

ERRATA

Reconstruct Road Segments to Improve Safety Environmental Assessment

May 2015

The *Reconstruct Road Segments to Improve Safety Environmental Assessment Environmental Assessment* (November 2014) was released for public review from November 8, 2014 to December 8, 2014. A total of seven correspondences resulting in 50 comments were received during the public review period. The errata records changes to the text of the EA as a result of public comment and agency consultation. These edits correct, clarify, or modify original text based on public comments and correct other inaccuracies in the environmental assessment (EA). These corrections do not change the project activities or increase the degree of impact described in the EA.

Substantive comments received on the EA require responses. Although the majority of comments were non-substantive, responses are provided to help the reviewer better understand the project. Comments topics were grouped and summarized; individual comments/letters are not included.

This Errata should be attached to the EA to complete the environmental impact analysis. The environmental assessment, errata, and finding of no significant impact (including the mitigation table) comprise the full and complete record of the environmental impact analysis.

EDITS TO THE EA

Page 21 and 22, Site 1 and Site 2

The newly disturbed areas during construction would be revegetated through use of locally collected plant species (~~seeds and transplants~~). Control of non-native and invasive plant species would occur before and after construction activities.

Site 4, Kelbaker Road/Kelso-Cima Road Intersection, page 24

Revise text: As a result, the informal gravel parking lot on the ~~east~~ northwest side of Kelso-Cima Road would be eliminated.

Site 5: Kelso-Cima/Morningstar Mine/Cima Road Intersection, page 25

Insert text: A three-way stop at the intersection will be added to this intersection.

Site 6, Cedar Canyon Road, Low Water Crossings, second paragraph, page 28

Insert italicized text: All staging would occur within the existing roadway or previously disturbed areas *and outside flood prone areas to the greatest extent possible*.

Site 8: Black Canyon Road, Slope Protection, first paragraph, page 30

Insert italicized text: Staging would occur on the roadway, or on already disturbed adjacent land ~~to the project~~ and outside of flood prone areas to the greatest extent possible.

Activities Common to All Sites, Staging Areas, page 30

Insert these sentences: All staging areas would be on previously disturbed areas, existing road beds or disturbed pull outs. No staging would occur on undisturbed land. Staging areas will be located outside of known flood prone areas to the greatest extent possible.

Page 62, Impacts to federal listed species and Page 63, State Listed Species and Species of Special Consideration

Revegetation of disturbed areas ~~with native seeds~~, by transplanting native plant species, and mulching will result in the rehabilitation of critical habitat and beneficial effects to the tortoise.

Insert this text: *Transplanting of large plants will discourage drivers from parking off the road in tortoise habitat.*

Page 72, Alternative 2, Vegetation Impacts

In third paragraph, delete references to collecting seed. Revegetation will largely occur as a result of transplanting. Seed may be broadcast from existing park seed stock.

Table 1, Mitigation Measures

Delete General Mitigation #7. Kelbaker will be fully closed during construction. A detour will be posted.

Delete General Mitigation 8 and 9, replace with: No work will occur on holidays. Work hours will be scheduled between dawn and dusk to avoid the potential for accidents after dark.

Add new General Mitigation #8: Weekday lane closures using one-way traffic with pilot cars and flaggers and 30-minute maximum delays will allow the work to continue with minimal traffic safety concerns.

Delete General Mitigation #11. Mitigation has been revised as Listed-7.

Add new vegetation mitigation, Veg-6: One or more vegetation surveys will be completed prior to any construction work to avoid or reduce impacts to any undetected listed or rare plant species.

Add new vegetation mitigation, Veg-7: A project-specific plan will be developed and implemented to monitor the success of re-vegetation efforts. The plan will contain report and success measures and appropriate contingency measures.

Delete all Federally Listed Species and Species of Special Consideration mitigations and replace with:

Listed-1	Qualified biologists will provide oversight of all survey efforts, monitoring, and other activities within the roadway corridor necessary to protect desert tortoise.
Listed-2	An individual will be designated the field contact representative to oversee project compliance and coordination. The field contact representative will be authorized to halt any activity that may harm desert tortoise.
Listed-3	A worker education program will be presented to all construction personnel prior to any construction activities. At a minimum, this program will cover: (1) desert tortoise distribution/occurrence, (2) general behavior, activity patterns, and ecology, (3) sensitivity of the species to human activities, (4) legal protection, (5) penalties for violation of state or federal laws, (6) reporting requirements, and (7) project protective mitigation measures; and (8) legal penalties for violation of federal or state laws.
Listed-4	Handling or relocating desert tortoises is not permitted. If a tortoise enters the project area, all work will stop until the tortoise moves away on its own accord.
Listed-5	Speed limits within the project area, along right-of-way maintenance routes designated for limited use shall not exceed 20 miles per hour. Speed limits shall be clearly marked and all workers shall be made aware of the limits.
Listed-6	Vehicles parked in desert tortoise habitat shall be inspected immediately prior to being moved. Construction vehicles parked overnight the side of the road or in pre-existing turnouts will be surveyed (from all four directions) for desert tortoise prior to moving the vehicle in the morning.
Listed-7	A litter control program will be implemented during construction to eliminate the accumulation of trash to avoid attracting ravens that may prey on juvenile desert tortoise. All trash and food items generated by the construction activities would be promptly contained and removed to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site, if applicable.
Listed-8	All work and staging areas will be surveyed prior to the start of construction. Tortoise-proof fencing will be installed to prevent tortoises from entering the construction and staging areas. After initial presence/absence surveys are complete, the fence perimeter will be checked daily to ensure the integrity of the tortoise exclusion barrier is intact.
Listed-9	At sites where fencing is not feasible, presence/absence surveys will be completed each morning by a qualified biologist. The qualified biologist would accompany all heavy equipment operators in desert tortoise habitat and remain on site while construction employees are actively working. The qualified biologist has the responsibility and authority to halt all project activity that would endanger a desert tortoise.
Listed-10	A qualified biologist will monitor initial vegetation removal and disturbance to monitor for any undocumented tortoises.
Listed-11	The qualified biologist will maintain a complete record of desert tortoise encounters.
Listed-12	To avoid building up tall berms that may inhibit desert tortoise movement, the operator should minimize lowering of the roadbed while grading. Berms higher than 12 inches or a slope greater than 30 degrees would be pulled back into the roadbed.

Add mitigation #2 for water resources: Staging areas will not occur in steam channels and will occur outside of flood prone areas to the greatest extent possible.

Wildlife #1: Change work restriction for nesting season from March 1-June 15 to March 1-May 20. New mitigation reads: Vegetation will be cleared prior to March 1 or after May 20. If work needs to occur during this time, a nesting survey will be conducted to ensure no nesting birds are present in the construction area. If a nest or nests are found, work shall be postponed until after young have left the area. In addition, all work areas shall be fenced and disturbance shall not be permitted beyond the fenced area.

Delete all Archeological and Cultural Landscape mitigations and replace with:

HR-1	Prior to construction, the NPS will complete recordation and documentation of Kelbaker and Kelso-Cima intersection, and the section of Kelso-Cima Road that will be realigned, accordance with the Secretary of the Interior’s Standards and Guidelines for Architectural and Engineering Documentation.
HR-2	After construction, the NPS will update the National Register of Historic Places Registration Form to update the National Register for the Kelso Depot, Restaurant, and Employees Hotel National Historic District and document the new alignment of the intersection, Kelbaker Road, and Kelso-Cima Road.
HR-3	The intact section of the archeological site at Project Site 2 will be fenced off and avoided during construction.
HR-4	Archeological specimens found within the construction area will be removed only by NPS archeologists who meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), or their designated representatives.
HR-5	In the event that a previously unidentified archeological resource is discovered during ground disturbing activities, all construction work involving subsurface disturbance will be halted in the area of the resource and in the surrounding area where further subsurface remains can be reasonably expected to occur. An archeologist meeting the Secretary of the Interior’s Professional Qualification Standards (36 CFR 61) will immediately inspect the work site and determine the area and nature of the affected archeological feature. Construction work may then continue in the project area outside the defined area of the resource. Within 48 hours of the discovery, the NPS shall notify the CA SHPO and such notification shall describe the NPS' assessment of the eligibility of the feature for listing on the National Register of Historic Places and proposed actions to resolve potential adverse effects. The CA SHPO shall respond within 48 hours of the notification and the NPS shall take into account the CA SHPO's recommendation regarding National Register eligibility and proposed actions, and then carry out appropriate actions. In compliance with the Native American Graves Protection and Repatriation Act of 1990, work will be halted and NPS will also notify and consult concerned American Indian tribal representatives for the proper treatment of human remains, funerary, and sacred objects should these be discovered during the project.

Migratory Birds, page 63

Change work restriction for nesting season from March 1-June 15 to March 1-May 20.

Cultural Landscapes, Alternative 1, Cumulative Impacts, page 58.

In the analysis of Cultural Landscapes, replace “revocation” with “renovation.”

Geological Resources and Soils, Alternative 2, page 66

Insert text: The total amount of cut and fill material was balanced between all sites to the maximum extent possible while still maintaining minimal areas of impact. The excess waste material generated from the project will be stored within the Preserve at the designated areas. This material may then be reused on future projects within the Preserve.

Water Resources, Alternative 2, Proposed Action, page 68

Delete sentence: Therefore, no impacts to water quality are anticipated.

Insert: Impacts to water quality are expected to be negligible or minor. Flooding from heavy desert storms can be somewhat unpredictable and have the potential to wash out any area or road. The LWCs through washes are prone to flooding, as is the project area on Black Canyon Road. The staging areas for these and all sites will be located outside of known flood prone areas to the greatest extent possible to minimize impacts to water quality.

Visitor Experience and Safety, Alternative 2, Proposed Action, page 74.

Add text: Work would be sequenced and not under construction at the same time, thus allowing for alternate routes through the Preserve during construction. NPS will conduct public outreach to communicate the construction schedule and any planned travel restrictions or road closures.

RESPONSE TO COMMENTS

Comment: The most received comments (12) focused on the need for repair and maintenance of additional roads in the Preserve. Commenters described a number of other hazardous conditions and maintenance issues that should be addressed as soon as possible, both on paved and unpaved roads, throughout the Preserve.

Response: This project has been funded to address the highest priority road safety issues in the Preserve. The NPS plans to address a whole range of maintenance and repair issues associated with the Preserve's roads as funding becomes available. Other road repairs and maintenance will be identified in a Preserve-wide roads maintenance plan that is in preparation. This is the first road project proposed by the NPS for the roads in Mojave National Preserve and issues on other roads will be addressed as soon as feasible.

Comment: Several comments (8) requested clarification of specific aspects of the design of the proposed improvements, and particularly recommended the use of rumble strips and additional signage (including flashing signs and speed warnings) to reduce speeds and warn motorists of unsafe conditions.

Response: All of the safety improvement projects are designed to meet current FHWA safety standards for the posted speed limits. The reconstructed, realigned curves at Sites 1, 2 and 3 will include edge-line and center-line rumble strips along the entire length of reconstructed roadways, and improved signage, including chevrons and curve signs will also be installed that meet modern standards. The improved intersections at Sites 4 and 5 will include additional stop signs, rumble strips and other signage, as well as a speed hump to calm traffic.

Comment: Several comments (7) recommended the installation of additional pullouts for parking, including pullouts that can accommodate large rigs such as motor homes, and wider shoulders so that motorists can pull off the roads safely in more areas. Additional parking near Kelso Depot was also recommended, as was more parking throughout the Preserve for large rigs such as recreational vehicles.

Response: The NPS agrees that the improvement and paving of the existing pullout at Granite Pass is warranted as it will improve both safety and the visitor experience. Pullouts at other locations are not included in this project, which is focused on the specific high safety priority sites identified. Roadways in the Preserve will not generally be widened in order to minimize encroachment on wilderness and wildlife. The site under the power lines at Kelso Pass is not a candidate for a pullout because of access restrictions within the right-of-way. When Kelso-Cima Road is moved 50 feet to the northwest, it will eliminate the existing dirt informal parking area owned by NPS. Other informal parking areas on private property will not be affected by this project.

Comment: There were a number of comments (4) that questioned the design and effectiveness of the low water crossings (LWC), and noted that continued re-grading after storms was making the runoff and erosion problems worse. Additional measures such as increased use of gabions and/or rip rap were recommended, as well as a different approach to re-grading that would not lower the roadway grade.

Response: The low water crossings are designed to meet FHWA standards, with riprap and gabions designed to limit erosion and washouts. The asphalt paving of the LWCs should limit future degradation of the roadway and reduce maintenance costs. The LWCs are designed to meet 25 year flooding events, which is appropriate for the volume of traffic on these roads.

Comments: The Lahontan Regional Water Quality Control Board (LRWQCB) had three comments regarding the use of asphalt to pave the LWCs, and as a possible road base material under the roadways. They recommended the use of other materials because of the possibility that asphalt could leach potentially hazardous constituents during a storm event.

Response: Asphalt leaching studies cited in the EA indicate that pollutants generated through Toxicity Characteristic Leaching Procedure are below detection limits. The

impacts to water quality are anticipated from the use of asphalt in the LWCs are expected to be negligible. Any use of asphalt waste as a road-base will be capped by asphalt. The low volume of traffic on Cedar Canyon and Black Canyon Roads where the LWCs will be installed does not warrant the added cost of an alternative pavement material such as concrete.

Comment: The LRWQCB also noted that the construction staging areas should be sited in upland areas outside of stream channels and other areas prone to flooding, and that work within a stream channel should occur when the channel is dry.

Response: Work will occur when the channels/washes are dry and staging will occur outside of the stream channels. Staging areas for Cedar Canyon and Black Canyon Roads will occur within the disturbed road bed. As a result of this comment, the NPS will require the contractor to create a staging area that is outside of flood prone areas.

Comment: Two Preserve landowners commented that the possibility of road closures during construction would be a significant inconvenience and a safety risk if emergency access was restricted. They recommended careful planning to minimize or avoid closures.

Response: The construction, road closures and access restrictions will be sequenced to allow for continued traffic flow throughout the Preserve. Detours will be put in place so that no area of the Preserve becomes completely inaccessible. Preserve staff will provide additional information to the public before construction. Notice will be provided 21 days in advance of the closure of Kelbaker road between Kelso and I-15.

Comment: One comment expressed concern regarding the Preserve-wide reduction in speed limits to 45 mph, noting that only a few areas were degraded enough to warrant the reduction.

Response: The Preserve-wide reduction in speed limits is a temporary measure designed to improve safety while roads that have been damaged by weather and/or degraded by wear are repaired and upgraded. Original speed limits will be restored as safety projects are completed and road safety improves.