys did identify beardtongue on the margins of the 2024 construction area and those locations will be identified before construction and avoided. These species are a protected species of native flora and may not be removed or destroyed except pursuant to a special permit issued by the State Forester. Presence or absence of the Yellow TwoTone Beardtongue inside the Project construction area will need to be evaluated prior to construction.
 - c. There are a large number of federally listed species and BLM sensitive species in the RRCNCA however there is no designated critical habitat for any species which overlaps the 2024 construction area. The high degree of overuse, and dense network of vehicle and social trails has reduced or eliminated any potential critical habitat in the immediate area. The Mojave Desert tortoise is the only federally listed species with known occurrences in the vicinity of the 2024 construction area. In May 2020 several Mojave Desert tortoise were observed in the area however none of the signs, burrows, or live tortoise were detected within the boundaries of the 2024 construction area. Measures will be taken during construction to avoid disturbing tortoise and prevent tortoise from entering the construction area.
3. Cultural: A Class III cultural resources inventory was completed in June 2020 as part of the EA. No eligible cultural resources or historic properties were identified in the project area and BLM made a determination of no effect to historic properties.
4. Farmlands: The project area does not contain any protected farmlands.
5. Floodplains: The 2024 project pedestrian bridge construction at Red Rocks Wash overlaps the Federal Emergency Management Agency designated 100-year Zone A floodplain. Based on the FHWA-CFLHD hydraulic analysis the proposed structure across the wash would have negligible effect on the floodplain and would be within the 1-foot rise regulatory threshold for Zone A floodplain development.
6. Geology, Paleontology and Soils: No unique geologic resources or soil conditions were identified in the project area. Standard construction practices, replacement of native soils, and restoration activities will be sufficient to ensure negligible long term soil impacts.
7. Hazardous Waste and Materials: A public database State and Federal regulatory search was conducted and did not reveal any hazardous waste sites or known hazardous materials locations in the 2024 construction area.
8. Land Use and Planning: The 2024 construction activities would not change land uses in the project area.

9. Noise: The 2024 construction activities meet the criteria for a Type III project established in 23 CFR 772. Therefore, the project requires no analysis for traffic noise impacts. Type III projects do not involve added capacity, construction of new through lanes or auxiliary lanes.
10. Recreation: This part of RRCNCA is a day-use area, so no dispersed camping is permitted and no recreation facilities are in the project area. Scenic Loop Drive is the primary access to recreation in this portion of RRCNCA, providing direct access to numerous social trailheads along the 13-mile Scenic Loop Drive. Calico Hills, accessed from Calico Basin Road and the social trail network to the east is a popular day use area. The construction of deceleration lanes along SR-159 will improve traffic flow and access.
11. Section 6(f) Lands: The project area does not contain any Section 6(f) lands.
12. Socioeconomics: The project area is entirely in the public right-of-way and on public lands with no environmental justice populations. The Proposed Action would benefit all users and would not disproportionately affect environmental justice populations.
13. Vegetation and Noxious Weeds: Several populations of the Nevada regulated (NAC 555.010) noxious weed African Mustard, also known as Sahara mustard, were identified in the vicinity of the 2024 project area during the botanical resources survey conducted in May 2020. Also identified were populations of other weeds and invasive species, particularly along the NDOT ROW where native vegetation has been disturbed or eliminated, allowing weeds and invasives to spread. Engineering controls and practices will be used during construction to prevent the spread of noxious and invasive plants.
14. Visual Resources: The project area occurs in the BLM Visual Resource Management Class II area. A visual impact assessment was conducted and the results and visualizations can be found in the EA. Visual impacts for the 2024 project components will be minor as they occur within the same elevation and plane as SR-159 and do not involve cutting into the hillsides at elevations impacting visual resources.
15. Water Resources: Water resources in the 2024 construction area are limited to the Red Rocks Wash which is an ephemeral desert wash that carries surface water flows only during precipitation events. As an ephemeral water feature the Red Rocks Wash does not fall under the jurisdiction of the U.S. Army Corps. Additionally, there are no impacts to Red Rocks Wash. The contractor will be required to obtain a Construction Stormwater General Permit from the Nevada Division of Environmental Protection prior to construction.

Section 4(f) Analysis

FHWA-CFLHD determined that there are no defined recreational facilities or eligible historic resources in the project area. Therefore, no Section 4(f) use would result from project implementation.

Environmental Commitments

The proposed improvements will comply with the design features as described in the Proposed Action in Chapter 2 of the EA (DOI-BLM-NV-S020-2021-0008-EA), the applicable mitigation measures in Chapter 3 of the EA, the applicable standard stipulations and mitigation measures in Appendix A of the EA, and the Biological Opinion Terms and Conditions in Appendix H of the EA. In addition, the Nevada Department of Transportation (NDOT) identified mitigation measures to be implemented when working in NDOT right-of-way. See Table 1 for the applicable environmental commitments.

Table 1. Project-Specific Environmental Commitments

No.	Commitment	Resource(s)	Responsible Party	SCR No.
EC-1	The contractor will obtain a dust control operating permit through Clark County and prepare and implement a dust mitigation plan that meets County requirements. The dust mitigation plan will be submitted to FHWA-CFLHD for review prior to apply for the dust control permit.	Air Quality	Contractor to implement, FHWA-CFLHD to oversee	107.01
EC-2	The contractor will participate in a worker awareness training for federally listed and other special-status species that may be encountered in the project area. The training will focus on desert tortoise with an overview of migratory birds and BLM Sensitive species that may be encountered and will describe actions to take if the species are encountered. A desert tortoise biologist (see EC-4) will conduct the training before equipment is mobilized to the work area and construction begins. Training is required for all personnel who will be onsite, including but not limited to contractor staff, subcontractors, and FHWA-CFLHD field staff. This program will include a fact sheet and will contain information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of federal and state laws, general tortoise activity patterns, measures to protect tortoises, personal measures workers can take to promote the conservation of desert tortoises, inspection techniques for the tortoise, reporting procedures to be implemented in case of desert tortoise encounters, and life history and identification of other special-status species.	Special-Status Species	Contractor to implement, FHWA-CFLHD to oversee and participate in training	107.10, 623.05
EC-3	If feasible, the contractor will schedule vegetation and forestry resources removal in the work area between September 1 and January 31 to avoid disturbance to nesting birds. If this is not feasible and vegetation and forestry resources removal must occur between February 1 and August 31, the contractor will retain a qualified biologist with familiarity with nesting birds in southern Nevada to conduct a survey of vegetation to be removed within 10 days prior to their removal to identify active bird nests. If no active nests are observed, no further actions are necessary. If an active nest is found, the vegetation with the nest will not be removed until the nest is determined to be no longer active, as confirmed by the biologist. The contractor will coordinate with the biologist and FHWA-CFLHD staff to assess the need for a no-work buffer around the nest site and to monitor the nest activity. FHWA-CFLHD will notify the contractor when the vegetation can be removed.	Nesting Birds	Contractor to implement, FHWA-CFLHD to oversee	107.10

No.	Commitment	Resource(s)	Responsible Party	SCR No.
EC-4	<p>The contractor will implement the following measures, in addition to the worker awareness training (EC-2), to minimize and avoid impacts to desert tortoise throughout construction:</p> <ul style="list-style-type: none"> • The contractor will hire one or more authorized desert tortoise biologists (ADTBs) responsible for conducting monitoring or desert tortoise field activities associated with the project and one or more biological monitors, who will work in conjunction with the ADTB, and will submit qualifications forms for each individual to FHWA-CFLHD at least 45 days before construction is scheduled to start. FHWA-CFLHD will submit the forms to the BLM and the Service, allowing 30 days for review and response, and obtain approval of the individuals before construction will be allowed to start. An ADTB will have a bachelor's degree in biology, ecology, wildlife biology, herpetology, or a closely related field and must have demonstrated prior field experience using accepted resource agency techniques, which includes at least 60 days of project experience as a biological monitor. In addition, the biologists shall have the ability to recognize and accurately record survey results and must be familiar with the Desert Tortoise Field Manual (Service 2009). • The ADTB(s), assisted by monitors if needed, will conduct desert tortoise surveys in the work area and within a 350-foot-wide (100-meter) buffer on each side of the work area following full coverage survey protocols in the 2009 Desert Tortoise Field Manual before ground disturbance begins. If ground disturbance is scheduled to start between November 1 and March 15, the survey will be conducted no more than one week (7 days) before the initial start of ground-disturbing activities. If ground disturbance is scheduled to start between March 16 and October 31, the survey will be conducted the day before or day of the initial start of ground-disturbing activities. The survey will cover those portions of the road and adjacent areas that will be subject to ground disturbance over the next week, as well as a buffer out from those areas. As ground disturbance moves into new areas, the survey will be repeated within a week or day before per above timing guidance. Once ground disturbance begins in an area that has been surveyed, additional surveys will not be needed unless a tortoise or recent sign is observed; only daily inspections and other measures noted below will be necessary. Daily surveys may be necessary if tortoise sign is observed and upon request from FHWA-CFLHD. The contractor will submit an email summary immediately after each survey and a 	Special-Status Species	Contractor to implement, FHWA-CFLHD to oversee and coordinate with USFWS	107.10, 623.05

No.	Commitment	Resource(s)	Responsible Party	SCR No.
	<p>comprehensive survey report at the conclusion of all surveys to FHWA-CFLHD, who will submit reports to the agencies. The report will describe the surveyors, methods used, and results of the surveys. Any discoveries of tortoise or its sign will be immediately reported to FHWA-CFLHD.</p> <ul style="list-style-type: none"> • If a burrow is identified in the work area during initial surveys, the ADTB or monitor will flag it and coordinate with FHWA-CFLHD on the need to excavate, collapse, or block it to prevent desert tortoise entry or install exclusionary fencing around it so that ingress/egress can occur. Burrows identified outside the work area and within the larger survey area will only be recorded and described in the survey report. If a live tortoise is encountered during surveys, the ADTB or monitor under close supervision by the ADTB will move the tortoise at least 350 feet beyond the work area following the most recent Service protocols and guidance. If any tortoise nests with eggs are encountered in the work area, the ADTB will also flag them and notify FHWA-CFLHD, who will coordinate with the Service to determine the most appropriate course of action to protect or relocate the nest. • Desert tortoises shall be handled in accordance with the most recent Service protocols and guidance, currently provided in the 2009 Desert Tortoise Field Manual. Additional or modified measures may be required, which take precedence over the measures in the field manual after review and approval by the Service. • An ADTB, monitor, or trained contractor staff will conduct a daily inspection for desert tortoise in the work area before mobilizing equipment or beginning activities. The inspection will determine if desert tortoise is present around and under equipment, in and around areas to be disturbed or worked in for that day, in a construction pipe, culvert, or similar structure with a diameter greater than 3 inches stored less than 8 inches above the ground, and in and around all routes of ingress and egress. If a tortoise is discovered during this inspection or later in the day, the contractor will immediately cease all operations in the immediate vicinity of the tortoise and notify FHWA-CFLHD. The tortoise will be allowed to move on its own or the ADTB may move it with approval from FHWA-CFLHD. • The ADTBs and monitors will be on-call throughout the construction period and will be available to visit the work area on short notice if requested. If burrows or tortoises are encountered during construction, the contractor 			

No.	Commitment	Resource(s)	Responsible Party	SCR No.
	<p>will stop work in that area, notify FHWA-CFLHD, and contact an ADTB or monitor to assess tortoise activity in the burrow or move the tortoise out of harm's way, based on guidance from FHWA-CFLHD and as described above and below.</p> <ul style="list-style-type: none"> The contractor will cover, fence, or backfill all trenches and holes at the end of each work day to ensure desert tortoises and other species do not become trapped. If trenches or holes are to remain open during construction, they will be checked for tortoises by trained contractor staff or tortoise biologist at least four times a day, at the start of day, at mid-morning, early afternoon, and at the end of the work day. The trenches or holes will also be checked immediately before backfilling regardless of the season. Earthen plugs, with wildlife escape ramps on either side of the plug, with a slope of 1 vertical foot to 4 horizontal feet, will be provided in open trench segments every 0.25 mile or closer. If the ADTB or monitor is not allowed to enter the trench for safety reasons and a tortoise is found in the trench, a pole with a bag attachment, pool skimmer, or similar device will be used to remove the tortoise. The contractor will ensure water applied for dust control or from water trucks and tanks does not create pools, as this can attract desert tortoises. Between March 1 and October 31, an ADTB, monitor, or trained contractor staff will patrol each area being watered immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises if conditions are favorable for tortoise activity. 			
EC-5	<p>The contractor will be responsible for the following reporting during construction:</p> <ul style="list-style-type: none"> The contractor will immediately notify FHWA-CFLHD if any injured or dead animals are encountered in the work area. FHWA-CFLHD will contact the Service via phone or email no later than close of business on the workday of the incident to inform them of the animal's status, determine if injured animals require veterinary care, and obtain a referral for a qualified veterinarian or animal rehabilitation facility if appropriate. The contractor will compile and submit to FHWA-CFLHD a report, which will include photos, location information, details regarding the circumstances of the death or injury, date, time, weather conditions, and other pertinent 	Special-Status Species	Contractor to implement, FHWA-CFLHD to oversee and coordinate with USFWS	107.10

No.	Commitment	Resource(s)	Responsible Party	SCR No.
	<p>information. FHWA-CFLHD will submit written reports for dead or injured animals to the agencies within 48 hours of the incident.</p> <ul style="list-style-type: none"> The contractor will compile weekly reports of tortoise activity for the first month of construction and biweekly reports for remaining months and submit them to FHWA-CFLHD by the end of the work day at the end of each reporting period. These reports will describe daily inspection results, observations of tortoises or burrows and methods used to address encounters, and specifically note the number of tortoises injured, killed, or removed from the work area. FHWA-CFLHD will submit the reports to the Agencies and coordinate on issues that need to be addressed. FHWA-CFLHD will compile and submit a project completion report to the Agencies within 30 days after the end of construction using information provided in the contractor reports. 			
EC-6	<p>The contractor will ensure full compliance with standard construction practices to reduce the potential for inadvertent impacts to habitat or animals in and near the project area, specifically:</p> <ul style="list-style-type: none"> The contractor will clearly mark or flag the outer boundaries of work areas before the onset of construction, including mobilization of equipment to the work area. All activities shall be confined to designated areas. The contractor will only park and store equipment and materials, including stockpiling, overnight in previously disturbed areas or areas cleared by an ADTB or monitor. The contractor will implement a litter-control program to minimize attraction of predators of desert tortoises, such as common ravens and coyotes, to the work area. This will include the use of covered, raven-proof trash receptacles, removal of trash from work areas to the trash receptacles at the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the work area. All vehicle and equipment operators will maintain a maximum speed limit of 25 miles per hour through the work area and will follow the speed limits of roads accessing the work area. Vehicles will stay on designated roads and in established work areas. Workers will not drive or park vehicles where catalytic converters can ignite dry vegetation. 	Special-Status Species	Contractor to implement, FHWA-CFLHD to oversee	107.10 and others

No.	Commitment	Resource(s)	Responsible Party	SCR No.
	<ul style="list-style-type: none"> • No nighttime project operations will be allowed. • All soil, fill, plant seeds, and sediment and erosion control devices used on the project must be certified to be weed-free. Herbicides will not be used in the work area. • Blading of new access or work areas will be minimized to the extent possible. Disturbance to vegetation will be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use, wherever possible they will be crushed rather than excavated or bladed and removed in order to retain shade and forage for wildlife. 			
EC-7	<p>The contractor will implement a forestry resources recovery program (yucca, cactus and creosote bush) prior to the start of construction activities. Cactus, yucca and creosote bush plants will be recovered, preserved, transplanted and successful held alive until they can be relocated back near the original locations they were collected from.</p> <p>The contractor will rehabilitate, reclaim, or revegetate disturbed areas outside the roadway using plants salvaged from the work area (e.g., cacti, yucca, creosote bush), to the extent practicable. This will help facilitate habitat reclamation within a reasonable time frame. Reclamation may include recontouring the area, scarification of compacted soil, soil amendments, seeding, vertical mulch, and transplant of seedling shrubs or other plants. If necessary subsequent seeding or transplanting efforts may be required, should monitoring after the next growing season indicate that the original effort was not successful.</p>	Special-Status Species	Contractor to implement, FHWA-CFLHD to oversee	107.10
EC-8	FHWA-CFLHD will pay a desert tortoise remuneration fee for habitat disturbance. The payment will be made to the National Fish and Wildlife Foundation before construction starts.	Special-Status Species	FHWA-CFLHD to implement	n/a
EC-9	FHWA-CFLHD will confirm the absence or presence of Sensitive species in the Project area. If Sensitive species are location within the Project area the Contractor will fence off the species with a 25-foot buffer and designate that as an exclusion zone. No construction work is allowed within the exclusion zone. .	Sensitive-Status Species.	FHWA-CFLHD to implement and Contractor	107.01

Appendix A



U.S. Department of the Interior
Bureau of Land Management

Red Rock/Sloan Field Office

Finding of No Significant Impact

DOI-BLM-NV-S020-2021-0008-EA

Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project at Red Rock Canyon National Conservation Area

Case File: NV105842240 (Legacy Serial # NVN-099625)

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Finding of No Significant Impact

Background

Environmental Assessment (EA) DOI-BLM-NV-S020-2021-0008-EA analyzed the No Action Alternative and Proposed Action for the Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project at Red Rock Canyon National Conservation Area. The Proposed Action, as described in Chapters 1 and 2 of the EA, consists of infrastructure improvements and a multi-use trail in the Red Rock Canyon National Conservation Area (RRCNCA). The proposed infrastructure improvements include:

1. A 5.5-mile-long, multi-use trail along the northern side of SR-159 connecting the Summerlin residential development and existing RRCNCA Scenic Drive Fee Area.
2. Build a trail structure across the Red Rock Wash.
3. Extension of a deceleration lane at the Calico Basin Road.
4. Extension of a deceleration lane at RRCNCA Scenic Drive intersection with State Route 159 (SR-159).
5. Construct an additional parking area for trail parking on Calico Basin Road.
6. Construct a deceleration lane on SR-159, build a new parking overlook area and relocate the “Red Rock Canyon” rock sign to this area.

Finding of No Significant Impact

Based upon a review of DOI-BLM-NV-S020-2021-0008-EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment.

The environmental effects are not significant (40 CFR 1501.3(b)) and do not exceed those effects as described in the Red Rock Canyon National Conservation Area Resource Management Plan and Final Environmental Impact Statement (2005). Therefore, preparation of an environmental impact statement (EIS) to further analyze possible impacts is not required pursuant to Section 10(2)(c) of the National Environmental Policy Act of 1969.

Affected Area

The Proposed Action would result in temporary disturbance related to construction activities and permanent disturbance of 27.07 acres resulting from grading and paving of the multi-use trail, parking areas, and roadway widening for deceleration lanes. The new multi-use trail would primarily follow existing informal social trails, which have already been disturbed to some extent. Most disturbance along SR-159 would also be in previously disturbed areas adjacent to the highway where vehicles often park during peak visitation. The undisturbed areas contain natural habitat of mixed creosote bush plant, white bursage, yucca, and cacti that supports wildlife characteristic of the Mojave Desert.

The Scenic Drive vicinity is designated as a Roaded Developed area within the Management Emphasis Area (MEAs) framework with a set of guidelines which both describes its current setting and provides a standard for future management. The Roaded Develop areas may include paved roads and buildings, but the design should blend with the natural environment, and may include on site controls, facilities, and law enforcement noticeable

Degree of the Effects of the Action

Both short- and long-term effects:

It is anticipated the construction duration for this effort would be approximately 1 year beginning in 2024. Construction would take place mainly between the hours of 6:00 AM and 5:00 PM on weekdays with minimal interference to services and recreational opportunities provided in the rest of RRCNCA. While some work may occur during off-hours to accommodate necessary lane closures, vehicles would still be able to flow along SR-159 and Calico Basin Road.

The undeveloped areas of natural habitat of creosote, bursage, yucca, and cacti can be habitat to wildlife species including the Desert tortoise. Desert tortoise and other wildlife species could be displaced temporarily during the construction period of the Proposed Action, however standard stipulations and recommended mitigation measures would minimize effects to wildlife and vegetation during the construction period.

After completion of construction multi-use trail and infrastructure improvements will provide an improved and safer visitor experience in the RRCNCA.

Both beneficial and adverse effects:

Construction of the proposed multi-use trail and infrastructure improvements would cause surface disturbance that would adversely affect resources such as vegetation, soils, cactus and yucca, wildlife, and migratory birds, however the design features in the Proposed Action, and the stipulations and measures would help to minimize adverse effects to these resources.

Reclamation of disturbed areas would ensure that most adverse impacts would be short term; long-term impacts would adversely affect approximately 27.07 acres of permanently disturbed land surrounded by a large expanse of approximately 195,000 acres of undisturbed desert. These effects would not be significant, even when combined with other reasonably foreseeable future actions.

The potential impacts on the federally threatened Desert Tortoise were analyzed in the EA and determined to be not significant. No designated critical desert tortoise habitat and burrows are anticipated to be lost and a majority of the proposed action area is already disturbed or developed. The Biological Terms and Conditions from the USFWS will apply with conservation measures as required by the USFWS to ensure the project does not jeopardize the recovery of or adversely affect desert tortoises. The BLM did not identify impacts on other threatened or endangered species or their critical habitat.

The Proposed Action would have beneficial effects as it would formalize a single trail from Summerlin to the Scenic Drive Fee Area that would reduce the potential for human use of the area to disturb tortoises, although increased bicycle activity might lead to conflicts with tortoises crossing the trail. Signs along the trail would alert users to potential tortoise crossings and reduce possible risks associated with trail use in the area. Concentrating human use on a paved trail

would likely decrease ongoing degradation of existing tortoise habitat associated with the unsanctioned development of social trails.

Effects on public health and safety:

Construction activity would create temporary safety risks, but impacts would be mitigated by implementation of standard safety measures.

Construction of the Proposed Action would provide benefits by improving safety along SR-159. In the absence of any formalized trail, vehicles, bicycles, and pedestrians must use SR 159 to access Calico Basin Road, the RRCNCA Visitor Center, and the numerous recreational nodes along Scenic Loop Drive. Varying between approximately 5 feet and 1 foot wide, the existing SR 159 shoulders are narrow, creating an unsafe mix of motorized and non-motorized users.

The existing deceleration lanes at Calico Basin Road and Scenic Drive Fee Area are too short to meet American Association of State Highway and Transportation Officials (AASHTO) guidance for 50 mph roadway facilities. During days of heavy visitation, the deceleration lanes become filled with vehicles waiting to enter RRCNCA. The existing deceleration lanes are not long enough to handle the traffic queues, and vehicles are forced to use the shoulder when waiting, further contributing to unsafe roadway conditions for vehicles, cyclists, and pedestrians. Furthermore, the advanced signage at these two intersections is not consistent with current Manual on Uniform Traffic Control Devices guidelines (FHWA 2012). Thus, drivers occasionally decelerate abruptly to turn into the entrance, and following drivers may not be prepared for this sudden change in speed.

The lack of adequate deceleration lane length is also present at the “Red Rock Canyon” rock sign. This sign is visible when approaching RRCNCA from the east and is a popular place for visitors to take photographs. Without a formalized parking area or deceleration lane near the sign, visitors traveling westbound park along the narrow shoulders on the northern side of SR 159 and walk to the sign area. Visitors traveling eastbound park along the southern side of SR 159 and cross the highway to reach the entrance sign. A crest vertical curve located just west of the sign limits visibility of pedestrians to eastbound drivers, creating an unsafe scenario for pedestrians crossing the high-speed roadway.

In addition, SR 159 is the only option for visitors to access the RRCNCA Visitor Center, parking areas, and trailheads along Scenic Loop Drive. It is also the only access to Calico Basin Road. To access these areas, bicyclists and pedestrians must use the narrow SR 159 shoulders. By constructing a multi-use path connecting the Summerlin residential area and I 215 West Beltway Trail to the Fee Area, a new access option would be created that would provide a new route for bicycles and pedestrians to access the area without using the SR 159 shoulders.

Effects that would violate Federal, State, Tribal, or local law protecting the environment. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:

The Proposed Action would not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The Proposed Action is consistent with the RRCNCA Resource Management Plan (RMP). The

Proposed Action meets the requirements of the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, and the National Historic Preservation Act, and other applicable laws.

The effects on the quality of the natural and human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. Effects of the Proposed Action are expected to be generally consistent with those found in comparable projects in the same or similar locale or setting.

Reviewed by: **SUSAN FARKAS**
Susan Farkas
Planning & Environmental Coordinator

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Approved by: *Catrina Williams*
Catrina Williams, Field Manager
Red Rock/Sloan Field Office

Digitally signed by CATRINA WILLIAMS
Date: 2024.03.22 14:35:21 -07'00'

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U.S. Department of the Interior
Bureau of Land Management

Red Rock/Sloan Field Office

Decision Record

DOI-BLM-NV-S020-2021-0008-EA

Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project at Red Rock Canyon National Conservation Area

Case File Number: NV105842240 (Legacy Serial # NVN-099625)

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Red Rock/Sloan Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
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Decision Record

Selected Action

It is my decision to authorize the Proposed Action (Selected Action), as described in Chapter 2 of the Environmental Assessment (EA) DOI-BLM-NV-S020-2021-0008-EA for the Red Rock Trail and Intersections Improvements of the Legacy Trail Phase 1 Project at Red Rock Canyon National Conservation Area (RRCNCA). The complete description of the Proposed Action can be found in Chapter 2 of the EA and incorporated herein.

Mitigation Measures

The Proposed Action (Selected Action) will comply with the design features as described in the Proposed Action in Chapter 2 of the EA (DOI-BLM-NV-S020-2021-0008-EA), the mitigation measures in Chapter 3 of the EA, the standard stipulations and mitigation measures in Appendix A of the EA, and the Biological Opinion Terms and Conditions in Appendix H of the EA, all incorporated herein. These measures include:

- Section 7 Consultation for this project is covered under the Biological Opinion (File No. 2022-0061020-S7, formerly File No. 1-5-04-F-526) contingent on compliance with the terms and conditions. The Biological Opinion is on file at the Bureau of Land Management, Southern Nevada District Office. The Permittee will comply with the terms and conditions of the Biological Opinion File No. 2022-0061020-S7, formerly File No. 1-5-04-F-526 for this project. A copy of the terms and conditions has been provided in Appendix H of the EA document (Sec 7 Log # NV-052-23-176).

Decision Rationale

As explained in the Finding of No Significant Impact (FONSI), the impacts of the Selected Action have been analyzed in the EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.

The Proposed Action would provide improvements to infrastructure for public health and safety and to support management of RRCNCA. The Proposed Action and its potential effects on the quality of the human environment are neither controversial nor do they involve adverse, unique, or unknown results.

Based on information in the EA and consultation with my staff, I have decided to approve the Selected Action as described in Chapter 2 of the EA incorporated herein as it was found this proposal conforms to the applicable land use plan and determined to result in no significant impacts. Stipulations and mitigation measures found in Appendix A and Appendix H of the EA will also apply.

Protest and/or Appeal

Administrative remedies may be available to those who believe they will be adversely affected by this decision. 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 BLM Form 1842-1. 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 the regulations at 43 CFR 4.21 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.

Authorized Official



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Date: 2024.03.22 14:32:20
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Catrina Williams, Field Manager
Red Rock/Sloan Field Office

Date