

**FINDING OF NO SIGNIFICANT IMPACT****ENVIRONMENTAL ASSESSMENT FOR MUDDY MOUNTAINS WILDERNESS  
MANAGEMENT PLAN****April 2007**Lake Mead National Recreation Area  
Nevada/Arizona**INTRODUCTION**

The Muddy Mountains Wilderness was designated on November 6, 2002. It contains 48,019 total acres, with 3,521 acres managed by the National Park Service (NPS). The rest of the wilderness is managed by the Bureau of Land Management (BLM). The NPS cooperated with the BLM in the preparation of an environmental assessment (EA) for the implementation of the Muddy Mountains Wilderness Management Plan. The EA analyzed the no-action alternative and three action alternatives. This decision document approves only NPS activities occurring on Lake Mead National Recreation Area lands. The BLM will prepare a separate decision document covering activities on lands under its jurisdiction.

**PURPOSE AND NEED**

Muddy Mountains Wilderness is part of the National Wilderness Preservation System and is located approximately 20 miles northeast of Las Vegas, Nevada. The wilderness area crosses agency boundaries, and BLM and NPS each have jurisdictional authority for separate portions of the wilderness unit. The purpose of the Muddy Mountains Wilderness Plan is to 1) identify the conditions and opportunities which will be managed for within the wilderness; 2) create specific guidance for managing the resources and activities existing in the wilderness; and 3) develop a strategy to preserve the area's wilderness characteristics.

Southern Nevada is home to one of the fastest growing metropolitan areas in the U.S., and population growth in Las Vegas and the surrounding area is anticipated to continue at a fast pace into the future. The growth in population base is expected to lead to increased local interest in and visitation of the Muddy Mountains Wilderness, necessitating the development of a coordinated management strategy for the area.

**SELECTED ACTION**

The selected action is Alternative 1, which was identified and analyzed as the preferred alternative in the EA. Minor modifications to the Alternative were made based on public input and are described in detail under "Public Review and Comments." The modified selected action prohibits the collection of firewood for campfires within the wilderness area (while still allowing the import of firewood, artificial logs, or briquettes); excludes the use of earth-moving equipment for fire suppression activities; and excludes the use of ground-based motor vehicles for weed control.

The management strategy is based on six primary wilderness management goals: 1) To provide for the long-term protection and preservation of the area's wilderness character under a

principle of non-degradation; 2) To manage the wilderness for the use and enjoyment of visitors in a manner that will leave the areas unimpaired for future use and enjoyment as wilderness; 3) To manage the wilderness using the minimum tool, equipment, or structure necessary to successfully and safely accomplish objectives that are essential for the administration of the area as wilderness; 4) To manage nonconforming but accepted uses permitted by the Wilderness Act and subsequent laws in a manner that will prevent unnecessary or undue degradation of the area's wilderness character; 5) To manage the NPS and BLM portions of the wilderness through a single management plan to provide a maximum amount of management consistency in wilderness protection across administrative boundaries; and 6) To manage the NPS portion of the area in a manner that furthers the purposes of the NPS Organic Act of 1916 and enabling legislation for Lake Mead National Recreation Area.

Since the majority of the Muddy Mountains Wilderness is remote and difficult to access while a smaller portion is easily accessed and close to a rapidly growing metropolitan area, specific objectives and management actions necessary to achieve the desired goals have been developed around two distinct management zones. Zone One, which includes the entire NPS portion of the wilderness, consists of the more accessible, highly visited areas, while Zone Two consists of the larger, remote backcountry areas. While management objectives may differ between the two zones, the manner in which projects are implemented (including the types of methods permitted) will be the same in both zones. Proposed elements of the plan address trail management, recreation (including camping, rock climbing, recreational riding, hunting, and shooting), interpretation, wildlife management, rehabilitation of disturbances, research and monitoring, fire management, and non-native plant management.

### **ALTERNATIVES CONSIDERED**

The EA evaluated four alternatives in detail for addressing the purpose and need for action: Alternative 1 (the preferred alternative and selected action described above), Alternative 2 (human activity least evident), Alternative 3 (human activity most evident), and Alternative 4 (no action).

**Alternative 2- Human Activity Least Evident:** This alternative differs from the selected action in that there would be no trails or trailheads, less interpretation, and greater restrictions on some forms of recreation and fire suppression activities.

**Alternative 3- Human Activity Most Evident:** This alternative differs from the selected action in that there would be additional trails and trailheads and fewer restrictions on recreation.

**Alternative 4- No Action:** There would be no comprehensive management strategy or management zones under this alternative.

### **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The environmentally preferred alternative is the alternative that will promote NEPA, as expressed in Section 101 of NEPA. This alternative will satisfy the following requirements:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

- Assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable or unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and,
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative 1 is the environmentally preferable alternative because overall it would best meet the requirements in Section 101 of NEPA. Alternative 1 would balance population and resource use by providing a framework with which to mitigate potential impacts to the wilderness by anticipating future recreation demands, identifying interpretive opportunities, and establishing resource protection standards. Implementation of the Muddy Mountains Wilderness Plan would attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable or unintended consequences. It would assure for all generations a safe, healthful, environment, and would permit high standards of living and a wide sharing of life's amenities.

Unlike Alternative 1, the no-action alternative would not balance population and resource use because there would be no strategy for accommodating the increased demands that a rapidly growing metropolitan area will place on the wilderness's resources. Unlike Alternative 1, the other action alternatives would not attain the widest range of beneficial uses of the environment without undesirable or unintended consequences. Alternative 2 (human activity least evident) would place greater limits on recreational opportunities, and Alternative 3 (human activity most evident) would allow for a greater degree of impact to the resources.

### **MEASURES TO MINIMIZE OR AVOID ENVIRONMENTAL HARM**

Throughout the planning process, mitigation measures were identified and have been incorporated into the selected action (alternative 1- preferred alternative) to reduce impacts below a significant level. All mitigation measures which are incorporated in the selected alternative are summarized in the matrix on the following page.

MITIGATION TOPIC	MITIGATION MEASURES	RESPONSIBILITY
<p><b>Natural Resources</b> Threatened and Endangered Species (Desert Tortoise)</p>	<p>Prior to any surface disturbing activities associated with the implementation of the Muddy Mountains Wilderness Plan, the following conservation measures will be implemented:</p> <ul style="list-style-type: none"> <li>• The project area will be surveyed for tortoises within 24 hours of the start of ground disturbance. If a tortoise is present, it will be allowed to move out of harm's way of its own volition.</li> <li>• All project personnel will receive desert tortoise education, which will include information on the species' life history and legal status as well as all stipulations associated with project implementation</li> <li>• A litter control program will be strictly enforced.</li> <li>• No pets will be allowed in the project area.</li> <li>• Speed limits will be strictly enforced.</li> <li>• Sites where vegetation is disturbed will be rehabilitated as soon as possible to restore habitat.</li> </ul>	<p>NPS Resource Manager</p>
<p><b>Cultural Resources</b> Archeological Resources</p>	<p>To maintain compliance with Section 106 of the National Historic Preservation Act, inventories will be conducted to identify and evaluate cultural resources prior to initiating any undertaking that supports implementation of the management plan. If avoidance is not possible, the proposal would either 1) not be implemented, 2) a new design would be proposed in a separate Environmental Assessment, or, 3) the sites would be mitigated after consultation with Nevada State Historic Preservation Office (SHPO) and the development and approval of a treatment plan.</p>	<p>NPS Archeologist</p>
<p><b>Aesthetics and Visitor Experience</b></p>	<p>Guidance consistent with Leave No Trace principles will be developed to educate visitors on the proper disposal of refuse, fuel residues, and other waste.</p>	<p>NPS Resource Manager and Interpretation Staff</p>

### Why the Selected Action Will Not Have a Significant Impact on the Human Environment

The NPS used the NEPA criteria to evaluate whether the selected action would have a significant impact on the environment.

<b>NEPA Criteria</b>	<b>Selected Action</b>
Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.	None of the impacts associated with this project reach a level of significance and do not require analysis in an EIS. The environmental assessment has considered both beneficial and adverse impacts of the proposed management for the Wilderness area. Actions to protect one element of wilderness character may result in the diminishment of another element of wilderness character. The proposed management carefully balances between activities that may have beneficial affects to one character and adverse affects to another. The long-term outcome of the proposed management maintains or improves the Wilderness resource overall. The proposal will result in improved management of wilderness character in the following ways: 1) management will make progress at reducing trammeling activities; 2) management will minimize the amount of development present; 3) management will protect natural conditions; and, 4) outstanding opportunities for solitude or a primitive and unconfined form of recreation will be plentiful.
The degree to which public health and safety are affected.	The proposed management provides some features that enhance public health and safety. For example, maintained and marked trails will be provided which will aid visitors in safe travel and reduce the chance of getting lost. Written information provided to visitors will include safety topics. However, visiting a wilderness includes a certain amount of risk and self-reliance, and that is an important component to a wilderness experience. The proposal will make no attempt at eliminating the risk that is inherently present to a visitor in a wilderness setting.
Any unique characteristics of the area.	The Muddy Mountains Wilderness is Congressionally designated for protection as a unit of the National Wilderness Preservation System. The Management Plan will provide for the use and enjoyment of the area in a manner that will leave it unimpaired for future use and enjoyment as Wilderness and for the preservation of its wilderness character.
The degree to which the impacts are likely to be highly controversial.	Although the designation of wilderness is a controversial process, the management of a wilderness area, once designated, has fewer issues of controversy. No significantly controversial management issues were identified for the Muddy Mountains Wilderness. Six comment letters were received from the public. Several minor changes were suggested, but overall support for the proposal was expressed. Many comments only required editorial clarification. For substantive comments, and where

	determined to be appropriate by NPS, the proposal was modified as described under the Public Involvement Section below.
The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.	There were no highly uncertain, unique, or unknown risks identified during preparation of the environmental assessment, agency consultation, or the public review period.
Whether the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.	The action does not establish a precedent for future actions. Designation of wilderness is solely the prerogative of Congress with Presidential approval. Management of wilderness is directed by the Wilderness Act, other relevant legislation, and NPS policy. The proposed management does not deviate from that direction. Many of the issues resolved by this plan will be revisited in Wilderness Management Plans prepared in the future for other wilderness areas. Though many similarities exist with other wilderness areas, and many management actions proposed here may be similar in subsequent Wilderness Management Plans, future plans will not be guided by this plan. Future plans for other wilderness areas will be based on the site specific issues relative to those areas.
Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects.	The management of the wilderness is unrelated to other actions that have been, are, or will be taking place in the area. The action does not contribute significantly to the affect of any of the past, present, or reasonably foreseeable future actions within the geographic area.
The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources.	The action will not cause the loss or destruction of any significant scientific, cultural or historic resources. Before implementation of the proposed management, NPS will conduct a Class III inventory to assure that no sites eligible for nomination to the National Register of Historic Places will be affected. If avoidance of cultural sites is not possible, the proposal would either 1) not be implemented, 2) a new design would be proposed in a separate EA, or 3) the sites would be mitigated after consultation with Nevada State Historic Preservation Office (SHPO) and the development and approval of a treatment plan.
The degree to which the action may adversely affect an endangered or threatened species or its habitat.	The U.S. Fish and Wildlife Service concurred with the determination of NPS and BLM that implementation of the Wilderness Management Plan is not likely to adversely affect the desert tortoise or its habitat.
Whether the action threatens a violation of federal, state, or local law	The action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for protection of the environment. The action is consistent with the Wilderness Act

or requirements imposed for the protection of the environment.	and the Clark County Conservation of Natural Resources Act.
--	---

## **PUBLIC INVOLVEMENT AND AGENCY CONSULTATION**

### Scoping

A public notification was mailed in August, 2004 to 80 recipients to introduce the proposed project to the public and initiating scoping. A news release was sent to newspapers, television stations, and radio stations in Las Vegas, Henderson, Boulder City, Overton, and Logandale, Nevada. Government entities receiving notification of the project included the Natural Resource Conservation Service, Nevada Department of Wildlife, Nevada Department of Minerals, Clark County Comprehensive Planning Department, Moapa Tribal Business Council, and local government offices in our gateway communities. Other stakeholders, including concessionaires and the congressional delegations of Nevada, also received notification of this project. Fourteen comments were received following the scoping period which ended on October 4, 2004. Comments were related to existing use of the area, resources and values found in the area, trails and access, opportunities for interpretation, and types of regulation needed.

### Consultation and Permitting Requirements

Biologists determined that the implementation of the Muddy Mountains Wilderness Plan is not likely to adversely affect the federally threatened desert tortoise and requested informal consultation with the U.S. Fish and Wildlife Service (USFWS) on January 19, 2007. On March 7, 2007 the USFWS concurred with this determination based on the following: 1) Survey results for the proposed surface disturbance associated with trailhead construction and road rehabilitation actions were negative for desert tortoise presence; 2) the net effect of management actions are anticipated to be beneficial to the desert tortoise; 3) the action area is a designated wilderness area which restricts most activities that may result in take of desert tortoises; and 4) proposed mitigation measures further minimize potential adverse effects to the desert tortoise below the threshold at which take may occur.

To maintain compliance with Section 106 of the National Historic Preservation Act, inventories will be conducted to identify and evaluate cultural resources prior to initiating any undertaking that supports implementation of the management plan. If avoidance is not possible, the proposal would either 1) not be implemented, 2) a new design would be proposed in a separate Environmental Assessment, or, 3) the sites would be mitigated after consultation with Nevada State Historic Preservation Office (SHPO) and the development and approval of a treatment plan.

### Public Review and Comments

The Environmental Assessment was made available for public and agency review and comment during a 45-day review period beginning October 26, 2006 and ending December 11, 2006. The mailing list for the Muddy Mountains is comprised of 89 federal and state agencies, individuals, businesses, and organizations who have expressed interest in projects covering the area. Wilderness groups on the mailing list included Wilderness Watch, Friends of Nevada

Wilderness, the Wilderness Society, Nevada Wilderness Project, the Wilderness Land Trust, and the Sierra Club. All individuals on the mailing list were mailed notifications that the Environmental Assessment was available for review on the internet, and given the option to request a paper copy. Four requests for hard copies were received and filled; all other interested parties were content utilizing the website.

The announcement and document were published on the BLM's internet website. In addition, an announcement was sent to Congressional staff members, area newspapers, and radio and television stations. Individuals and organizations could request the Environmental Assessment in writing, by phone, or by e-mail. Seven comments were received during the 45-day review period, including one from the Nevada Department of Wildlife and one from the Nevada State Historic Preservation Office. All comments supported the preferred alternative, and included requests for clarifications and minor modifications of the proposal. These comments are discussed below.

The proposed action as described in the EA would discourage campfires and encourage those wishing to have them to carry in their firewood. During the comment period, comments were received regarding the scarcity of firewood and the damage that could occur if bushes or the few small trees in washes became the fuel source for even a limited number of campfires. The NPS agrees with this comment, and the selected action therefore prohibits campfires except those utilizing firewood carried in from outside the wilderness and when using a fire pan or blanket, which allow ashes to be carried out or disposed of in an appropriate location.

The proposed action as described in the EA would allow for the use of earth moving equipment where fires threaten to convert the ecosystem from native vegetation to introduced annual grasses. Comments were received regarding the impracticality to utilize earth moving equipment in the Muddy Mountain's steep terrain, and the likelihood that such equipment could not be brought on fast enough in response to wild fires in the wilderness. The NPS agrees with this comment, and the selected action therefore excludes the use of earth moving equipment in the wilderness for fire suppression purposes, which is consistent with the park's Fire Management Plan.

The proposed action as described in the EA would allow driving motorized vehicles in the wilderness for weed control under conditions where the weed infestation is of such size that control could not be achieved without it. Comments were received objecting to the potential for such use. The NPS commitment to weed control is to treat weeds promptly. The weed management strategy for the Muddy Mountains Wilderness is to incorporate monitoring to detect weed occurrences before they become a problem large enough to require the use of ground-based motor vehicles. Furthermore, it is unlikely that such vehicle would meet "minimum tool" requirements. The selected action therefore excludes the use of ground-based motor vehicles for weed control.

## **IMPAIRMENT OF PARK RESOURCES OR VALUES**

In addition to reviewing the list of significance criteria, Lake Mead National Recreation Area determined that implementation of the selected action (alternative 1-preferred alternative) will

not constitute an impairment of park resources or values or alter opportunities for the enjoyment of the park. This conclusion is based on a thorough analysis of the impacts described in the environmental assessment, agency and public comments received, and the professional judgment of the decision-maker in accordance with the *NPS Management Policies 2006*. As described in the environmental assessment, implementation of the selected action (preferred alternative) will not result in major adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation of Lake Mead National Recreation Area; (2) key to the natural or cultural integrity of the park; or (3) identified as a goal in the park's *General Management Plan* or other relevant National Park Service planning documents.

### CONCLUSION AND BASIS FOR DETERMINATION

Based on the analysis completed in the environmental assessment, the capability of the mitigation measures to reduce, avoid, or eliminate impacts, and with due consideration of public response, the National Park Service determined that the selected alternative does not constitute an action that normally requires the preparation of an environmental impact statement.

Negative environmental impacts that could occur are negligible to minor in effect. There are no unmitigated adverse impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, known ethnographic resources, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, cumulative effects, or elements of precedence were identified. The implementation of the selected actions will not violate any federal, state, or local environmental protection law. There are no significant impacts to the affected environment.

There are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence identified. Implementation of the action would not violate any federal, state, or local environmental protection law. Therefore, in accordance with the National Environmental Policy Act of 1969, and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement will not be prepared for this project, and the selected action may be implemented as soon as practicable.

**Recommended:**

\_\_\_\_\_  
William K. Dickinson, Superintendent  
Lake Mead National Recreation Area

\_\_\_\_\_  
Date

**Approved:**

\_\_\_\_\_  
Jonathan B. Jarvis, Regional Director  
Pacific West Region

\_\_\_\_\_  
Date