



Categorical Exclusion Form

Project: SUP-San Bernardino County, Ed Hartwell and Delvin Holmes

Project Number: 11-moja-013/PEPC 35266

Project Description:

Ed Hartwell (Victorville Maintenance Office) and Delvin Holmes (Baker Maintenance Yard) of San Bernardino County Department of Public Works-Transportation Division, have requested permission to grade the shoulder of several major traffic arteries in Mojave National Preserve. Between March 14 and November 18, 2011, they want to grade the shoulders along Essex Road, Black Canyon Road, Kelbaker Road, Lanfair Road, Cima Road, Morning Star Mine Road, Ivanpah Road, and Kelso-Cima Road. Equipment includes: loader, grader, dump truck, pickups, blade truck, and broom truck. Crews of 3-5 workers operating up to five vehicles will be working at each location at any one time.

Mr. Hartwell previously applied for a special use permit for road shoulder grading activities in 2009. More information may be found under PEPC project #24411. At that time, reviewers expressed several concerns regarding impacts to desert tortoise and habitat. These concerns should be revisited and their applicability to this request should be determined.

Project Locations:

County:	San Bernardino	State:	CA
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Location 1		
District:	Cima Road	Section:
Location 2		
District:	Morning Star Mine Road	Section:
Location 3		
District:	Ivanpah Road	Section:
Location 4		
District:	Kelbaker Road	Section:
Location 5		
District:	Hidden Hills Road	Section:
Location 6		
District:	Kelso-Cima Road	Section:
Location 7		
District:	Essex Road	Section:
Location 8		
District:	Black Canyon Road	Section:
Location 9		
District:	Lanfair Road	Section:
Location 10		
District:	Nipton Road	Section:

Mitigation(s):

- **INJURY:** Should any desert tortoise be injured or killed, all activities shall be halted and Mojave National Preserve immediately contacted. If a desert tortoise is injured or killed as a result of the road shoulder grading activities described in this permit, this permit will be revoked. If San Bernardino County workers find an injured tortoise in the course of their work, they must immediately contact Mojave National Preserve.
- **GRADING:** To avoid building up tall berms that may inhibit movement of desert tortoises, the operator should minimize lowering of the road bed while grading. Berms higher than 12 inches or a slope greater than 30 degrees shall be pulled back into the road bed.
- **SPEED LIMITS:** The biological monitor and the equipment operator shall watch for desert tortoises on the road whenever driving, transporting or operating vehicles or equipment. For heavy equipment, driving speeds shall not exceed 20 miles per hour and operating speeds should not exceed 5 miles per hour to allow for adequate visibility.
- **HEAVY EQUIPMENT:** Operators of heavy equipment (such as roadgraders) shall be accompanied by a biological monitor. The biological monitor shall walk in front of the equipment during its operation, shall function as the field contact representative and have the responsibility and authority to halt all project activity should danger to a desert tortoise arise. The biological monitor shall survey each work area for desert tortoise sign (including but not limited to tortoise burrows) and flag tortoise burrows before work begins. All road shoulder grading work will avoid flagged areas and shall proceed only after hazards to the desert tortoise are removed, and the desert tortoise is no longer at risk. The biological monitor shall watch for desert tortoises while heavy equipment is being operated and shall have the responsibility for preventing harm to desert tortoises.
- **REPORT:** The equipment operator or authorized biologist shall keep a tally of all desert tortoises seen, moved, injured, or killed during the project. Other required elements are rating the effectiveness of required protective measures, a breakdown of actual habitat disturbance, and suggestions for improving measures to protect the desert tortoise. All tortoise injuries and/or deaths related to road shoulder grading must be reported to the National Park Service as soon as possible, and no later than 24 hours after the injury or mortality occurs.
CONTACT: Rangers can be reached via the Federal Interagency Communications Center, (909) 383-5651.
- **DITCHES:** For the purposes of this permit, "ditch" includes "road side drains," a term used by San Bernardino County for features that drain water off the roads. The biological monitor shall inspect ditches for desert tortoise burrows before moving or shoveling any soil. If a desert tortoise burrow is present, the authorized biologist must notify the National Park Service, Mojave National Preserve. The Mojave National Preserve contact will consult with the US Fish and Wildlife Service. If USFWS approves the action, Mojave National Preserve will notify the authorized biologist to proceed with disturbance of the tortoise burrow.
- **BURROWS:** If a burrow is occupied by a desert tortoise and avoidance of the burrow is not possible during road maintenance or reclamation activities, only an authorized biologist shall make the final determination regarding the need to relocate the desert tortoise, either permanently or temporarily. Only an authorized biologist may excavate the burrow, following established protocols. If a desert tortoise burrow is present, the authorized biologist must notify the National Park Service, Mojave National Preserve. The Mojave National Preserve contact will consult with the US Fish and Wildlife Service. If USFWS approves the action, Mojave National Preserve will notify the authorized biologist to proceed with disturbance of the tortoise burrow.

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

C.9 Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.

Mojave National Preserve staff has completed an interdisciplinary review of the proposed action. Because of ongoing court-ordered negotiations between the National Park Service, the County of San Bernardino, and interested third parties regarding roads jurisdiction in Mojave National Preserve, this environmental review of this request was more complex and lasted longer than usual. Reviewers made note of issues regarding impacts to the desert tortoise, traffic speeds in the Preserve, and the spread of non-native and invasive plants.

General protective measures for desert tortoise listed in the Biological Opinion for Mojave's General Management Plan (1-8-00-F-36) will be incorporated as special park conditions in all special use permits associated with the requested activities. In particular, permit conditions will reiterate general protective measures associated with route maintenance and surface restoration. These measures are listed above as mitigations. They have been reviewed by officials from the San Bernardino County Department of Public Works, Department of Justice, Department of the Interior, and National Park Service.

Permit conditions will also include a standard condition to require all vehicles and heavy equipment be cleaned of soil and plant debris before entering Mojave National Preserve. This condition deters the establishment of new populations on non-native and/or invasive plant species. Mojave National Preserve owns two traffic/speed counters that were used as part of the desert tortoise road mortality study. Invasive plants tend to become established after soils have been disturbed; periodic grading can maintained low vegetative growth within road shoulders. The reviewer who expressed concern about road conditions affecting traffic intensity and/or speeds was advised to ask Dr. Debra Hughson for assistance in locating these counters, then use them to measure road use before (data already collected) and after shoulder grading has been completed.

No other issues arose that might have significant adverse impacts on the natural or cultural resources of Mojave National Preserve. Impairment is, therefore, not expected to result from the proposed action. Special use permits with conditions as described above may be issued to Mr. Hartwell and Mr. Holmes to implement the activities described herein.

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Superintendent: Stephanie R Dubois Date: 1-6-12

NPS Contact: [Signature] Date: 09 January 2012