



Finding of No Significant Impact

Eagle Mountain Boundary Study including Possible Land Withdrawal

Environmental Assessment

DECEMBER 2016

Introduction

This Finding of No Significant Impact (FONSI) has been prepared in accordance with the National Environmental Policy Act (NEPA) for the *Eagle Mountain Boundary Study Including Possible Land Withdrawal Environmental Assessment* (Boundary Study/EA) for an area within the Eagle Mountains, adjacent to Joshua Tree National Park, in Riverside County, California (study area). The Boundary Study/EA was prepared in cooperation with the Bureau of Land Management (BLM) and examines the feasibility of including approximately 31,500 acres of land into Joshua Tree National Park.

This FONSI documents the determination of the National Park Service (NPS) that resources evaluated through this study meet the criteria for a proposed boundary adjustment to Joshua Tree National Park. It describes the selected action and provides an explanation of why it will have no significant effects on the human environment. The FONSI is accompanied by a Response to Comments (Appendix A) and a Final EA with corrections. These documents constitute the record of the environmental impact analysis and decision-making process for the project for the NPS. This FONSI does not change the park boundary. Subsequent action, as described in the Selected Alternative section below, would be needed to officially change the boundary of the park.

Although the Boundary Study/EA serves as the required environmental analysis for the possible withdrawal and transfer of up to 22,500 acres of BLM-managed lands within the study area to the NPS as authorized by provisions of the Land and Water Conservation Fund Act¹ and the Federal Land Policy and Management Act² (FLPMA), this FONSI does not document BLM's decision on the proposed withdrawal. The BLM will issue a separate FONSI that documents its decision on whether the withdrawal and transfer would have a significant effect on the human environment. In addition, if the Department of the Interior determines that it is appropriate to proceed with the withdrawal and transfer, the Department will authorize the publication of a public land order in the Federal Register directing the transfer.

¹ The Land and Water Conservation Fund Act authorizes NPS to accept an administrative transfer of lands from another federal agency for inclusion with an adjacent national park unit. See 54 U.S.C. § 100506(c)(1)(B) (formerly found at 16 U.S.C. § 460l-9(c)(1)(ii)).

² The Federal Land Policy and Management Act authorizes the Secretary to transfer jurisdiction over federal lands. See 43 U.S.C. §§ 1702(j), 1714 and 43 C.F.R. § 2310.1-2.

Background

Much of the study area was part of Joshua Tree National Monument when designated in 1936. The presence of patented mining claims containing substantial deposits of iron ore led to the removal of this area for mineral extraction purposes in 1950. The federal lands that were removed from the monument were transferred to the BLM for administration. From 1948 to 1983, Kaiser Steel Corporation operated the Eagle Mountain Mine in this area where it extracted iron ore to supply its steel mill in Fontana, California. During this time it was the largest iron mine in the western United States. Ultimately, four large open pits of between one to two miles in length were constructed by Kaiser Steel Corporation. Full-scale iron ore mining ceased in 1983, although limited mining of surface materials continues today.

In 1989, Kaiser Eagle Mountain, Inc. (Kaiser) and Mine Reclamation Corporation proposed to develop the Eagle Mountain Landfill and Recycling Project in the Eagle Mountains in around the Eagle Mountain Mine. They also proposed renovation of the nearby Eagle Mountain Townsite to support landfill operations. To facilitate the landfill project, Kaiser proposed a land exchange to acquire some of the public lands managed by the BLM (3,481 acres) in the project area and the federal reversionary interest in the Eagle Mountain Townsite. BLM approved the land exchange in 1999. Litigation challenging the land exchange was filed soon thereafter. While the litigation was ongoing, Kaiser and its partners entered into an agreement with the Sanitation Districts of Los Angeles County to take over the project. The federal courts ultimately found deficiencies in BLM's process for approving the land exchange. Before BLM could correct the deficiencies identified by the courts, the Sanitation Districts of Los Angeles County in 2013 announced that it would no longer pursue acquisition of the Eagle Mountain landfill project. These developments effectively ended the viability of the landfill project. In December 2014, the litigation concluded when the federal district court issued a final judgment and order returning the exchanged federal lands in the Eagle Mountain area to the BLM. The returned lands and the other BLM managed lands within the area and surrounding region continue to be available to various development proposals, including a current plan for a pumped storage hydroelectric project approved by Federal Regulatory Energy Commission (FERC).

While some portions of the Eagle Mountain area have been disturbed as a result of mining operations, most of the lands within the study area remain undeveloped and in federal ownership. The Eagle Mountain area contains resources and values fundamental to the established purpose of Joshua Tree National Park. Such resources and values include: desert tortoise (*Gopherus agassizii*) and desert bighorn sheep (*Ovis canadensis nelsonii*) habitat and other habitat types important for maintaining biological diversity and healthy ecosystem function; interconnectivity of California desert lands; wilderness values and accessibility; dark night skies; desert landforms; and recreational opportunities. Historic resources associated with the Eagle Mountain Mine and Townsite, the Colorado River Aqueduct, and General Patton's World War II Desert Training Center may provide opportunities to expand the rich history interpreted at Joshua Tree National Park.

Purpose and Need

The purpose of this study and environmental assessment is to evaluate the suitability and feasibility of the addition of approximately 31,500 acres of land in the Eagle Mountain area for inclusion in Joshua Tree National Park. The purpose of the proposed withdrawal and transfer, if determined appropriate, is to complete an administrative transfer of up to 22,500 acres of public lands from the BLM to the NPS in accordance with FLPMA and the Land and Water Conservation Fund Act (LWCF) (54 U.S.C. 100506(c)(1)(B)) for administration as part of Joshua Tree National Park. If approved by the Department of the Interior, the transfer would protect the transferred lands from further settlement, sale, location, and entry under the public land laws, including the United States mining laws, and from further leasing or other disposition under the mineral and geothermal leasing laws.

There is a need to protect the area from further mineral exploration and development to prevent the loss of resources and public enjoyment opportunities related to the purpose of Joshua Tree National Park. The cumulative and synergistic effect of changes in land use to the region as a result of energy development, urbanization, and the effects of climate change have the potential to dramatically impact the protection of biodiversity within Joshua Tree National Park. In recent years the California desert has become an important location for renewable energy facilities. Secretary of the Interior Kenneth Salazar signed Secretarial Order No. 3285 in March 2009 making renewable energy production a top priority for the Department of the Interior and the Bureau of Land Management (BLM). The State of California has enacted renewable resource goals to increase the percentage of renewable energy generation to 50 percent by 2030. In an effort to meet both state and national goals for renewable energy, a large number of renewable energy projects have been approved and more are proposed on BLM-managed land, State-owned land, and private land in the California desert, particularly in the Eagle Mountain area.

The Eagle Mountain area remains a key building block for landscape-scale conservation in the California desert. Inclusion of the study area in the national park boundary could help to achieve landscape-scale conservation objectives for the unique California desert region. In addition, the study area: 1) contains areas important for maintaining wilderness values, biodiversity, and other natural values within Joshua Tree National Park; 2) includes cultural resources that expand on cultural themes interpreted at the national park; and 3) offers new opportunities for public enjoyment. The boundary study is needed for the following reasons:

- Formerly included within the boundary of Joshua Tree National Monument when established in 1936, the area of study is bounded on three sides by national park lands, including the most pristine wilderness areas of the park. Values include dark night skies, high air quality, and natural quiet, all of which could be affected by proposed future uses of the area.
- Regional development projects, urbanization, and the effects of climate change will pose additional challenges to maintaining park biodiversity. Although some portions of the study area have been developed and altered to support the area's former mining operations, the majority of the study area lands (roughly 80%) are primarily undeveloped, containing regionally important habitat and migration corridors for rare and threatened wildlife that inhabit Joshua Tree National Park. In addition, some natural recovery of the area has begun in areas that were previously mined. Landscape-scale conservation approaches that include opportunities to protect regional wildlife corridors will be an important component in addressing threats to park biodiversity.
- Future use and development of study area lands and surrounding areas in the Chuckwalla Valley could affect important water resources within the park. Joshua Tree National Park's aquifers are hydraulically connected to aquifers in the Eagle Mountain area.
- The study area contains historic resources such as the Eagle Mountain Mine and Townsite which may provide opportunities to expand the mining history currently interpreted in Joshua Tree National Park. Other historic resources include features related to the development of the Colorado River Aqueduct and portions of General Patton's extensive World War II Desert Training Center. There is also high potential for discovery of archeological resources related to the area's long history of human use.
- The study area provides opportunities to expand public enjoyment at Joshua Tree National Park. In addition to the area's interpretive value, visitor opportunities include improved access to some of the most remote areas of the park, and the potential for introducing new recreational opportunities.

- Administratively, the site's proximity to Interstate 10 could improve NPS access to the southeastern end of the park, providing park resource managers with new avenues to monitor and study resources in these areas.

Study Findings

Chapter 2 of the Boundary Study/EA contains a boundary adjustment criteria analysis that evaluates the properties under consideration according to criteria set forth in Section 3.5 of NPS *Management Policies* 2006. A summary of this analysis follows. Study area lands west of the Colorado River Aqueduct and associated properties contain resources and public enjoyment opportunities related to the purpose of Joshua Tree National Park and are suitable for inclusion in the park boundary. This includes approximately 28,600 acres of lands within the federal, private, State School lands, Townsite, and Eagle Mountain School parcel groups. Adding the study area lands to the Joshua Tree National Park boundary would also improve access to the east side of the park, create a more logical boundary delineation, and allow access to NPS staff to monitor and document the resources of the area.

Of these suitable lands, the Boundary Study/EA originally determined that most lands within the study area (~25,070 acres) were feasible as additions to Joshua Tree National Park. Included were ~22,515 acres of federal land, ~2,230 acres of private land west of the proposed pumped storage hydroelectric project that were thought to be available for donation to the NPS by the Eagle Crest Energy Company and its affiliates within several years, and ~325 acres of State School lands that were thought to be available from the State of California within several years.

As a result of public and agency review of the Boundary Study/EA, the acreage of federal lands deemed currently feasible for transfer was reduced from ~22,515 acres to ~17,670 acres to address concerns raised by Eagle Crest Energy Company and the Bureau of Land Management regarding the effects of the proposed Alternative C on BLM's ability to consider a right of way application for the Eagle Mountain Pumped Storage Hydroelectric Project, which was licensed under the Federal Power Act in 2014. The reduction in acreage accounts for federal lands that are included in Eagle Crest Energy Company's pending right of way application with BLM. If BLM does not issue the requested rights of way, or if BLM issues rights of way for less than the area included in Eagle Crest's application, such areas could again become feasible for transfer to the NPS.

The feasibility of the private land parcels has also changed as a result of information received through the public comments. Although the Eagle Crest Energy Company has indicated that it would consider donation of lands excess to the proposed pumped storage hydroelectric project to the National Park Service, comments indicated that it may not do so until the final promissory note is secured for such lands, mining claims, and other property interests owned or controlled by Kaiser Eagle Mountain, LLC. Eagle Crest Energy Company continues to maintain a willingness to donate such lands to the NPS, but only at such time that the promissory note is secured. In addition, a 30-acre parcel in the northwestern portion of the study area is no longer considered feasible as the owners have indicated that the lands are not currently available for NPS acquisition. As a result, ~2,000 acres of private lands are considered feasible for NPS management.

The findings were also revised with regard to State School Lands. The State School Lands acreage was revised to reflect current records of the California State Lands Commission (CSLC). CSLC has also commented that such lands would only become available through land exchange or purchase when and if the surrounding private lands and associated mineral rights of the former Eagle Mountain Mine lands proposed for the boundary addition are relinquished to the National Park Service. As a result, approximately 335 acres of State School Lands are considered feasible should they become available for NPS management.

Although some portions of the study area are not feasible for NPS management at this time, such areas considered potentially feasible (~8,610 acres) contain resources with cultural resource values and public enjoyment opportunities. The NPS could consider inclusion of these lands in the park boundary in the future if current or planned uses change. These lands include the FERC-licensed area for Eagle Crest Pumped Storage Hydroelectric Project (~6,495 acres, including Townsite and requested rights of way), privately-owned commercial mining areas (~1,995 acres), the privately-owned patented land parcel in the western study area (30-acres), and the Eagle Mountain School (~90 acres). Land acquisition would only be considered where landowners have expressed interest in selling or donating lands to the NPS. Approximately 2,895 acres of land associated with the Colorado River Aqueduct is not considered a feasible addition to the park.

The study finds that operational costs for a boundary expansion of Joshua Tree National Park in the Eagle Mountain area would be feasible. Most of the lands considered feasible at this time are federal lands which could be transferred to the NPS with little cost. Such lands contain few structures or facilities that the NPS would have to maintain. Areas both feasible and potentially feasible would result in a 2.6-3.75% addition to overall park acreage. Costs for development would be dependent on management priorities and approaches identified through implementation planning and the location, size, and configuration of future land acquisition. Socioeconomic impacts on local communities would largely be beneficial. Location of new mining claims would be precluded. Valid existing rights would be preserved. Unpatented mining claims on any BLM-managed lands that are transferred to the NPS would become subject to the Mining in the Parks Act and associated NPS regulations.

The study finds that other means for resource protection in the Eagle Mountain area are not adequate for long-term protection of resources related to Joshua Tree National Park's purpose. Including lands in the Eagle Mountain area within the Joshua Tree National Park boundary would enhance long-term protection of the area and its resources. Without NPS management, the area would continue to be managed without a cohesive vision for protection or interpretive and educational opportunities, and it would remain open to new incompatible uses. Given the configuration of the area in relationship to the park boundary, new incompatible uses could result in additional and synergistic adverse impacts on park resources such as wildlife, water resources, and wilderness values. Adding the study area lands to the Joshua Tree National Park boundary would also improve access to the east side of the park, create a more logical boundary delineation, and allow access to NPS staff to monitor and document the resources of the area.

Selected Alternative

Description

The National Park Service has selected Alternative C, with revisions, from the Boundary Study/EA (Selected Alternative). Under the Selected Alternative, the boundary of Joshua Tree National Park could be expanded in stages by approximately 20,005 acres, assuming certain subsequent actions take place (See *Map 1: Selected Alternative*). As an initial step, the boundary could be expanded to include approximately 17,670 acres of federally owned lands currently managed by BLM if the proposed withdrawal and transfer of these lands is approved by the Department of the Interior. See *Map 2: Selected Alternative – Proposed Federal Land Transfer*.

The park's boundary could be expanded in subsequent stages to include approximately 2,000 acres of privately owned lands, and 335.7 acres of State School Lands outside of the Federal Energy Regulatory Commission (FERC) license withdrawal area that have been determined feasible for addition to Joshua Tree National Park but that are not currently available to NPS. See *Map 3: Selected Alternative – Federal Land Transfer with Proposed Private and State Additions*. The Selected Alternative, if fully implemented, could allow for greater protection of existing habitat, restoration opportunities, and landscape connectivity for wildlife such as bighorn sheep as well

as new visitor opportunities. As depicted in Map 1, the expanded boundary would exclude a 30 acre private parcel in the northwestern corner of the study area. The private owner has not consented to the inclusion of this parcel in an expanded park boundary.

The 2,000 acres of private land could be acquired when available through direct donation to NPS or through purchase by a third party from a willing seller with subsequent donation to NPS. Eagle Crest Energy Company, which holds property interests in these lands, has indicated that it would consider donating lands not needed for the pumped storage hydroelectric project to the National Park Service following construction of the project and at such time that the outstanding promissory note for the private parcels is secured. State School Lands could be acquired through a land exchange with the California State Lands Commission. The California State Lands Commission has indicated that it would consider a land exchange when and if the surrounding private lands and mineral interests are transferred to the NPS for management.

The long-term vision of the National Park Service would be to include in the park boundary all of the lands determined suitable for addition to Joshua Tree National Park, if and when such lands become available to the National Park Service. This would include approximately 8,610 acres that include the Eagle Mountain Mine and Townsite, if existing uses of those lands change and subsequently become available to the NPS through willing sellers. Federal lands associated with the proposed right of way for the pumped storage hydroelectric project could be considered for transfer to the NPS at a later time, if not needed for the operation of the facility. Additional feasibility analysis and environmental site assessments for the remaining lands may be necessary at such time that they become available.

Valid Existing Rights

If the park boundary is adjusted, valid existing rights would be preserved. The proposed boundary addition would not include BLM-managed lands that have been previously withdrawn under the Federal Power Act for the Eagle Crest Energy Company's Eagle Mountain Pumped Storage Project. The hydroelectric project received a 50-year license from FERC in June 2014.

Southern California Edison maintains electrical and telecommunications infrastructure in the Townsite area near the proposed boundary adjustment and additional facilities are planned to support the proposed pumped storage hydroelectric project. The Selected Alternative would allow public utilities to access, maintain, or upgrade existing and planned electrical and telecommunications infrastructure on adjacent lands.

All valid existing mineral rights (for both patented and unpatented mining claims) would be retained by current claimants. The unpatented and patented mining claims in the boundary revision area that would be transferred to NPS administration would become subject to the Mining in the Parks Act and its implementing regulations (36 C.F.R. § 9, Subpart A- Mining and Mining Claims), as well as other NPS laws and regulations. Mining claims in NPS-administered areas must be determined to be valid, through the completion of a validity exam, before the NPS can approve a plan of operations for mining. To be valid, a mining claim must contain a discovery of a valuable deposit of a mineral, subject to location under the Mining Law of 1872. For a millsite to be valid, the millsite must be on lands that are non-mineral in character and be in use for mining, milling, or other mining related purposes.

Because BLM cost-recovery regulations do not authorize the recovery of costs associated with validity examinations on NPS lands, the cost of the validity exams would probably be borne by the National Park Service should lands be transferred for management as part of Joshua Tree National Park. However, the validity examination would be conducted by BLM personnel. Unpatented claimants could apply for temporary approval to continue mining in the NPS-administered areas until such time that a validity exam could be conducted. The

NPS is committed to ongoing coordination and communication with area claim holders with regards to implementation planning and future use of the area if federal lands containing unpatented claims are transferred to NPS management.

Implementation

Implementation of a boundary adjustment would require additional administrative and/or Congressional action and may occur in stages. The mechanism for implementation of the proposed boundary adjustment is dependent upon the availability of properties and the means by which they could be acquired by the National Park Service. Federal lands managed by the Bureau of Land Management (BLM) could be administratively transferred to the National Park Service (NPS) as authorized by provisions of the Land and Water Conservation Fund (LWCF) Act (54 U.S.C. §100506(c)(1)(b)) and the Federal Land Policy and Management Act (FLPMA). In the near term, the boundary could be expanded to include approximately 17,670 acres of federally owned lands currently managed by BLM if the proposed withdrawal and transfer of these lands is approved by the Department of the Interior.

Inclusion of any of the local, state, or privately owned lands in a future boundary adjustment would require Congressional action, unless such lands were donated to the National Park Service, or acquired through land exchange, in which case such lands could be included in an administrative boundary adjustment (54 U.S.C. §100506(c)).

Resource Protection Opportunities

Most lands recommended for addition to the national park in the Selected Alternative are undisturbed lands that contain habitat important for landscape-scale conservation of the California desert and that would protect adjacent park wilderness values. Including these lands in the national park boundary would provide the NPS the opportunity to protect the transferred lands in tandem with NPS-managed properties within Joshua Tree National Park. Benefits include protection from development, seamless protection of existing habitat, and restoration opportunities for disturbed lands that may provide greater landscape connectivity for wildlife such as desert bighorn sheep.

For areas included in a future boundary adjustment, the NPS would work to ensure that future activities and uses do not diminish the wilderness values of adjacent areas. This would include any new visitor opportunities identified in future management plans for newly added areas.

Additional inventories, documentation and mapping of cultural sites could be undertaken, although location data for sensitive sites would not be released in order to protect the sites from vandalism. The NPS would conduct appropriate consultation and coordination with native cultural groups that have ties to the Eagle Mountain area.

For lands that remain in private ownership, the NPS would seek to work with private landowners on mitigation strategies to avoid or minimize the impacts of adjacent industrial uses on park resources. Reclamation of disturbed areas associated with the Eagle Mountain Mine would occur under the approved reclamation plan for the mine. However, any private parcels that are donated to the NPS in the future, including those private lands outside of the FERC-licensed area, could provide additional protection of park resources such as travel corridors for populations of desert bighorn sheep in the Eagle and Coxcomb Mountains. NPS could pursue further restoration of areas of any lands transferred to the NPS where necessary for the specific purpose of improving habitat connectivity for desert bighorn sheep and other sensitive species.

Resource Management Planning

Although specific implementation plans would be required for management actions such as restoration projects, the park's recently completed *Resource Stewardship Strategy* (2014) would provide initial resource management guidance for those resources that are considered fundamental to the purpose of Joshua Tree National Park. A resource stewardship strategy is a planning document for a national park unit to achieve its desired natural and cultural resource conditions, which are derived from relevant laws and NPS policies identified in a park's foundation document, or other park plans. The resource stewardship strategy serves as a bridge between the park's foundation document and everyday management of its natural and cultural resources. The resource stewardship strategy describes measurable desired conditions and possible pathways to achieve desired results for certain fundamental resources and values. Lands within the proposed boundary adjustment include resources that represent almost every fundamental resource and value outlined in the park foundation document and resource stewardship strategy. Those fundamental resources and values are:

- Biological diversity and healthy ecosystem function
- Interconnectivity of California desert lands
- Recreational opportunities and values
- Wilderness values and wilderness accessibility
- Ever-expanding knowledge base
- Opportunity to understand, apply, and share knowledge to benefit the park and beyond
- Geological resources and desert landforms
- Hydrological resources
- Night sky
- Clean and breathable air
- Soundscape
- Viewsheds
- Historic structures or landscapes
- Archeology (historic and prehistoric)
- Cultural anthropology
- History

Visitor Experience Opportunities

Under the Selected Alternative, new visitor opportunities in the Eagle Mountains could be explored. Backcountry hiking, night sky viewing, and informal camping opportunities could be afforded without requiring extensive infrastructure improvements. A hiking trail connection to Cottonwood Springs could be explored. The NPS could consider improvement of the existing access road for safer visitor and staff travel while taking into consideration the need to conserve natural, cultural, and wilderness values. Other facilities that could be explored include trails, camping areas, or overlooks. Consideration would be given to areas where interpretive signage could provide information about the area and its history.

Access would continue to be limited on private lands and to FERC energy license withdrawal lands. However, the NPS could explore with Kaiser Eagle Mountain, LLC, and its affiliates opportunities to provide access from the

private lands to the east, to the extent that such opportunities would not interfere with current mining operations and the existing approved reclamation plan for the Eagle Mountain Mine. Careful consideration would be given in evaluating additional visitor access opportunities to ensure public safety and consistency with the current reclamation plan for the mine.

Once lands are transferred to the NPS for administration as part of Joshua Tree National Park, some existing uses would be constrained in accordance with NPS regulations and policies. Off-highway vehicle use would be limited to designated routes, pursuant to implementation planning for the area. Some uses such as shooting would no longer be permitted. Some visitors to the federal lands conduct mining on unpatented claims. Long-term continuation of this use would be contingent upon validity for the claim and other requirements of NPS regulations for mining.

The NPS would need to conduct further planning to determine the range of visitor use facilities that would be appropriate and compatible with the area's natural and cultural resource values and where such facilities could be appropriately sited. Any new visitor opportunities would be considered in light of existing and potential opportunities to access to the area. The NPS could explore cooperative opportunities to provide access along public roads or seek access agreements from adjacent land owners.

Public Access Following NPS Management

If BLM-managed lands are transferred to NPS jurisdiction, the NPS would continue to allow access to the transferred lands along existing roads such as Black Eagle Mine Road. NPS would not provide public access to private or state lands unless such lands are acquired by NPS through donation, sale or transfer. Access to the former mining areas may be restricted for safety reasons. If those lands are acquired by NPS, further analysis would be required to evaluate safe and appropriate access opportunities.

Operational Management Opportunities

The areas proposed for inclusion in the boundary would allow the NPS to improve access to the Eagle Mountain area and expend funds on studies and projects related to natural and cultural resource protection for most of the lands within the study area. Resources within this area would be studied and inventoried, contingent on the availability of funds. The need for inventories is heightened with the effects of climate change on park resources and the impacts that could result from construction and operation of the proposed pumped storage hydroelectric project.

Future Plans Needed

If lands are transferred to NPS for management, the NPS would complete a management plan to define appropriate uses and functions for the area and to coordinate the interrelationships among uses, site resources, and facilities (for visitors and/or park operations); and establish a road map to guide decisions on needed capital improvements, preservation, and development. As described above, the resource stewardship strategy provides guidance for protection of Joshua Tree National Park's fundamental resources and would serve to provide guidance for management of the area's resources until such time that a comprehensive site plan would be completed for the area. Additional studies and planning would be required for any restoration efforts on the previously disturbed areas.

Costs

The NPS base budget for Joshua Tree National Park in fiscal year 2015 was \$6.06 million, which includes employee salaries and day-to-day operating expenses. In the current fiscal environment, it is unlikely that funding increases would be immediately available to support the expanded park area upon transfer of the lands

to NPS for management. In the short-term, existing funding for Joshua Tree National Park, including revenue from park entrance fees, would be used for management of the newly added lands.

Operations. Initially, existing staff at the park would manage and operate the expanded park area. However, over time as implementation planning identifies specific resource management needs and visitor opportunities additional staffing and expertise needed for the expanded area would likely include:

- Resource management staff to document and manage the expanded scope of natural and cultural resources within the newly added area
- Interpretive staff to create and deliver visitor programs
- Law enforcement staff to protect resources and ensure a safe visitor experience
- Maintenance and facilities management staff, primarily for maintenance of Black Eagle Mine Road

Total additional staffing identified would be five FTE which would require an increase of \$340,000 over the park's current annual operating budget.

Facility and Other One-time Costs. Aside from existing roads, the area under consideration in the Selected Alternative contains very few facilities that would require NPS maintenance. The NPS would assume maintenance for approximately eight miles of Black Eagle Mine Road and access roads associated with the mining areas. Annual operation and maintenance of the road in its current condition (unpaved four-wheel drive passable only) would cost approximately \$8,000. Minimal road improvements to allow passenger cars access (unpaved) would be a one-time capital investment of \$280,000. Annual maintenance costs for an improved road would be about \$1,600 more annually over maintenance costs for the road in its existing condition.

Over time, as implementation planning identifies specific projects and needs, additional funding would be sought. Capital costs related to visitor services may include funding for road improvements, new trails, overlooks, camping areas, or waysides. Further implementation planning would determine appropriate visitor facilities and would identify specific costs associated with those facilities. Additional inventories, documentation and mapping of cultural sites would be undertaken to inform implementation planning where necessary. Planning would consider potential visitor use, facility and site design where appropriate, and detailed identification of resource protection needs. Actual costs to the NPS would vary depending on timing and implementation and contributions by partners and volunteers.

The private land proposed for inclusion in the boundary would include two of the former mining pits (Black Eagle and Iron Chief) associated with the Eagle Mountain Mine. If these lands are included in the park, the NPS could incur some costs to address any potential safety hazards associated with mined lands if reclamation activities by KEM are not sufficient for NPS purposes. The NPS would also have to incur costs for any validity exams related to unpatented mining claims that are transferred to the NPS for management.

Modifications to the Preferred Alternative

The recommendations encompassed in the Selected Alternative are similar to those proposed in Alternative C, with the exception of several changes made as a result of information and comments derived from public and agency review of the environmental assessment, as follows:

- The proposed transfer of Bureau of Land Management managed federal land to the National Park Service has been reduced from 22,515 acres, to approximately 17,670 acres to address concerns raised by Eagle Crest Energy Company and the Bureau of Land Management regarding the effects of the proposed Alternative C on the implementation of the Eagle Mountain Pumped Storage Hydroelectric Project which was licensed under the Federal Power Act in 2014. Although ~4,850 acres are not immediately feasible for transfer because they are included in Eagle Crest Energy Company's right of way application to BLM, these lands could be considered for transfer to the NPS at a later time, following construction of hydroelectric project if they are not needed for right of way purposes.
- The proposed addition of 2,230 acres of private lands has been reduced to approximately 2,000 acres to reflect information from current landowners provided through public comment. Eagle Crest Energy Company expressed concern about the potential effects on the implementation of the Eagle Mountain Pumped Storage Hydroelectric Project on approximately 200 acres of private lands within the FERC-licensed area and proposed rights of way for the project. For the ~2,000 acres of land outside of the FERC-licensed area, Eagle Crest Energy maintains that it would donate such lands to the NPS. However, these lands would only become available for donation by Eagle Crest Energy Company following construction of the hydroelectric project and at such time that the outstanding promissory note on the private parcels is secured. The lands are owned by Kaiser Eagle Mountain, LLC, an affiliate of Eagle Crest. The owners of the ~30-acre private parcel in the northwestern corner of the study area have indicated that these lands are not currently available to NPS. These private lands could be added to the boundary in the future through donation, or purchase and donation should they become available to the NPS.
- The State School Lands would only become available through land exchange or purchase when and if the surrounding private lands and associated mineral rights of the former Eagle Mountain Mine lands proposed for the boundary addition are donated directly or through a third party to the National Park Service. As stated above, Eagle Crest Energy Company, which has a substantial interest in such lands, has expressed intent to donate such lands to the NPS following construction of its hydroelectric project.

Other Alternatives Considered

Alternative A: Continue Current Management (No Action) assumes the Eagle Mountain area would continue to be owned and managed by current public and private entities. No change would be made to the boundary of Joshua Tree National Park. In this scenario, BLM-managed land would be managed according to the *Desert Renewable Energy Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan* (DRECP LUPA) approved in September 2016. The No Action alternative in the Boundary Study/EA (March 2016) was based on Desert Renewable Energy Conservation Plan Proposed Land Use Amendment and Final Environmental Impact

Statement (October 2015). There are some changes between the draft and final LUPA; however, these changes do not affect the Boundary Study/EA environmental analysis.

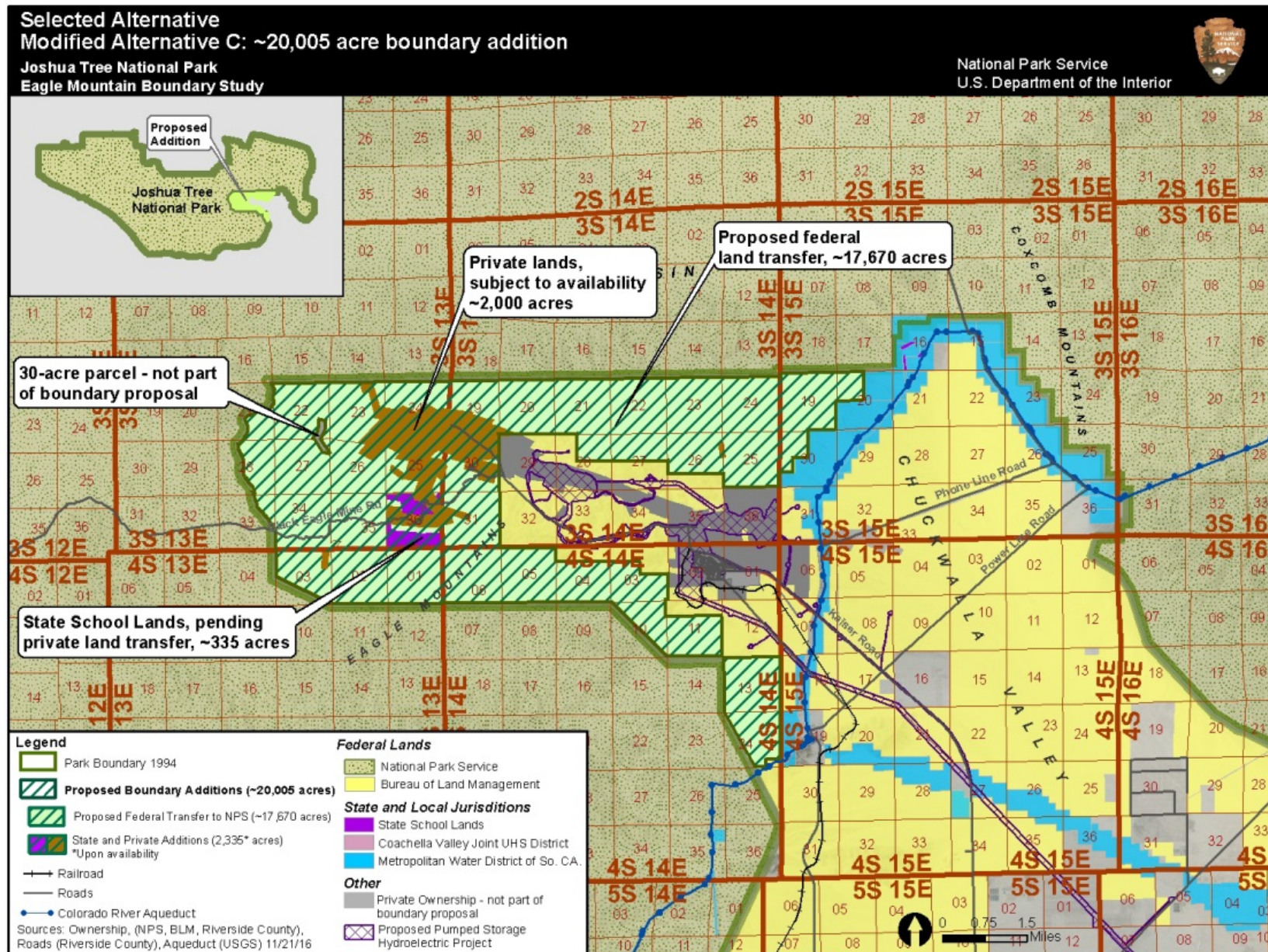
Alternative B, *Federal Agency-to-Agency Land Transfer (~22,135 acre boundary addition)* proposed a transfer of federal lands administered by the BLM to the NPS for administration as part of Joshua Tree National Park. Alternative D, *Restore 1936 Boundary to Provide Diverse Visitor and Resource Protection Opportunities – Phased Approach (~28,600 acre addition)* proposed a boundary addition that represents a long-term vision for comprehensive protection of the area's resources and included a transfer of BLM-administered lands (22,515 acres) and other lands to be acquired for park use overtime if and when they become available from willing sellers.

Preliminary Options Considered and Dismissed

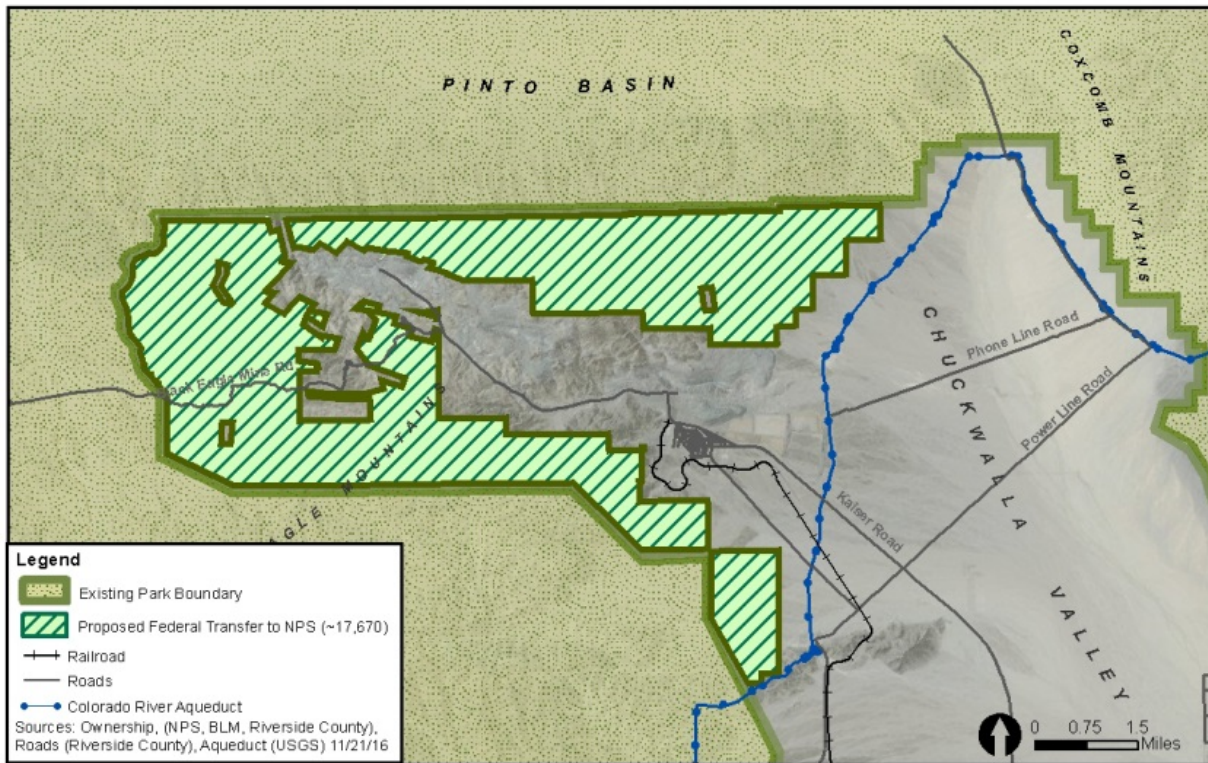
The study evaluated a variety of configurations associated with the proposed boundary expansion. Public scoping comments suggested two alternatives that the NPS considered but dismissed. The first would be the inclusion of all lands in the study area. The NPS dismissed this alternative because all of such lands would not be feasible for the NPS to manage. While most of the lands under study are considered feasible or potentially feasible, the Metropolitan Water District of Southern California parcels that form the eastern boundary are actively managed for the operation and maintenance of the Colorado River Aqueduct and are thus not compatible with park management.

The second alternative would include a broader boundary adjustment that includes lands to the east in the Chuckwalla Valley that contain important habitat for species such as the desert tortoise (*Gopherus agassizii*). Including these areas is beyond the scope of the study which is focused on the historical footprint of Joshua Tree National Monument in 1936. These areas were not part of the historical footprint of the national monument. Additionally, because the NPS has determined that the Metropolitan Water District of Southern California parcels are not a feasible addition to the park boundary, including areas west of the Colorado River Aqueduct would create a boundary that is not contiguous.

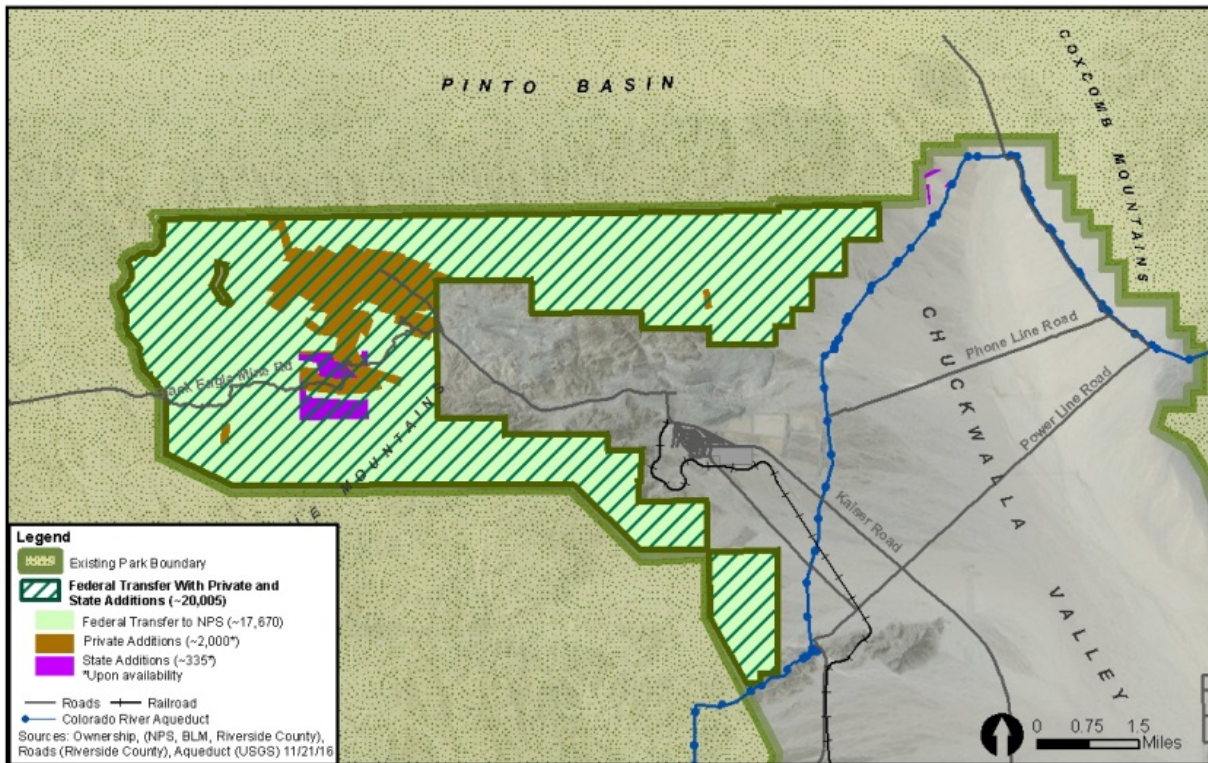
Map 1: Selected Alternative



Map 2: Selcted Alternative - Proposed Federal Land Transfer



Map 3: Selcted Alternative - Federal Land Transfer with Proposed Private and State Additions (Upon Availability)



Rationale for the Selected Alternative

Alternative C, the preferred alternative, with modifications incorporated as described above is selected for implementation because it meets the purpose and need, helps achieve landscape-scale conservation in the Eagle Mountain area, and provides new public enjoyment opportunities. The Selected Alternative includes the broadest area feasible for short-term implementation and achieves project goals even though the boundary adjustment acreage has been reduced. The majority of the study area will still be protected under National Park Service management, which will help address current threats facing park resources, such as habitat fragmentation from regional development as well as mitigate the effects of climate change on park resources. It allows for considerable wildlife connectivity in the Eagle Mountains and will have relatively low infrastructure costs. The park's long-term vision is to include within the park boundary all of the lands determined suitable for addition into Joshua Tree National Park. The Selected Alternative leaves open the possibility of future boundary expansions for lands deemed suitable, assuming such lands become available to NPS.

In general, the environmental analysis discloses that the alternatives have increasingly greater benefits; for example, Alternative B provides greater advantages to park resources and values than Alternative A, Alternative C is more beneficial than B, and Alternative D is most beneficial.

Alternative D was not selected because some of the private lands were determined to be infeasible for inclusion in the boundary. It is NPS policy is to acquire lands and interests in lands only from willing sellers, with condemnation as a means of last resort. Aside from the Eagle Crest Energy Company's expressed intent to donate land west of its hydroelectric project, the owners and lessees of other private parcels have not given consent for their lands to be included in the park boundary. Eagle Mountain Mining & Railroad Company, LLC has a Mining Lease and Agreement to conduct limited types of mining activities within the Eagle Mountain Mine; the initial term of the lease is 40 years, but it can be extended up to 100 years. In June 2014, Eagle Crest obtained a 50 year license from the Federal Energy Regulatory Commission (FERC) for the construction and operation of the Eagle Mountain hydroelectric pumped storage project. Lands withdrawn by FERC under the Federal Power Act are not available for withdrawal and transfer to the NPS.

In Alternative A, the BLM proposed land use plan amendments established through the Desert Renewable Energy Conservation Plan (DRECP) would result in greater protection of the resources in the area. However, because these land use designations do not apply to the majority of lands in the area, the potential for their conversion to other land uses allowable under BLM multiple-use classes for areas without new conservation designations remains, which could negatively impact the visitor experience as well as other natural resource values. While the BLM has responsibility under current policies to conserve and protect cultural and historical resources on its land within the study area, the BLM currently does not provide active interpretation of cultural resources within the study area. Nor does any current BLM management plan call for interpretation or education of cultural resources in the Eagle Mountains. There is no interpretation of the area's prehistory or mining history, nor is this proposed in any current management plan. Therefore, Alternative A was not selected. Alternative B was not selected because the benefits to park resources and values were less than the Selected Alternative. Alternative B also created a complex boundary with administrative challenges for both NPS and BLM.

Why the Selected Alternative will not have a Significant Effect on the Human Environment

Using the ten significance criteria as defined in the Council on Environmental Quality's NEPA regulations (Section 1508.27), the NPS has determined that the Selected Alternative can be implemented with no significant adverse impacts. The following criteria were used to determine the significance of each impact.

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect may be beneficial.

All potential impacts were identified in the EA and none rise to the level of significance. The Selected Alternative would result in many beneficial impacts on wildlife and vegetation. It would also contribute to the preservation of wilderness, cultural resources, visual resources, water resources and the soundscape. It could provide socioeconomic benefits to the Eagle Mountain area from increased tourism, and would not result in operational impacts for the park. The Selected Alternative would result in some adverse impacts to visitor recreation due to the prohibition of some activities on NPS land that are currently permitted on BLM-managed land (i.e. hunting, shooting, rockhounding, collecting, off-highway vehicle use outside of designated areas, use of metal detectors, and mining). However, these adverse impacts will be offset by the new opportunities available in the park, such as hiking, camping or educational/interpretative programs. The Selected Alternative would not adversely affect land use, since the NPS would not exercise eminent domain in any circumstance; private lands proposed for the boundary adjustment would be donated to the NPS by willing parties. There will be substantial adverse but insignificant effects to mining because new mining claims would not be permitted and mining on existing unpatented claims could cease if the claims are found to be invalid. This potential impact would be lessened in the short term if NPS authorizes claimants to operate temporarily during the validity examination process which could take several years to complete.

2. The degree to which the Selected Alternative affects public health and safety.

The Selected Alternative will not create any new safety or health hazards. Although remnants of an open pit mining operation exist in the middle of the study area, there is little risk to human health and safety because public access is prohibited and there is no known contamination emanating from the mine. Kaiser Eagle Mountain, LLC is required to comply with a reclamation plan for the mine. The NPS will conduct environmental site assessments prior to transferring land into the park boundary. This will allow NPS to identify hazards and manage future public use to avoid health and safety issues.

3. Unique characteristics of the area (proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, and so forth).

Desert landscapes that converge at Joshua Tree National Park create a biologically rich system of plant and animal life. The study area contains a rich array of desert habitat representative of the Colorado and Mojave deserts. Of particular importance is the use of the area for the migration of sensitive wildlife. The *Desert Renewable Energy Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan* (DRECP LUPA) recognizes the national significance of the desert ecosystems in the study area and proposes two separate designations to recognize these resources. The western federal lands are proposed for National Conservation Lands (NCL) while the lands to the east of the Eagle Mountain Mine are proposed to be included in the Chuckwalla Area of Critical Environmental Concern (ACEC). These proposed areas would comprise about 12,500 acres of federal lands within the study area.

There is critical habitat for desert tortoise (*Gopherus agassizii*) and habitat for 60 other special status plants and animals, including the desert bighorn sheep (*Ovis canadensis nelsonii*). The subarea contains important habitat

linkages for terrestrial reptiles, mammals, and burrowing owls, distributed among 14 BLM wilderness areas from the Colorado River to Joshua Tree National Park. Mountain cliff sites in designated BLM wilderness areas in the subarea are important to maintaining robust golden eagle populations. The DRECP LUPA also recognizes the significance of Sonoran old-growth microphyll woodlands that provide the highest amount of aboveground biomass of any plant community in the Sonoran Desert outside of the Colorado River riparian zone. The study area contains important habitat for wildlife in Joshua Tree National Park and other protected areas in the Mojave and Colorado deserts. Movement through contiguous habitat is essential to wildlife survival and is an important linkage to large-scale landscape conservation of the desert region.

The study area likely has ethnographic importance to all of the four native cultures that are currently associated with the national park, known today as the Cahuilla, Chemehuevi, Mojave, and Serrano. Archeological sites have been identified in surveys for various development projects in the region. The most prominent historic resources within the study area are the Eagle Mountain Mine and Townsite. These resources expand on mining history themes currently interpreted at Joshua Tree National Park, providing a 20th century component to mining in the California desert. Eagle Mountain Mine's operations provide an opportunity to convey the cultural contribution and story of Henry J. Kaiser and the Kaiser Steel Corporation and mining in the 20th century.

4. Degree to which impacts are likely to be highly controversial.

There is some public opposition associated with the boundary expansion. Although the bulk of the correspondence (approximately 9,000 form letters) was received from campaigns in support of the broadest possible boundary expansion, half of the unique comments were not supportive and favored the No Action alternative. The main issue of contention is the loss of mining opportunities due to Mining in the Parks Act regulations that prohibit the establishment new mining claims on NPS land and require all unpatented claims to undergo a validity examination. Most comments received on this issue were submitted by people who engage in casual use mining in the area. The opposition of these users to NPS's policy decision to recommend a boundary expansion does not equate to significance under NEPA. There is no genuine dispute within the scientific community about the impacts of reduced recreational mining opportunities in the study area, which the Boundary Study/EA acknowledges. These users would be able to practice casual use mining on other public lands within the geographic area that are open to placer mining. The impact on casual use miners is also mitigated somewhat by the provision that unpatented claimants could apply for temporary approval to continue mining on unpatented claims while the validity examination process is underway. If these unpatented claims are found to be valid, mining on those claims could continue.

The Selected Alternative would have minimal effect on new large scale mining of the Eagle Mountain Mine because: the majority of lands associated with the Eagle Mountain Mine would remain in private ownership; large scale mining and associated blasting is likely incompatible with the planned hydroelectric pumped storage project; the Eagle Mountain Mining and Railroad Company lease only authorizes the harvesting of above-ground fractured rock and tailings; and market conditions are not favorable to the resumption of large scale iron ore mining in this area. Additionally, since the Eagle Mountain Mine closure in 1983, the study area is no longer heavily used for mining, unlike other areas of the California desert (although some aggregate mining still occurs on private property).

5. Degree to which impacts are highly uncertain or involve unique or unknown risks.

There are no highly uncertain or unique risks associated with the Selected Alternative. Environmental site assessments will be completed to assess likely safety or environmental hazards. The Selected Alternative only provides a recommendation whether or not it is feasible to move the park boundary. If the boundary is adjusted, additional planning and compliance will be completed before the NPS implements any project in the new park area.

6. Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The Selected Alternative neither establishes a precedent for future actions with significant effects, nor represents a decision in principle about a future consideration.

7. Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects.

The impacts of the Selected Alternative on each impact topic were identified in the EA. Cumulative impacts to each resource were also identified and none will have cumulatively significant effects.

8. 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.

As stated above, the Eagle Mountain Mine and Townsite is the largest historic resource in the study area. In 1995, the Eagle Mountain Mine and Townsite was evaluated for eligibility for listing on National Register of Historic Places. Although potentially significant in regards to their role in iron ore mining industry in California, the United States, and the World, at the time of evaluation, the properties were less than 50 years old and determined to be ineligible. The Eagle Mountain Mine and Townsite are now more than 50 years and will be reevaluated for potential eligibility for listing in the National Register of Historic Places as a State Historic Preservation Office requirement for the Eagle Crest Pumped Storage Hydroelectric Project. There are likely many archeological resources in the area as well; prior to the NPS conducting any ground disturbing activities, testing and consultation will occur with the California State Historic Preservation Office (SHPO) will occur to ensure impacts are avoided or mitigated to the greatest extent possible. The boundary expansion itself would have no adverse impacts. The NPS will consult again with the SHPO prior to implementation of future actions within the boundary expansion area that could affect historic resources.

9. Degree to which an action may adversely affect an endangered or threatened species or its habitat.

The Selected Alternative will not result in any adverse effects to an endangered or threatened species or its habitat. Instead, a boundary expansion will ensure that a greater area of contiguous habitat and movement corridors exist for the threatened desert tortoise (*Gopherus agassizii*). It protects more areas of desert tortoise habitat from potential development projects. As a result, population declines from effects related to development may be reduced. Additional protected land would contribute to more extensive, contiguous home ranges that are essential for the survival of the species. Strengthening tortoise populations helps to create resilience against climate change. The Selected Alternative would protect individuals and species habitat not only to the desert tortoise but also to desert bighorn sheep, burrowing owls, golden eagles, bats, and other wildlife in the area. Landscape-scale conservation of the area could begin to take shape. This additional protection and conservation in this alternative would result in beneficial effects to wildlife and special status species.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The Selected Alternative does not violate any federal, state, or local law, or requirements imposed for protection of the environment.

Public Involvement

Public Scoping

Scoping for this study included both internal and public scoping. Internal scoping was conducted with staff from the Joshua Tree National Park, the National Park Service (NPS) Pacific West Regional Office, and other members of the project team, and included a site visit to the study area. In July 2015, the NPS initiated public scoping. The public comment period occurred from July 13, 2015 to August 21, 2015. On July 13, the NPS sent out a public scoping newsletter to over 160 individuals, organizations, and agencies. Newsletters were also distributed at local public meetings and at park visitor centers. The newsletter included an overview of the study process, preliminary findings, and a range of boundary adjustment options for consideration in the study. The newsletter was posted for comment on the NPS' Planning, Environment and Public Comment (PEPC) website: <http://parkplanning.nps.gov/eaglemountain>. A press release announcing the start of public scoping and the public meeting schedule was sent to media outlets, and several articles were published on both the study and public meetings. On July 16, 2015, the study team provided a briefing for agencies that manage land and resources in the study area.

The study team conducted four public meetings during the scoping period, including one online meeting (July 29, 2015) and three meetings in the vicinity of Joshua Tree National Park held August 4-6, 2015 (Desert Center, Joshua Tree, and Palm Desert). Meetings were well attended (230 total attendance), with the greatest participation in Joshua Tree, California (150 attending). At each meeting, the study team presented the preliminary findings and a range of boundary adjustment options. Participants were able to ask questions and provide comments on the study, which were recorded on flipcharts by NPS staff. NPS also took notes of comments and questions during the online meeting. Attendees were provided information about how to submit comments electronically and through the mail. The NPS received approximately 11,000 comment letters during the comment period from many individuals, diverse groups and organizations, local businesses, tribal organizations, and two letter-writing campaigns.

The public scoping comments covered a broad range of topics. The majority of the comments were either directly related to the preliminary options or to the primary topics of mineral interests and rights, legislative history, documentation of various resource types associated with the study area, and recommendations for topics to be addressed in the environmental analysis. Most comments supported the NPS management of resources in the study area and the fourth option, which explored adding most of the lands in the study area to Joshua Tree National Park (*Restore 1936 Boundary to Provide Diverse Visitor and Resource Protection Opportunities*). Other comments preferred no action citing concerns that NPS management would generally restrict access and activities such as placer mining.

Primary areas of concern included:

- *Cumulative Effects of Development and Energy Projects.* Many commenters expressed concern about the cumulative effects of renewable energy and other development projects on resources in Joshua Tree National Park. Comments expressed concern about the potential effects of the Eagle Mountain Pumped Storage Hydroelectric Project planned for the area, particularly with regard to the impact on local groundwater supplies and wildlife.
- *Impacts to Access and Recreational Use.* Concerns were raised that National Park Service management would restrict existing recreational uses of the area. Some users were specifically concerned about restrictions of off-road vehicle use and that access in general might be restricted under NPS management.
- *Impacts to Mining Activity.* Of particular concern was the potential impact on mining club members which maintain several unpatented claims on BLM-managed public lands in the area. Miners were concerned that the expense of conducting validity exams on their mining claims to resolve whether they retain a valid existing right would be prohibitive.
- *Mineral Resource Potential.* A few commenters expressed concern that the mineral resources of the area would become unavailable for use if the lands were added to Joshua Tree National Park.
- *Information to Consider for the Environmental Analysis.* The following topics were suggested for documentation and evaluation in the environmental analysis: cumulative impacts from regional development projects, effects on water resources/supplies, wildlife protection and regional habitat connectivity, mining history, mineral rights, mineral resources, effects on current recreational users, ethnographic resources and values, historic and archeological sites, paleontological resources, night sky, effects on wilderness and viewsheds, hazardous materials that may be present as result of previous mining activities, costs and financial feasibility of NPS management, socioeconomic impacts, and transmission lines and other infrastructure.
- *Agency Consultation.* Commenters suggested that the NPS work closely with the BLM on the study, with particular regard to how the *Desert Renewable Energy Conservation Plan* will affect management and protection of the study area. See discussion of this plan in the section to follow, *Applicable Federal Laws, Regulations, Executive Orders, Plans, and Policies*.
- *Tribal Consultation.* The NPS received comments from several tribal organizations with cultural ties to the area that offered information and requested consultation with NPS under the Section 106 process of the National Historic Preservation Act.
- *Reversionary Interest in the Eagle Mountain Townsite.* Many commenters had questions about whether the legislative actions that removed lands from Joshua Tree National Monument in 1950 and granted Kaiser Steel Corporation use of land for a Townsite contained provisions for returning that land to the federal government when such mining activities ceased.
- *Other Information.* Comments provided additional sources of information for the NPS to consider in the study process.

Review of the EA

The EA was available for public review and comment from March 31, 2016 through May 27, 2016. Public comments were received by fax, U.S. mail, and online through email and the Planning, Environment, and Public Comment (PEPC) website. Interested individuals, agencies and organizations either received electronic notice of the EA or received a hard copy of the document. The NPS sent 270 notices and newsletters electronically and 205 hard copies of the EA or newsletter. Newsletters were also distributed at local public meetings, at park visitor centers, and to the local library in Desert Center (Lake Tamarisk Branch). The newsletter included a summary of the boundary study finding and environmental analysis. The newsletter and Boundary Study/EA

was posted for comment on the NPS' Planning, Environment and Public Comment (PEPC) website: <http://parkplanning.nps.gov/eaglemountain>. A press release announcing the start of the public review period was sent to media outlets, and several articles were published on both the study and the public meetings.

The study team conducted four public meetings during the public review period; one online meeting (April 29, 2016) and three meetings at Desert Center (May 3, 2016), Palm Desert (May 3, 2016), and Joshua Tree (May 4, 2016). A total of 109 people attended the four public meetings. At each meeting, the study team presented the study findings and alternatives. Similar to the scoping meetings, participants were able to ask questions and provide comments on the study, which were recorded on flipcharts by NPS staff. NPS also took notes of comments and questions during the online meeting. Attendees were provided information about how to submit comments electronically and through the mail.

During the 58-day comment period, 9,241 correspondences (e.g., letters, emails, public meeting transcripts) were evaluated. From these correspondences, the planning team summarized a total of 172 unique correspondences (e.g., entire letters, emails) and 63 statements of concern. Four of the unique correspondences represent approximately 98% of the total correspondences received (~9000). These four comments represent several organized campaigns in support of adding lands to Joshua Tree National Park. Of the more than 9,000 total correspondences received, more than 98% supported an addition of lands in the Eagle Mountain area to Joshua Tree National Park. Of those comments in support of a boundary adjustment, roughly 64% supported Alternative D, or the maximum possible addition to the park, with the remaining 36% supporting a combination of Alternatives C and D.

Of the unique comments, approximately 51.5% supported an addition to Joshua Tree National Park, while 48.5% supported No Action, or suggested other alternatives that would retain BLM management of the federal lands. A comment summary is contained in *Appendix A, Public Comment and Concern Report*.

Consultation and Coordination

US Fish and Wildlife Service

The US Fish and Wildlife Service (USFWS) participated in an agency scoping meeting on July 16, 2015 and USFWS and NPS staff had a meeting about the project in May 2016. The NPS and USFWS conferenced on the boundary study in May 2016 and both agencies agreed that the action of a boundary study would have beneficial effects to the desert tortoise and would result in no harm or other adverse impacts to species. USFWS wishes to stay involved in planning for any future use of the transferred lands and further consultation will be conducted as appropriate.

State Historic Preservation Office (SHPO)

In April 2016, Joshua Tree National Park initiated consultation pursuant to 36 CFR Part 800 with the State Historic Preservation Officer of the California Office of Historic. A reply from the SHPO dated June 1, 2016 (NPS_2016_0418_002) concurred with the following NPS recommendations: 1) the proposed action was a federal undertaking, 2) the Area of Potential Effect (APE) was sufficient to take direct and indirect effects into consideration, 3) the historic property identification and evaluation efforts are sufficient, and 4) concurred with the finding of No Adverse Effect under the condition that certain conditions and unanticipated discoveries may require future responsibilities under 36 CFR Part 800.

Native American Tribal Consultation

In April 2016, Joshua Tree National Park initiated consultation with the park's 15 traditionally associated, federally recognized Native American tribes. The park received responses from two (2) of the 15 federally recognized Native American tribes. The Agua Caliente Band of Cahuilla Indians replied May 9, 2016 (01-018-

2016-002) that they had no comments on the Boundary Study project, but wished to be provided with updates as the study progressed. The park received a letter from the Colorado River Indian Tribes in August of 2015 in response to the initial public announcement of the Boundary Study requesting a Section 106 consultation meeting. The park has contacted the Colorado River Indian Tribes numerous times over the past year to arrange a meeting with tribal leadership. Due to the limited availability of Colorado River Indian Tribes staff, the park has not been able to set a meeting date yet despite repeated efforts. Consultation with the Colorado River Indian Tribes is ongoing.

California State Clearinghouse

The California Office of Planning and Research (OPR) is responsible for implementing Presidential Executive Order (EO) 12372 requires federal agencies to use state and local process for intergovernmental coordination. CEQA allows for use of National Environmental Policy Act documents in place of California Environmental Quality Act (CEQA) documents if submitted through the OPR State Clearinghouse (SCH). The SCH which coordinates the state-level review of environmental documents prepared pursuant to the CEQA. California State Lands Commission (CSLC) would need to comply with the CEQA to consider a land exchange or sale of State school lands for which it is the trustee. To the extent possible, the CSLC will rely on the EA for CEQA purposes. During public review of the Boundary Study/EA, CSLC requested that the EA be circulated through the SCH. The Boundary Study/EA was submitted to the SCH in June 2016. On July 25, 2016, the park received a letter from the SCH stating that no state agencies submitted comments and acknowledges that the park has complied with the State Clearinghouse review requires, pursuant to CEQA (SCH# 2016064003).

Conclusion

Based on the environmental impact analysis contained in the Environmental Assessment and the results of public review and agency coordination, the National Park Service has determined that the Selected Alternative does not constitute a major federal action that will significantly affect the quality of the human environment. The Selected Alternative is not without precedent, nor is it similar to an action which normally requires an environmental impact statement. No connected actions with potential significant impacts were identified. Therefore, in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality, an Environmental Impact Statement will not be prepared.

Recommended:

 
David Smith, Superintendent, Joshua Tree National Park Date

Approved:

 
for Laura E. Joss, Regional Director, Pacific West Region Date

Appendix A: Public Concerns and Responses Report

Introduction

This *Public Concerns and Responses Report* is a summary of the voices heard during the 58-day public comment period on the *Eagle Mountain Boundary Study Including Possible Land Withdrawal Environmental Assessment (Boundary Study/EA)*. The document was released for public review on March 31, 2016, and the National Park Service accepted comments through May 27, 2016. During the comment period, 9,241 signed correspondences (e.g., letters, emails) were received. From these correspondences, the planning team summarized a total of 172 unique correspondences and 63 statements of concern. This report provides a summary of all public comments, concern statements, representative quotes that support these statements, and the NPS responses to the substantive issues captured in these statements. All written comments were considered during the preparation of the *Finding of No Significant Impact (FONSI)* in accordance with the Council on Environmental Quality's (CEQ) regulations for implementing the National Environmental Policy Act (40 CFR 1503-1506).

Public Comment Summary

Public comments were received by U.S. mail, online via email, and through the Planning, Environment, and Public Comment (PEPC) website. All comments received during the public comment period were considered and are now part of the decision record for this study.

As a whole, most of the signed correspondences received (98%) supported inclusion of study area lands into Joshua Tree National Park (boundary adjustment or boundary addition). Many of these correspondences were derived from several organized campaigns in support of adding lands to Joshua Tree National Park. Other comments supported *Alternative A: Continue Current Management (No Action)* (Alternative A) or retention of Bureau of Land Management administration, citing concerns about the effects of NPS management on existing uses of the area including mining and use of off-highway vehicles (OHV). A few commenters supported *Alternative B: Federal Agency-to-Agency Land Transfer (~22,135 acre boundary addition)* (Alternative B) as a means of accommodating existing uses while allowing for protection of lands by the NPS.

The NPS also received numerous comments objecting to the Eagle Mountain Pumped Storage Hydroelectric Project (pumped storage hydroelectric project). Commenters were specifically concerned with potential impacts to water resources, dark skies, and wildlife. Commenters also urged the BLM to complete an environmental impact statement in its consideration of a BLM right of way to accommodate water and transmission lines to support the project.

Comments in support of *Alternative C: Agency Transfer with Enhanced Habitat Connectivity and Recreation – NPS Preferred Alternative and Proposed Action (~25,070 acre addition)* (Alternative C), *Alternative D: Restore 1936 Boundary to Provide Diverse Visitor and Resource Protection Opportunities – Phased Approach (~28,600 acre addition)* (Alternative D), a combination of C and D stated that a broader boundary adjustment would enhance recreational and economic opportunities in the region; preserve dark skies; protect critical habitat and wildlife corridors for desert bighorn sheep, golden eagle and desert tortoise; and allow the National Park Service interpret the history of the California desert related to Native American cultures, mining, the origin of modern healthcare, the Colorado River Aqueduct and General Patton's World War II Desert Training Camps. As mentioned above, these comments comprised the majority of comments received and came from four letter-writing campaigns. A few commenters felt that there should be an alternative to transfer all lands in the study area to the NPS for management.

Organized groups that supported the inclusion of study area lands into Joshua Tree National Park (primarily either Alternatives C or D or a combination thereof) included the Wilderness Society, Greater Palm Springs Convention and Visitors Bureau, American Alpine Club, National Parks Conservation Association, Joshua Tree Chamber of Commerce, Sierra Club San Geronimo, Audubon Society San Bernardino Chapter, International Dark Sky Association (IDA), Center for Biological Diversity, Desert Protection Society, Desert Protective Council, Desert Tortoise Council, Friends of Big Morongo Canyon Preserve, Mojave Desert Land Trust, Morongo Basin Conservation Association, the Amargosa Conservancy, and Transition Joshua Tree. Alternative C and D boundary adjustment proposals also received support from 38 local and visiting musicians, artists, photographers and writers who wish to preserve the pristine beauty, unique landscape, and vast openness of the Eagle Mountains. Also received was a letter from 12 biological scientists from across the country with expertise in varied fields within ecosystem, community, population and organismic biology. They noted that “there is an overwhelming consensus in the scientific literature that geographical contiguity of habitat provides one of the most effective methods of preserving biodiversity and securing population connectivity that promotes natural population level dynamics for all wildlife both plant and animal” and believe that the “variety of important ecosystems and biological resources in the study area...would be best managed by the National Park Service as part of Joshua Tree National Park.” Alternative C was also supported by the Mojave Desert Land Trust, the City of Palm Springs, the Metropolitan Water District of Southern California, and California Assemblymember Eduardo Garcia, whose district covers most of Joshua Tree National Park.

The Mojave Desert Land Trust, while supporting a combination of Alternatives C and D, encouraged the NPS to find a reasonable way to accommodate those interests of those hold interest in unpatented mining claims in the Eagle Mountain area. The California State Lands Commission (CLSC) stated their desire to retain their fee owned State School Lands for potential future mineral exploration and development. However, in the event that Kaiser Eagle Mountain, LLC (KEM) divests itself of the interest in the surrounding lands associated with the Iron Chief Gold Mine as a result of a donation to the National Park Service, the CLSC would consider an exchange of these fee owned lands for lands of comparable value.

Many local businesses also wrote in to express support for inclusion of Eagle Mountain lands in Joshua Tree National Park. Southern California Edison expressed support for the area’s conservation and requested consideration of its needs to maintain and retrofit equipment related to existing and future electrical and telecommunications infrastructure and expressed some concern about the costs of implementing a boundary adjustment.

Individuals and some organized mining and recreational groups (First Class Miners, Inc.; West End Prospectors Corp; Public Lands for the People) supported Alternative A, advocating for continued BLM management and expressing concern about the loss of the ability to mine, camp and use off-highway vehicles (OHV) in the study area. Many stated that natural resources and public safety would be threatened if visitor opportunities are improved and increased. Some of these commenters were specifically concerned that the inability to use OHVs in the Eagle Mountains would restrict accessibility to those who cannot hike through the desert. Many of these commenters stated that wildlife resources have not been impacted by the existing mining small scale mining or due to BLM management of the land. Some supporters of Alternative A were concerned that NPS could not secure enough funding or staff resources to support a boundary expansion and questioned NPS’ ability to effectively manage additional lands. Others objected to the entrance fees that would be collected under NPS management, and stated that these fees would reduce recreational use and opportunity of the area and negatively increase traffic. These commenters also argued that as more of the California Desert is designated as national monuments or wilderness areas, public recreation and mining becomes increasingly restricted. There

were also commenters that felt Eagle Mountain public lands belong to the people of the United States, not the federal government. Others expressed that the Boundary Study/EA did not adequately justify the need for a boundary expansion as the lands do not contain unique features that warrant inclusion in the park. Some of these commenters suggested that the NPS consider other alternatives that would retain BLM management of the federal lands, allow visitor existing uses to continue but prohibit development of the area (i.e. establishment of a special management area or recreation area). A group called Citizen Taxpayer Voters of Riverside County, San Bernardino County, Los Angeles County, and Kern County, California also wrote in support of Alternative A, citing concerns about damage to the lands as a result of the Eagle Mountain Mine, as well as concerns about future impacts that could result from the proposed pumped storage project.

Businesses and landowners with interests in the study area submitted letters containing a number of concerns and comments. CIL&D, LLC, Eagle Mountain Mining & Railroad Company, LLC (EMMR), Mine Reclamation, LLC, Eagle Crest Energy Company, and Kaiser Eagle Mountain, LLC (KEM) provided similar comments but supported different alternatives. These comments clarified interests and ownership, including mineral rights and agreements regarding the Eagle Mountain Mine. The businesses and adjacent landowners raised collective concerns regarding the Boundary Study/EA's description of the amount of aggregate material currently available at the mine, as well as the Boundary Study/EA's dismissal of the possible resumption of large scale mining. All entities also felt that as a result of the highly disturbed nature of the mine lands, that these areas would be unsuitable and infeasible for inclusion into Joshua Tree National Park. Additional questions were raised regarding the habitat values of the previously mined areas with regard to desert tortoise and desert bighorn sheep, and the environmental analysis regarding these species. Other comments focused on the characterization of the Boundary Study/EA's purpose and need, other aspects of the boundary adjustment analysis findings, and certain aspects of the environmental analysis, particularly how it pertains to cumulative effects associated with the proposed pumped storage project on water, wildlife, and visual impacts. KEM and CIL&D expressed concern that a geology map and mineral potential report was not completed to inform the environmental assessment.

The Eagle Crest Energy Company supported a modified Alternative C that excluded the right-of-way for the pumped storage hydroelectric project described in their most current SF-299 application pending before the BLM. Eagle Crest also expressed concerns about isolation of numerous federal parcels within the boundaries of the private pumped storage project property. KEM supported a modified Alternative B that would include the transfer of all federal lands to NPS management, excepting all lands with mining and mill site claims, existing rights-of-way, as well as lands withdrawn under the Federal Power Act. CIL&D, LLC, Eagle Mountain Mining & Railroad Company, LLC (EMMR), Mine Reclamation, LLC supported the No Action alternative, but stated that it would also support a modified Alternative B if the NPS reissued the environmental analysis with a completed mineral potential report.

Analysis Methodology

The letters, emails, and public meeting comments represented in this *Public Concerns and Response Report* were analyzed using the Planning, Environment, and Public Comment (PEPC) database, which was developed by the NPS and is used Servicewide.

Correspondence received during the comment period was analyzed in a series of stages. Staff read each piece of correspondence to identify discrete points expressed by the author, each of which is considered to be a "comment." Each comment was assigned a code in order to associate that comment with a particular resource topic, or element of the plan (such as mineral resources or wildlife). The coding structure enabled comment organization by topic area. Once coded, the individual comments were categorized to capture specific concerns

and issues. The coded comments are stored in a database where they can be quickly accessed using a variety of query and reporting tools. Comments were reviewed as “substantive” and “non-substantive.” Substantive comments are those comments that:

- question, with reasonable basis, the accuracy of the information in the *EA*
- question, with reasonable basis, the accuracy of the environmental analysis
- develop and evaluate reasonable alternatives other than those presented in the *EA*
- cause changes to the proposal or alternatives
- suggest factual corrections

Consistent with CEQ guidelines and NPS *Management Policies 2006*, comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive. These non-substantive comments are captured in the above comment summary. Similar substantive comments were grouped together to develop a unique “concern statement”. The concern statement summarizes the main points or common themes expressed across one or more substantive comments. Such statements are derived from and supported by one or more representative quotes from original correspondence. Each statement is worded to give decision-makers a clear sense of what action is being requested. Public concern statements are also intended to help guide the reader to comments on specific topics of interest. They do not replace the actual comments received from individuals. Rather, concern statements should be considered as one means of accessing information contained in original correspondence.

The concern statements were screened to determine whether the statement involved a request for further clarification or modification of the proposed action. The responses to concern statements point to sections of the Boundary Study/EA for further information or clarification; provide background or relevant information in that addresses the substance of the comment; explain why comments were considered, but ultimately dismissed from further analysis; or describe changes to the Boundary Study/EA. No responses were generated for non-substantive comments (such as personal opinion) or comments that misrepresented the proposed action.

If concerns warranted modifications to the proposed action, concerns were brought to park management for further deliberation. As a result of comments received, modifications were made to Alternative C, the Preferred Alternative identified in the Boundary Study/EA. These changes are reflected in the Selected Alternative identified in the FONSI. The Selected Alternative represents the National Park Service’s final recommendation.

Analysis Results

From 9,241 total correspondences received, the planning team determined that 172 were unique. Of the total correspondences received, approximately 98% (~9000) were received from several organized campaigns in support of adding lands to Joshua Tree National Park. *Table 1* describes the distribution of correspondence by type. Of the 172 unique correspondences, slightly more than half supported an addition to Joshua Tree National Park, while the remainder supported No Action, or suggested other alternatives that would retain BLM management of the federal lands.

Correspondences were received from individuals, businesses, elected officials, and organizations. The NPS identified 680 comments from the 172 unique correspondences. Of these 680 comments, 218 were identified as substantive, and 462 were identified as non-substantive. *Table 2* shows the substantive comment topics. The 218 substantive comments were further categorized into 63 concern statements. The concern statements and NPS responses follow in the next section of this report.

Table 1. Types of Correspondence Received

Correspondence Type	Number Received	Signatures Received
Businesses	10	136
Civic Groups	1	1
Conservation/Preservation Groups	9	5,841 ¹
Non-governmental Groups	1	3
Recreational Groups ²	19	19
State Government	3	3
Town/ City Government	2	2
Tribal Government	2	2
Unaffiliated Individual	124	3,222 ³
University/Professional Society	1	12
Total	172	9,241

^{1, 3} Includes form letters supporting adding lands to Joshua Tree National Park

² Includes comments from mining groups

Table 2. Types of Substantive Comments

Categories of Substantive Comments	Quantity
Boundary Criteria	24
Feasibility	25
Purpose and Need	7
NEPA and Study Process	9
Changes to alternatives	4
Recommendations for New Alternatives	3
Suggestions to Alternative C (Preferred Alternative)	7
Suggested changes to the No Action alternative	13
General suggestions to boundary adjustment or alternatives	7
Public Involvement/Communication	2
Night Sky	1
Public Safety/Hazardous materials	1
Socioeconomics	1
Scenic Landscape/Viewshed	2
Cultural Resources/history	3
Wilderness	3
Segregation and Withdrawal Process	3
Socioeconomics	4
Wildlife Resources	22
Minerals/Geology/Mining	36
Land Management	20
Recreation and Access	21
Total	218

Acronyms

Commenters used the following acronyms in their comments, some of which are excerpted below. Additional acronyms can be found on page vii of the Boundary Study/EA.

ATV- All terrain vehicle

BLM - Bureau of Land Management

CEQ - Council on Environmental Quality CDPA - California Desert Protection Act

CSLC - California State Lands Commission

DRECP - Desert Renewable Energy Conservation Plan

EA - Environmental Assessment

EMMR - Eagle Mountain Mining and Railroad, LLC

FERC - Federal Energy Regulatory Commission

JTNP - Joshua Tree National Park

KEM - Kaiser Eagle Mountain, LLC

LUPA - Land Use Plan Amendment

NEPA - National Environmental Policy Act

NPS - National Park Service

OHV - Off-highway vehicle

USFWS - U.S. Fish and Wildlife Service

Substantive Concerns and Responses

The following text presents public concerns identified during the comment analysis process and are organized by topic. A final Boundary Study/EA has been prepared, which provides the modified preferred alternative (Selected Alternative) as well as list of technical corrections and clarifications which respond to public review comments.

Note: Both comments and responses refer to page numbers in the Boundary Study/EA. These page numbers correspond to the public draft version, not the final Boundary Study/EA.

Purpose and Need

Concern 1: The discussion in the Purpose and Need which states the Eagle Mountain Pumped Storage Hydroelectric Project footprint and associated rights-of-way contain wildlife corridors that are linked to habitat in the surrounding park lands is incorrect.

The bighorn sheep do not traverse down into and out of the mine pits to access Joshua Tree National Park as there is no food in the pits, and a risk from predators, to encourage this significant expenditure of energy by the sheep. The bighorn sheep currently move between the pits and will continue to be able to do so after project construction. Desert tortoises do not migrate or maintain a "corridor" in the study area nor does the area support genetic connectivity for that species. The area is not a Desert Wildlife Management Area ("DWMA") or designated critical habitat for the tortoise, and has a very low population density of tortoises due to the presence of disturbed lands. The location of the project transmission and pipeline infrastructure was carefully analyzed with a focus on the least impact to desert tortoise by the USFWS in the Project Biological Opinion (2011) and FERC in the [Eagle Mountain Pumped Storage Hydroelectric Project] FEIS. (Business Correspondence)

Response: The general area is a preferred migration route for desert bighorn sheep herds residing in the Eagle and Coxcomb Mountains as has been documented in a recent telemetry study by Epps (2007); therefore it is important for habitat connectivity for bighorn sheep populations that reside within the park. Although the maps in Epps 2007 are at a very broad scale, it does show the priority corridor from the Eagle Mountains to the Coxcomb Mountains (see page 721 of Epps 2007). This same data is used in the map on page 37 of the Boundary Study/EA. A 2014 study confirms the relative importance of this particular corridor to other regional bighorn sheep corridors based on genetic testing (Creech 2014, page 612).

Although the exact movement of desert bighorn sheep in the area is has not been extensively studied, they are known to utilize the area in and around the hydroelectric project footprint. As the commenter notes, bighorn sheep populations in the Eagle and Coxcomb Mountains travel between the former mining pits. The *Final Environmental Impact Statement for the Eagle Mountain Pumped Storage Hydroelectric Project* (2012) and information collected by the Bureau of Land Management for the Eagle Mountain Landfill EIS scoping in 2014 show occasional use of the pits by bighorn sheep. After rain events, water collects in the bottom of the pits which allows them to serve as a temporary watering site. Once additional surveys are completed, we will gain a better understanding of the precise movement patterns of the area's bighorn sheep. The commenter is correct that the pits themselves are not part of the priority migration corridor. The NPS has clarified this statement in the environmental assessment.

As detailed in the response to Concern Statement #12, the area east of the Eagle Mountain Townsite is important for desert tortoise habitat connectivity, as identified in both the *Desert Renewable Energy Conservation Plan, Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan* (September 2016) and the U.S. Fish and Wildlife Service's *Biological Opinion on the Desert Sunlight Solar Farm Project* (July 2011).

Concern 2: The NPS discussions about water resources in the Purpose and Need section include unsupported statements and incorrect claims. Springs in Joshua Tree National Park are fed by local groundwater systems and would not be affected by withdrawals for the proposed hydroelectric project.

In the Purpose and Need Section the NPS states that, "Future use and development of study area lands could affect important water resources within the park. JTNP's aquifers and springs are connected underground to aquifers in the Eagle Mountain area." EA at 14. But springs within JTNP are fed by local groundwater systems that would be unaffected by withdrawals by the Eagle Mountain Pumped Storage Hydroelectric Project. (Business Correspondence)

Response: The NPS concurs that springs in Joshua Tree National Park are fed by local groundwater sources. The purpose and need has been corrected to reflect this. However, the Pinto Valley groundwater basin underlying the park is hydraulically connected to the Chuckwalla Valley basin which underlies portions of the study area. NPS has concerns about the potential cumulative effect of both existing and future energy development in the broader region on water resources, including existing and future projects within the Riverside East Solar Energy Zone. This broader concern remains reflected in the purpose and need description.

Concern 3: In the Purpose and Need Section, NPS states that impacts to night skies, quiet, air quality, and wilderness "could be affected by proposed future uses of the area." Once the Eagle Mountain Pumped Storage Hydroelectric Project is complete, there will be very little noise because the Project "mechanics" are underground and the water will be shifted between the reservoirs with little sound. Night skies will be protected by mandatory FERC license requirements that meet all NPS requirements.

The [Eagle Mountain Pumped Storage Hydroelectric Project (or Project)] will not lower JTNP's air quality, which we understand is among the worst in the Park System. The Project will, in fact, facilitate the development of intermittent renewable energy sources by providing energy storage and non-emitting power generation. The alternative means for renewable energy integration in California is gas-fired turbines, which emit greenhouse gases and [volatile organic compounds] which contribute to ozone formation." (Business Correspondence)

Response: The NPS acknowledges that the Eagle Crest Energy Company, through its FERC license requirements, is taking many efforts to protect dark night skies and natural quiet. The NPS statement about impacts to night skies, quiet, air quality, and wilderness in the purpose and need statement reflects broader concerns about the cumulative effects of the level of development occurring in and around Joshua Tree National Park in the vicinity of the study area, as well as the potential effects of future uses allowable under existing Bureau of Land Management land use designations for the area. As stated in the Boundary Study/EA on pages 168-169, primary sources of air pollution affecting Joshua Tree National Park are located beyond the park boundary generated from sources in surrounding urban areas. However, at a local level, preservation as a result of the action alternatives could potentially reduce the amount of locally-produced particulates that contribute to the larger air quality and haze issues that could result from future allowable uses.

Concern 4: The Eagle Crest Energy Company expressed concern about the language related to the proposed segregative period for the Eagle Mountain area as it pertains to the Eagle Mountain Pumped Storage Hydroelectric Project.

We appreciate the Park's recognition that, "License, permits, cooperative agreements, or other discretionary land use authorizations, including those related to the [Project] may be issued by the BLM during the temporary segregative period . . ." but question the additional language, "after coordination with the National Park Service to ensure protection and consideration of national park values." EA at 13. The NPS has already been afforded the opportunity to participate in the FERC licensing of the Project and as required by the Project license terms will play a continuing monitoring and consultative role throughout the life of the Project. The Project, as we explained in our scoping comments has gone through an extensive State and federal environmental review process in which NPS was an active participant that involved several federal and California permitting and environmental review... (Business Correspondence)

Response: This statement applies to new requests for discretionary land use authorizations that are under consideration during the segregative period. Because the segregation is related to this Boundary Study, it is important for BLM and NPS to consult on projects that seek discretionary land use authorizations that could affect resources and values in the Boundary Study area. To this end, the NPS has consulted with the BLM regarding the Environmental Assessment for the discretionary rights-of-way that Eagle Crest has applied for. The NPS and BLM will also jointly hosting a public meeting on the proposed withdrawal and will coordinate on responding to public comments on the proposed withdrawal.

Boundary Adjustment Authorities

Concern 5: The NPS should address the statutory requirements of a boundary adjustment under the authorities of the Land Water Conservation Fund Act of 1965.

The Boundary Study indicates future land acquisitions through donation and purchase may be necessary (e.g., EA at 17, 67, 89), but does not discuss the statutory requirements for such actions which include a limitation of 200 acres, a value of less than \$750,000, a requirement that the expansion is not a "federal action significantly affecting the quality of the human environment," a requirement to obtain written consent from fee landowners and that the acquisition is not "an element of a more comprehensive boundary change." Id. The Final EA should address these statutory requirements in the context of the inclusion of fee land in the JTNP boundary. (Business Correspondence)

The Boundary Study states that future private land acquisitions may occur through donation or purchase. The Boundary Study does not adequately discuss how NPS will proceed with respect to the private lands. The applicable statutory provisions for lands acquired with LWCF funds also list a number of criteria that must be met (54 U.S.C. § 100506 (c)(5)(A)-(G)) but these are not set forth or explained in the Boundary Study. There is also no discussion on how these statutory requirements will be satisfied by the NPS. At a minimum, these criteria and how they will be satisfied need to be fully discussed in a final or revised boundary study. (Business Correspondence)

Although "minor" is not defined, we are not convinced that an increase of this size is a "minor" boundary adjustment. The statute provides the Secretary with two authorities depending on whether

LWCF monies are used or if donated lands, donated funds or a transfer of federal lands are used to expand a park. 54 U.S.C. § 100506(c)(1)(A) and (B). If federal funds are to be used to acquire lands, then the statute provides seven criteria that must be met. 54 U.S.C. § 100506(c)(5)(A)-(G). (Business Correspondence)

Response: The mechanism for implementation of the proposed boundary adjustment is dependent upon the availability of properties and the means by which they would be acquired by the National Park Service. As stated on page 17 in Chapter 2 of the Boundary Study/EA, "New legislation for the area's federal lands is not needed to transfer administrative jurisdiction of the area's federal lands from the BLM to the NPS. This transfer can be accomplished within the Secretary of the Interior's existing legal authorities. However, boundary expansion proposals for lands not in federal ownership may require authorization by the United States Congress."

Assuming lands could be acquired by the NPS through a combination of federal land transfer, land exchange or donation, a boundary adjustment could be implemented through the authority prescribed in 54 U.S.C. § 100506 (c) (1) (B) which authorizes the Secretary to: "acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

- (i) shall not alienate property administered as part of the System to acquire land by exchange;
- (ii) shall not acquire property without the consent of the owner; and
- (iii) may acquire property owned by a State or political subdivision of a State only by donation."

The provisions of 54 U.S.C. § 100506 (c)(5)(A)-(G) as referred to in the comment do not apply to boundary adjustments implemented through 54 U.S.C. § 100506(c) (1) (B). The provisions of 54 U.S.C. § 100506 (c)(5)(A)-(G) apply to minor boundary adjustments under 54 U.S.C. § 100506 (c)(1)(A). The NPS is not using the minor boundary adjustment authority to accept the transfer of BLM-managed lands in the study area.

The preferred alternative has been modified based on public and agency input. While many of the private lands in the study area are suitable for inclusion in an expanded park boundary, these lands may not be available for donation (or third-party purchase and donation) to NPS for many years. If private lands are donated to the NPS, either directly by the owners or through third-party purchase and donation, the NPS could accept the donation under 54 U.S.C. § 100506(c) (1) (B) and the requirements of 54 U.S.C. § 100506 (c)(5)(A)-(G) would not apply. If private lands identified in the Selected Alternative could not be acquired under those mechanisms, other means of implementation may be required, such as Congressional legislation.

Concern 6: The NPS should explain the two other provisions of The Land and Water Conservation Fund Act of 1965: a requirement that the Secretary maintain and present a list to Congress of lands under consideration for inclusion in the National Park System (54 U.S.C. § 100507); and a requirement that individual park "general management plans" indicate "potential modifications to the external boundaries of the System unit, and the reasons for the modifications." (54 U.S.C. § 100502(4)). The Boundary Study/EA does not mention that either of these statutory requirements has been met.

As grounds for this modification of the JTNP [Joshua Tree National Park] boundary, the NPS cites to a JTNP Foundation Document (2015) as the plan calling for and guiding this boundary expansion. There is no mention in the EA if the required JTNP "general management plan" or "Secretarial list of lands" address this proposed boundary expansion. The "JTNP Backcountry and Wilderness Management Plan, An Amendment to the 1995 General Management Plan Record of Decision" (January, 2000) does not include a recommendation to modify the JTNP's boundary. The Final EA and Record of Decision should include a discussion of how the proposed action complies with these statutory requirements of the LWCF Act. (Business Correspondence)

Response: The Land and Water Conservation Fund Act statutory provisions related to the maintenance of a list (54 U.S.C. § 100507) and requirement to indicate boundary modifications in a general management plan (54 U.S.C. § 100502(4)) are not specifically relevant to the Eagle Mountain Boundary Study.

The NPS evaluates the need and opportunity for adjustment of park boundaries as part of its ongoing planning processes for each national park unit. The NPS can propose boundary adjustments to meet various park purposes, and can also use the boundary study process to explore other conservation and management options. The *Joshua Tree National Park General Management Plan* (1995), with subsequent amendments in 2000 to address lands added through the California Desert Protection Act, does not include a boundary adjustment evaluation of the Eagle Mountain area. At the time the plan was being completed, the area was under consideration for a proposed landfill. The general management plan is not the only mechanism for evaluating a boundary adjustment. The NPS may complete a separate boundary study to evaluate a potential park boundary change. The FONSI for the Boundary Study/EA will serve as the NPS decision document regarding a potential boundary adjustment in the Eagle Mountain area.

Concern 7: The NPS should consult with Kaiser Eagle Mountain, LLC (KEM) regarding the inclusion of lands it owns and controls within the proposed boundary change of Joshua Tree National Park as required by 54 U.S. Code § 100506. This statute, which addresses boundary changes for national parks, requires consultation with affected landowners.

KEM has commented and attended public hearings but that is not the same as a consultation. (Business Correspondence).

Response: The NPS received comments on the Boundary Study/EA from Kaiser Eagle Mountain, LLC. Following public review, the NPS consulted directly with Kaiser Eagle Mountain, LLC (KEM) regarding private lands that KEM owns in the study area.

Concern 8: All of the alternatives presented in the study, with the exception of the No Action Alternative would improperly seek to circumvent the 1994 California Desert Protection Act (CDPA), Public Law 103-433, Title IV, section 402, 108 Stat. 4488, 16 U.S.C. 410aaa (October 31, 1994) as a result of establishing protected buffer zones.

While there was an expansion of the boundaries of the Monument and the Monument became a national park, the CDPA itself clearly states that there are to be no protective perimeters or buffer zones to the new JTNP. Indeed, Senator Dianne Feinstein, the author and chief sponsor of the CDPA stated in a February 1, 1995, letter which stated: The [Desert Protection] Act does not prohibit the development of private property adjacent to the newly designated national parks and wilderness areas. In fact, section 103(d) of the Act specifically states 'The Congress does not intend for the designation of wilderness areas in section 102 of this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that non-wilderness activities or users can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness. (Business Correspondence)

It is clear from an objective reading of the Boundary Study that the real purpose of the Boundary Study and of the NPS' recommended Alternative C is to create a protective perimeter or buffer zone which directly contradicts the DPCA's express language and intent. The CDPA recognizes that private development can occur up to the borders of JTNP, which would include mining and Eagle Crest's project, and this is true even if such uses could be seen or heard from areas within the wilderness area of JTNP. (Business Correspondence)

If one follows the reasoning of the NPS to its logical conclusion, then a new cycle of wanting to protect the new boundaries of JTNP will eventually be necessary, perhaps to obtain the lands originally sought for the Monument in the 1930's (see e.g., Park History Chapter Two: A Monument at Any Price), and this process of seeking to expand the boundaries could essentially repeat itself again and again. (Business Correspondence)

Response: The California Desert Protection Act did not limit NPS's independent authority to consider boundary expansions for Joshua Tree National Park in accordance with applicable laws. The Boundary Study has been conducted pursuant to NPS's authority under the 54 U.S.C. Section 100506.

Moreover, the Selected Alternative specifically excludes the majority of private lands in the study area, including lands proposed for the pumped storage hydroelectric project and most of the lands associated with the Eagle Mountain Mine. These lands are currently not feasible additions to the national park. The private lands recommended for addition to the park in the Selected Alternative include lands that the Eagle Crest Energy Company has stated that it would be willing to donate to the National Park Service at a later time.

Concern 9: The NPS should include additional historical context on the legislative history of Joshua Tree National Monument to provide the reader a clearer picture of why lands in the Eagle Mountain area were removed from the park in 1950. A careful review of this history demonstrates that the Eagle Mountain area does not contain resources related to the purpose of Joshua Tree National Park.

When considering the feasibility of inclusion of these lands, NPS should review more carefully the reasons for the 1950 legislation reducing the size of the 1936 Monument. First, the proposed 1936 Monument designation faced internal Park Service opposition because a third of the land was private or state-owned and had already been impacted by development. See Dilsaver 2015... Second, the 1936 Proclamation was "subject to existing rights and prior withdrawals," which included existing mines, patented fee lands and mining claims. The exercise of those rights led to the changes in the suitability of these lands for the Monument in 1950 as discussed in the legislative history we provided in our scoping comments. Those congressional documents reveal that, at that time, the Secretary and the NPS Superintendent supported the congressional action to reduce the Monument because the "monument-quality" values were no longer present. Those physical facts have not changed, indeed since the time of the legislation in 1950 more mining, development and infrastructure has occupied the lands withdrawn from the monument. (Business Correspondence)

Response: The National Park Service may evaluate an area previously omitted from a park boundary where the conditions that led to the omission have changed. The comment focuses only on the legislative history of the park boundary as it relates to the removal of lands in 1950. The legislative history of the park is very complex and was examined in its entirety. This includes the history of the establishment of monument boundaries in 1936, as well as the subsequent expansion of the monument and designation of Joshua Tree as a national park in 1994 as a result of the California Desert Protection Act. Full scale mining operations in the study area ceased over 30 years ago and since that time various other uses of the area of have been proposed.

The California Desert Protection Act found that "the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, and paleontological, cultural, historical and wilderness values." It is evident from the legislative history (House Committee on Natural Resources Report House Committee on Natural Resources Report 103-498, at 3606, at 3606) that lands in the Eagle Mountain area were not added back into the park at that time mainly due to the planned development of a large solid waste landfill in the area. This condition changed with the withdrawal of the landfill proposal in 2013.

Through the Boundary Study process, the NPS evaluated lands in the study area to determine their suitability for inclusion in an expanded park boundary. As explained in the Boundary Study, many lands in the study area contain resources and values related to the purpose of Joshua Tree National Park and are feasible to include in an expanded park boundary.

Concern 10: There is no language in either the legislation or the legislative history of the Boundary Revision Law that the lands removed in 1950 should ever again become a part of Monument.

Thus, those that maintain that the land removed from the Monument should revert back to JTNP, as is vigorously asserted by such groups as the "Take It Back Campaign," are incorrect... The BLM has conferred with the Solicitor's Office and has confirmed that there is no language in any of the above-mentioned authorities that requires the reversion of title to any land patented to Kaiser in the vicinity of the Eagle Mountain to the United States for any reason, including but not limited to the cessation of mining. (Business Correspondence)

Response: Comment noted. The study recognizes that the reversionary interest in lands within the Eagle Mountain area specifically applies to the Eagle Mountain Townsite and other rights-of-way as authorized by Private Law 790 (July 8, 1952).

Boundary Adjustment Criteria Analysis

Concern 11: The NPS has overstated the potential for increased access and public enjoyment that will be available to the public and to NPS staff. The only access on the east is through private lands, in areas where private landowners have denied public access due to liability, public health and safety issues, and for protection of resources and property.

"The improved access touted by the Boundary Study would not occur since access would require traversing private land and across mining claims. The two major private landowners in the Study Area, Metropolitan Water District of Southern California and Kaiser Eagle Mountain, LLC, would not likely encourage or grant public access through their respective lands due to security and safety concerns. Encouraging and permitting such access would actually conflict with the currently federally approved mine reclamation plan for the Eagle Mountain Mine which mandates that access be blocked and restricted. (Boundary Study p. 150.) Accordingly, the main entrance to the Eagle Mountain Mine is fenced and gated; access roads are blocked with boulders, berms and other impediments; and security patrols are regularly undertaken at the Eagle Mountain Mine. The Boundary Study fails to discuss what is required to amend the currently approved reclamation plan to allow public access and the costs associated with assuring safety and security. Eagle Crest Energy, as specified in its available public documents, would certainly restrict public access to the property it occupies for its project. [Eagle Mountain Mining and Railroad], as a lessee under the Mining Lease, is unlikely to permit public access through the lands it leases due to operational, safety and security concerns." (Business Correspondence)

Response: The comment primarily applies to access as it relates to the Eagle Mountain Mine and Townsite within the study area. The boundary adjustment criteria evaluation on pages 44 and 45 of the Boundary Study/EA discusses public enjoyment opportunities as it relates to the resources of the study area as a whole and the potential educational and interpretive opportunities. The study discusses potential public access given the proximity of the area to Interstate 10 and access via existing developed roads, while clearly acknowledging in the determination of feasibility that many of the privately-owned land parcels are not currently accessible to the public and therefore would not be a feasible addition to the park at this time.

The feasibility analysis states (Boundary Study/EA at 67), "The boundary configuration would not include private lands that have previously withdrawn under the Federal Power Act, or other private lands currently used for commercial mining activities (approximately 2,320 acres). These lands would not be available for public use. At such time that the private lands are no longer needed for these uses, those lands could be considered for inclusion in the park boundary." The NPS would also like to note that while through access to existing park lands through Black Eagle Mine Road from the east would not be possible at this time, there could still be opportunities to provide interpretive information about the former Eagle Mountain Mine outside of the private lands in the eastern portions of the study area, in areas near the private lands. From portions of roads such as the Eagle Mountain Road and Phone Line Road the public has visual access to many to many former features of the Eagle Mountain Mine including the massive tailing piles and remaining Townsite structures. Opportunities to include waysides, a short interpretive trail, or other types of interpretation near such roads could be explored through implementation planning in cooperation with other agencies and landowners. Due consideration would be given to respect adjacent private operations and the needs of the Metropolitan Water District of Southern California's facilities and lands.

Concern 12: The boundary adjustment analysis is incorrect in its discussion of the desert tortoise and the importance of the area as a linkage zone, migration or habitat corridor.

Based on the best available information from the USFWS Biological Opinions for the landfill and Project, the number of tortoise present in the [Eagle Mountain Pumped Storage Hydroelectric] Project area is likely low, due to the highly disturbed nature of, the Project site and poor connectivity among patches of potentially suitable habitat. The mined lands in the central Project are not desert tortoise habitat, and the surrounding areas contain very limited habitat value. This area, therefore, is not "some of the region's most important desert tortoise habitat" as claimed in the Boundary Study/EA. (Business Correspondence)

At the outset, there is no scientific support for the implication in the Boundary Study that the desert tortoise migrates in a corridor in this area...The Boundary Study relies upon the Nussear report (2009) as support for its statement and conclusion regarding "the importance of the study area lands for broader landscape connectivity." Boundary Study, p. 33. However, the focus of the Nussear report is a model that determined only the statistical probability of areas of potential areas of desert tortoise habitat. This report cautions, however: "That the map of desert tortoise habitat presented does not account for anthropogenic effects, such as urban development, habitat destruction, or fragmentation, or natural disturbances such as fire, which might have rendered potential habitat with much lower potential in recent years." (Business Correspondence)

Response: The comments are largely based on USFWS biological opinions and desert tortoise surveys from 1992 (associated with the formerly proposed landfill project) and 2011 (Eagle Mountain Pumped Storage Hydroelectric Project) and do not appear to consider the growing body of scientific literature on the importance of habitat connectivity of the broader area for the survival of desert tortoise as documented in the USFWS *Biological Opinion for the Desert Sunlight Solar Farm Project* (2011) and the BLM's recent, land use plan amendment to the California Desert Conservation Area Plan completed as the first phase of the *Desert Renewable Energy Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan* (DRECP LUPA, BLM 2016). The USFWS opinion cited in the study takes into consideration the importance of the broader area for habitat connectivity, as well as the cumulative effects of existing and proposed energy projects in the Chuckwalla Valley region. The USFWS states: "Quantifying the degree to which a landscape promotes or hinders movements among patches of habitat for a given species, hereafter referred to as "habitat connectivity" (Fischer and

Lindenmayer 2007), has become increasingly important relative to desert tortoise recovery (page 57, USFWS 2011b)."

The 2011 *Biological Opinion for the Desert Sunlight Solar Farm Project* specifically emphasizes the importance of the area as a habitat linkage for desert tortoise in the context of recently approved development projects in the Eagle Mountains and Chuckwalla Valley. Within the biological opinion the USFWS finds on page 57, "... the project-by-project and cumulative effects of the renewable energy program within the range of the Mojave population of the desert tortoise have the potential to reduce the amount of available, occupied and/or suitable habitat by hundreds of thousands of acres. The effects from utility-scale projects and impacts to habitat and population (i.e., genetic) connectivity have recently come to the forefront as a significant threat to the desert tortoise. The magnitude and duration of habitat loss that would result from construction and operation of the approved and proposed renewable energy projects along the I-10 corridor have the potential to constrict the remaining habitat linkages and limit gene flow between the Mojave and Colorado deserts."

On page 97 of the Biological Opinion the USFWS states "Within this connectivity area, the higher predicted desert tortoise habitats occur to the west within the upper bajadas of the Eagle Mountains and to the northeast in the upper bajadas of the Coxcomb Mountains (Nussear et al. 2009), and pre-project surveys documented higher densities of desert tortoises in the western portion of the project site compared to the eastern portion of the site (though surveys were not conducted east of Pinto Wash within the high predicted habitats along the bajadas of the Coxcomb Mountains)."

On page 108 of the Biological Opinion, USFWS states "As described in the "Status", "Environmental Baseline," and "Effects" sections, maintenance of established lifetime home ranges and viable desert tortoise populations in the Upper Chuckwalla Valley and contiguous habitats within the Upper Pinto Wash is needed to perpetuate habitat and population connectivity between the Mojave and Colorado/Sonoran portions of the species' range."

The BLM has also acknowledged the importance of the area to desert tortoise in the DRECP LUPA which extends the Chuckwalla Area of Critical Environmental Concern to include portions of the study area. The BLM ascribes the values to this area in Appendix B of the DRECP LUPA.

"The extension of the Chuckwalla unit is in an area of higher value desert tortoise habitat (2009 USGS Desert Tortoise Habitat model). It would provide critical desert tortoise habitat connectivity between the two major desert tortoise populations identified in the Colorado Desert (i.e., the Chuckwalla and Chemehuevi populations) through Joshua Tree National Park. The area is also the designated desert tortoise translocation site from surrounding solar projects."

It should also be noted that the NPS analysis discussion for the boundary adjustment criteria (page 33-34) does not state that the area is a "migration" corridor for desert tortoise, but rather emphasizes the importance of the area for broader habitat connectivity. In the affected environment section the NPS specifically states on page 141 of the Boundary Study/EA that, "Although desert tortoises don't migrate per se, continuous large areas of occupied habitat link populations together genetically, allowing for the movement of genes and ensures genetic diversity (Edwards 2004)." The NPS does note the incorrect terminology regarding "migration corridors" as it relates to a photo caption on page 31 which has been corrected. However, the photo caption is not part of the NPS substantive analysis related to the boundary adjustment criteria evaluation and environmental assessment.

Finally, the NPS would like to note that the study does not state that the Eagle Mountain Mine has high quality desert tortoise habitat. Given the terrain of much of the mine, much of the area would not be suitable habitat. It

is noted that a recent desert tortoise survey completed for the Eagle Mountain Pumped Storage Hydroelectric Project subsequent to publication of the Boundary Study/EA stated that desert tortoises are likely present in the western part of the central project area and good habitat exists in the combined brine pond/transmission line survey area inside the railroad berm (Karl 2016).

Concern 13: The inclusion of the lands in the park boundary will not benefit the operational and management issues stated in the boundary study but will actually hinder operational and management issues for Joshua Tree National Park as it currently exists.

First, a close analysis of the Preferred Alternative C, which provides that it would include "contiguous" federal lands, reveals that it would actually do the opposite by fragmenting and isolating lands. It would appear that as a result of the adoption of Alternative C that at least 20 (and perhaps more) areas or parcels would be surrounded by private land or by land located within the Eagle Crest project. A map that accurately depicts these newly created isolated parcels needs to be included in a revised or supplemental Boundary Study. Additionally, the NPS would not have access to these parcels and as a result would not have the ability to actually manage these lands. Management and operational issues for the NPS would actually increase with these numerous "stranded" parcels. At a minimum, these lands would be very difficult to manage and would exacerbate JTNP management and operational issues...In addition, the Boundary Study fails to discuss and analyze the fact and ramifications that the BLM would continue to administer its right-of-way for the Eagle Crest project although it would be located in the expanded JTNP. (Business Correspondence)

The Alternative C boundary would result in the BLM lands being fragmented into 21 small, unmanageable parcels, isolated by private lands and NPS-managed lands. (Business Correspondence)

Response: All of the alternatives evaluated in the boundary study include lands that are contiguous to the existing park boundary. The fragmentation effect mentioned in the comments is largely a result of the configuration of the proposed pumped storage hydroelectric project footprint which would create isolated parcels of BLM-managed land regardless of whether such lands are transferred to the NPS. Eagle Crest Energy Company has applied for a right-of-way application to facilitate development of its water lines and transmission corridors. As stated in Alternative C, the NPS understands that the footprint was preliminary and that this boundary may need to change as the project moves forward to avoid conflict of interest. The NPS Selected Alternative excludes the right-of-way for the hydroelectric project. The proposed boundary adjustment thus excludes all of the isolated parcels.

Concern 14: The NPS fails to justify why the Eagle Mountain Mine would be suitable for inclusion in the national park. The suitability of all of these lands for inclusion in Joshua Tree National Park, particularly with regard to scenery and public enjoyment/interpretation is not supported by the facts given the previous disturbance of the area as a result of past mining and the potential for resumption of large scale mining.

Understanding that a significant portion of the land that would be included in an expanded JTNP is really not suitable for inclusion into a national park, the Boundary Study seeks to justify the inclusion of such lands in several ways. For example, the Boundary Study asserts that such lands "may provide opportunities to expand the mining history currently interpreted in Joshua Tree National Park." (Boundary Study, p. 14.) Yet, the Boundary Study acknowledges that access to the open pits may not be permitted due to safety concerns. (Boundary Study, pp. 150, 153.) With currently no significant mining equipment at Eagle Mountain, no material mining facilities remaining, and no access to the mine pits, there is little, if anything, to be seen or interpreted with regard to mining history. (Business Correspondence)

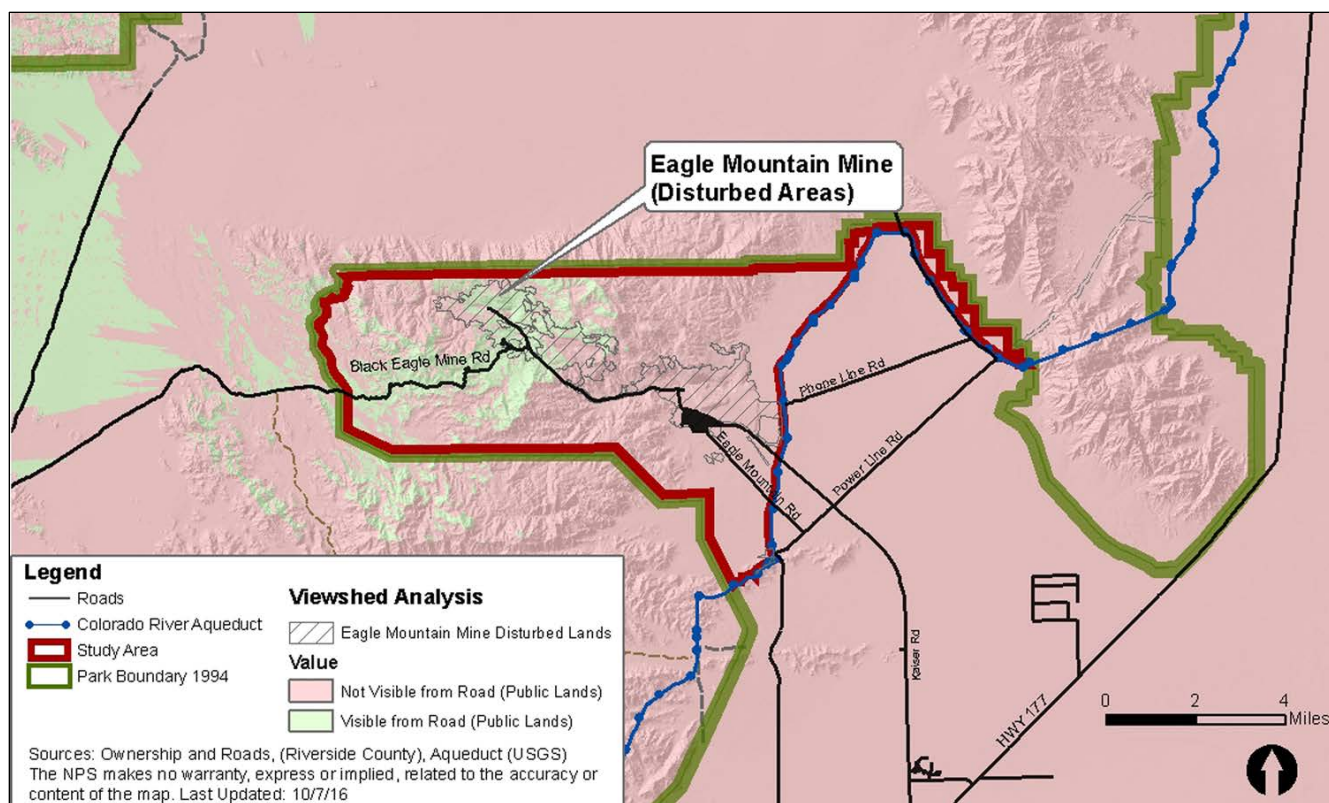
The Boundary Study does not adequately evaluate and discuss the impacts of the past mining and does not discuss the impacts of possible large-scale future mining on the suitability of including the already disturbed lands into JTNP. For example, the Boundary Study fails to evaluate and discuss how the disturbed lands could be viewed from the undisturbed lands that are sought to be included into JTNP. A viewshed study is required. (Business Correspondence)

The NPS fails to fully appreciate and disclose in the EA the condition of the previously mined lands. NPS appears to have an unrealistic view of what reclamation can accomplish on a site that has seen close to 100 years of mining and fifty years of industrialization. (Business Correspondence)

Response: The majority of federal lands under study have not been affected by mine operations; page 151 of the Boundary Study/EA states the majority of the study area lands (roughly 80%) are undisturbed desert landscape. The scenery in the western end of the study area from Black Eagle Mine Road is largely natural. The eastern end of the study area has been altered by the Eagle Mountain Mine and the Colorado River Aqueduct. However, these features have value for cultural interpretation. As stated in the park's foundation document, "Joshua Tree National Park protects and interprets resources related to the history of mining and human use of the desert over time."

Although the NPS was not permitted access to the private lands within the study area, the study team was able to access the area along Black Eagle Mine Road from the west. The NPS also spent time in the study area to the east and was able to observe many cultural features associated with the mine and Townsite, as well as undeveloped landscapes from publicly accessible roads. Much of the viewshed from the western portions of the road did not include disturbed lands. The NPS also generated a viewshed map that indicates visible areas from the publicly accessible portions of Black Eagle Mine Road. Note that most of the visible areas (shown in green) are park landscapes or undeveloped areas of the Eagle Mountains. The below viewshed analysis (*Map 4*) corresponds to the site observations made by the study team.

Map 4: Viewshed Analysis -Public Lands (Publicly Accessible areas of Black Eagle Mine Road)



The NPS would also like to note that while the cultural values of the Eagle Mountain Mine and Townsite make the area suitable for inclusion in Joshua Tree National Park (meeting the first set of boundary adjustment criteria), the NPS clearly indicates that the majority of areas associated with the mine and Townsite would not be feasible additions to the park at this time (therefore not meeting the second set of boundary adjustment criteria). The overall conclusion of the NPS denotes the impracticality of including some of the lands in the park at this time. Although NPS considers inclusion of these areas in a broader boundary adjustment in Alternative D, language in the alternatives states that this would be a long-term vision to be considered only when existing and planned uses cease, and upon further study of feasibility which would examine costs for restoration and management.

It is further noted that although there would be considerable issues with these areas in terms of stabilization, reclamation, restoration, and security, it is not without precedence that the NPS acquires lands or sites that require restoration. Examples include the restoration of the Elwha Dam at Olympic National Park and the restoration of 39,000 acres of previously logged forests at Redwoods State and National Parks. The NPS response to Concern #36 addresses consideration of future large scale mining in the area.

Concern 15: The NPS underestimates the costs associated with managing and operating an expanded Joshua Tree National Park.

"Joshua Tree National Park needs twice the money it get[s] now, it score 4th worse on the conservation association's air pollution report card, and "F" for climate change impacts which are threaten to wipe out the park's iconic trees." (Individual Correspondence)

"The Boundary Study fails to explain how the NPS in 2014 can express concern over the inclusion of the Eagle Mountain Mine that would necessitate "a huge increase in both budget and personnel" (Park History, p. 292) from its current minimal projected increases in costs and staffing needs. (See e.g. Boundary Study, pp. 98, 103-104, 107-108, and 113-114.) . . . National Parks have a long to do list but can't cover the repair costs. (<http://www.npr.org/2016/03/08/466461595/national-parks-have-a-long-to-do-list-but-cant-cover-the-repair-costs>). An expanded JTNP would greatly exacerbate JTNP's money woes." (Business Correspondence).

Response: Because most of the former mine area and the Townsite are not feasible at this time, an extensive analysis of the cost for management of these areas was not undertaken. As is stated in the feasibility analysis, if those lands became available additional analysis would be necessary.

Concern 16: The NPS should provide more discussion on the funding sources for the resources that would be necessary if Joshua Tree National Park is expanded as proposed.

Taking inflation into consideration, appropriations over the last ten years for the NPS are essentially flat or declining and must be distributed over an increased number of Park units. According to Table 3.1, an additional 5 full-time equivalent (FTE) positions and \$8-10,000 per year for maintenance would be needed, in addition to one-time costs for road repairs and other improvements. Sustainable funding is necessary to ensure the additional conservation measures will be durable. (Business Correspondence)

Response: Evaluation of costs is outlined in the feasibility analysis on pp. 86-89 of the Boundary Study/EA. More detailed analysis of costs would be provided during implementation planning.

Concern 17: The NPS should conduct an assessment to determine status of the Eagle Mountain Mine on the list of Superfund Sites.

Do you not know that the "Kaiser" Eagle Mountain is an [Environmental Protection Agency] EPA Superfund site? Or do you know, and decided to suppress that fact? Yes, it is currently on the EPA archived list, but that does not mean that the hazards that got it on the list in the first place, have been abated. Further, to the best of my knowledge, there has not been any follow up assessments done in many years. Leave it where it is. Have a follow-up EPA assessment done (relating to its Superfund status) before ANY changes are considered. (Individual Correspondence)

Response: The Department of the Interior discourages acquisition of property contaminated with hazardous substances. Further, this policy states that contaminated lands should not be acquired unless otherwise directed by Congress, court order, or as determined by the Secretary of the Interior. Any property under consideration for NPS acquisition would therefore be assessed for environmental contaminants. If contamination exists, further evaluation would take place to determine the feasibility of managing the land given the potential transfer of liability and costs for remediation and/or restoration. The NPS is currently in the process of conducting its own Environmental Site Assessment for the federal lands considered for transfer to the NPS for management in the Eagle Mountain area.

Previous evaluation of the Eagle Mountain Mine by the Environmental Protection Agency and the California Department of Toxic Substances Control during environmental compliance for the proposed landfill for the Eagle Mountain area did not identify evidence indicating a significant potential for inappropriate or unauthorized disposal of hazardous substances or hazardous wastes resulting from historic mining operations. An underground storage tank with low-level contamination that was identified in the mine was noted as having been removed from the site (BLM and Riverside County 1996).

Concern 18: The NPS should state whether access to existing private land holdings in the study area would be affected by the boundary proposals and whether any restrictions would be placed on private lands.

Our property is remote and we do not disturb anyone with our use. We request that you respect our property rights and in no way infringe on our ability to use our property as allowed under current conditions. (Individual Correspondence)

Response: Valid existing mineral and private property rights would be respected. Inclusion of a privately owned parcel in the park boundary would not affect existing legal access to the private property. Most National Park Service policies and regulations apply to federal land directly managed by the National Park Service. If the owner were to decide to commence mining or other commercial activities on such lands, then a plan of operations or special use permit may be required for access across NPS lands in compliance with the Mining in the Parks Act and NPS regulations regarding commercial use. Similar requirements may also apply under current BLM management.

Concern 19: The boundary study fails to acknowledge that the Eagle Mountain Mine has a vested mining permit and existing plan of operations with the Bureau of Land Management for its mining claims.

In addition to a current approved plan of operations, which allows for mining on the federal lands on which KEM holds mining claims, valid existing rights that would remain after any transfer of the federal lands to the NPS; the Eagle Mountain has vested mining rights allowing for mining on its fee owned land. The Boundary Study fails to disclose and discuss the vested mining rights of the Eagle Mountain Mine and how they may impact the lands within the Study Area. (Business Correspondence)

Response: The boundary study does reflect the active status of the Eagle Mountain Mine in its evaluation of current uses and existing rights in the feasibility analysis of the private land parcel group. While the Boundary Study/EA did not use the term “vested mining interest,” the intent of the text conveyed that above ground mining currently occurs. Page 129 of the Boundary Study/EA states “extraction, processing and transport off-site of aggregate from stockpiles and related support activities do still occur. These activities are allowable surface mining operations as defined by Surface Mining and Reclamation Act (SMARA), Section 2735.” To address this concern, the NPS has noted the KEM’s existing plan of operations with the BLM and the private vested mineral interests in the final Boundary Study/EA.

The Selected Alternative would not affect mining on private lands. The private lands proposed for addition are those that Eagle Crest Energy Company has indicated intent to donate to the NPS, when the current deed of trust on the lands has been terminated. Inclusion of these lands in the park boundary would not necessarily prohibit Eagle Mountain Mining and Railroad from extracting aggregate from these parcels. Such activities could continue to occur in compliance with NPS regulations.

Concern 20: The Boundary Study is in error in some of its discussion regarding the Riverside County specific plan applicable to the Eagle Mountain Mine.

In fairness to NPS, the zoning/specific plan maps available to the public are in error...the Boundary Study needs to contain an accurate discussion of the Riverside County general plan and zoning ordinances and Specific Plan 305. Regardless, the Eagle Mountain Mine's vested mining right allows for mining under the jurisdiction of Riverside County (Business Correspondence).

Response: Thank you for the updated information. The NPS has corrected the boundary study to reflect that the area is zoned for mineral resources. The boundary study does reflect the active status of the Eagle Mountain Mine in its evaluation of current uses and existing rights in the feasibility analysis of the private land parcel group.

Concern 21: The proposed boundary expansion would further restrict the potential development of the fee-owned State School Lands and reserved mineral interest to generate revenue. Therefore, it would make it difficult to use these mineral interests that Congress had intended for California State Lands Commission to benefit from State school lands that were originally granted to the State. Such lands would only become available for a land exchange if surrounding mineral rights were relinquished to the NPS.

To insure efficient long term management of these lands and to help the California State Lands Commission (CSLC) achieve its goals as trustee of the School Land Bank Fund, the CSLC desires to retain these fee owned lands for potential future mineral exploration and development. However, in the event that Eagle Crest Energy Company divests the interest of the lands in Section 36 comprising the Iron Chief Gold Mine to Joshua Tree National Park, the CSLC may consider an exchange of these fee owned lands for lands of comparable value. (State Government Correspondence)

Response: The feasibility analysis in the Boundary Study/EA for the State School Lands has been updated to reflect this information. The Selected Alternative also notes the specific conditions under which the California State Lands Commission would be willing to support a land exchange.

Concern 22: The Eagle Crest Energy Company still maintains that it would like to donate lands not needed for the hydroelectric project. However, due to the provisions of the first deed of trust on the Eagle Mountain Mine and related assets, there essentially can be no transfer of any assets of KEM or any interest in such assets, including land and mining claims, by KEM until the deed of trust is terminated. Other restrictions and covenants are imposed upon KEM under the terms of the Mining Lease and Agreement and related agreements between KEM and Eagle Mountain Mining & Railroad Company, LLC.

Eagle Crest has affirmed several times (August 2015 Boundary Study scoping comments, in a series of meetings with NPS staff in 2015-16 and in several public meetings, one as recently as May 18, 2016), that Eagle Crest generally supports the expansion of Joshua Tree National Park and will consider, once it can practically and legally do so, the donation of fee lands not needed for the Project to JTNP. Understandably at this stage, our first priority is to construct the Project (Business Correspondence)

While the resumption of large-scale iron ore mining is currently within the control of Kaiser Eagle Mountain, LLC, it is possible that CIL&D could reacquire Kaiser Eagle Mountain, LLC and the Eagle Mountain Mine if there should ever be a default in the note or other security instruments given to CIL&D as a part of the sale of Kaiser Eagle Mountain, LLC. Furthermore, depending upon the price of iron ore, Kaiser Eagle Mountain, LLC could decide that it would undertake extractive iron ore mining. Iron ore mining could commence in the lands in the two pits not utilized in Eagle Crest's project and could be phased so that mining could take place in and around the central and east pits if the Eagle Crest project should ever be decommissioned. (Business Correspondence)

Response: The feasibility analysis for these parcels has been updated to reflect this information.

Concern 23: The study omitted valuable benchmark information that would inform the feasibility of a boundary expansion by not documenting the acreage of patented landholdings in 1952.

The study and environmental assessment should have provided a map that depicts patented holdings in the Eagle Mountain area on July 8, 1952 when PL 790 was passed. This map would represent an upper level benchmark for which lands and parcels could be considered for inclusion under the boundary study. It appears that a significant number of parcels were eliminated from consideration merely as a matter of convenience and perhaps due to outside influence and actions from other federal agencies (FERC) and private entities. (Individual Correspondence)

Response: The study evaluates all of the parcels that would have been included in the 1936 monument boundary. However, the criteria for which the NPS may consider parcels for inclusion in a park boundary as established in the Land and Water Conservation Fund Act of 1965 determines which parcels would be eligible for inclusion at this point in time. Some parcels that have existing proposed uses are not considered feasible for addition to the national park at this time based on current use and management. This includes parcels associated with the Eagle Mountain Pumped Storage Hydroelectric Project, parcels associated with Colorado River Aqueduct, and private parcels with ongoing commercial mining activities.

Concern 24: The Preferred Alternative C boundary does not appear to appreciably enhance opportunities for public enjoyment or the protection of resources over current BLM management. The boundary adjustment analysis fails to recognize the current conservation by the BLM and the proposed BLM land use designations proposed in the DRECP.

I frequent the area and I could tell you there are lots of Big Horn Sheep, Desert Tortoises, Coyotes and Foxes thriving in the area without the protection of the Park Service. I know I'm not a biologist but I feel wildlife has more interaction with humans within Park boundaries than in the Eagle Mountain Area which I feel should be noted. (Recreational Group Correspondence)

The BLM lands identified for acquisition by NPS have evidently enjoyed a level of protection under BLM's stewardship that has maintained resource values. EA at 9 and 35 ("a majority of the federal lands are undisturbed...BLM is taking a significant step to enhance conservation of this area by finalizing the DRECP which will in large part prohibit future renewable energy development of over half the federal lands in the Study Area. The DRECP has identified most of the western Chuckwalla Valley as an ACEC. BLM lands in the western portion of the Study Area are proposed to become National Conservation Lands ("NCLS"). Renewable energy projects will not be allowed on lands in a NCLS or ACEC. Moreover, the balance of the BLM lands in the Study Area that are not included in a DRECP ACEC or NCLS designation (unallocated lands) do not have public access and therefore, there is little to no possibility that renewable energy will be developed in the Study Area at any time in the foreseeable future-which is a primary rationale for the NPS boundary proposal. (Business Correspondence).

Response: In considering the third criterion required for evaluation of a potential boundary adjustment, the NPS evaluates whether existing management alternatives would adequately protect the resources or public enjoyment opportunities. The NPS agrees that the BLM land use plan amendments established through the DRECP LUPA would result in greater protection of the resources in the DRECP Plan area. However, because these land use designations do not apply to the majority of lands in the Eagle Mountains area, there remains the potential for their conversion to other land uses allowable under BLM multiple-use classes assigned to the area. Such uses could negatively impact the visitor experience as well as other natural resource values. Previously, the BLM approved a land exchange for a landfill in the area, which was allowable under the multiple-use classes assigned to the area. This proposal never went forward, largely as a result of litigation.

While the BLM has responsibility under current policies to conserve and protect cultural and historical resources on its land within the study area, the BLM currently does not provide active interpretation of cultural resources

within the study area. Nor does any current BLM management plan call for interpretation or education of cultural resources in the Eagle Mountains. Interpretation of the World War II Desert Training Center history takes place at other sites. There is no existing interpretation of the area's prehistory, Native American history, or mining history, nor is this proposed in any current management plan.

Alternatives

Concern 25: The NPS not discuss what other alternatives may be available for resource protection and to otherwise achieve operational goals (e.g. consultation and collaboration, conservation easements by local conservation groups).

For example, the NPS is active in providing comments to environmental impact statements for federal actions in the California desert. As a result of the NPS's comments and its collaboration and consultation with other agencies and with project proponents, the NPS has the opportunity to achieve many of the goals it articulates in the Boundary Study. Furthermore, the Boundary Study should discuss the alternatives of obtaining conservation easements or the purchase of lands by environmentally conscious groups that would control or donate such private property to JTNP as has occurred in the past. These alternatives, as well as others, would certainly be less burdensome on the budget and resources of the NPS at JTNP which is apparently already strained and inadequate to address a "maintenance backlog."⁵ The Boundary Study analysis of costs is deficient and fails to adequately inform the public. Boundary Study pp. 98, 103-104, 107-107 and 113-114. (Business Correspondence)

Response: Consultation with other agencies and organizations would not ensure long-term protection of resources related to park values. As described in the feasibility analysis cost section, the NPS often works with local conservation groups to acquire and conserve land. The Boundary Study allows for the possibility that land conservation groups could purchase private lands in the study area and later donate them to the NPS for future inclusion an expanded national park boundary. The NPS does not acquire conservation easements over property that is outside a park's authorized boundary. As a result, NPS would not use this tool in place of a boundary adjustment.

Concern 26: The NPS should consider an alternative that would retain BLM management and permit existing recreational users to maintain certain sections of area, such as through a special land use designation.

Instead of putting it in the JTNP, make this area a Special Management Area within the BLM. Congress is increasingly considering "special management areas" in which land is managed for a specific use as mandated by Congress. The term "special management area" is used to describe all types of alternative categories to National Park, wilderness designation or multiple use management under the Multiple-Use Sustained-Yield Act, 16 U.S.C. §§ 528-531 (1982). The alternatives can be improved by including one which designates all BLM lands BLM within the Eagle Mountains east of the current north/south line along GrubStake Rd, and between the north and south boundaries of the Park within this proposed area as they are as of this date, 26 May, 2016, and east to the boundary of the Eagle Crest lands. The special use will allow casual use mining, vehicles on existing trails and roads plus access to mining claims across country, off-road vehicle use on existing trails and roads, plus access to mining claims across country, recreational shooting of personal weapons, hiking, and unleashed pets. (Individual Correspondence)

While I am willing to propose that large scale mining, wind, solar, landfill, and any other large scale, land destroying proposals be prevented, I also propose that the land be retained in the BLM but designated special

use, allowing current activities to continue but protecting the land from corporate, for profit use. (Individual Correspondence)

Response: Through the Desert Renewable Energy Conservation Plan Land Use Plan Amendment process that concluded in September 2016 (DRECP LUPA), the BLM identified areas appropriate for special management and areas appropriate for renewable energy projects. The DRECP LUPA has established a national conservation area and an area of critical environmental concern for portions of the study area which may prevent certain high intensity land uses in the future and could also affect potential use of the area for mining pending implementation decisions. However, these BLM conservation designations would not provide comprehensive protection of the area to preserve the resources and values related to the purpose of Joshua Tree National Park.

Concern 27: The NPS should consider designating a recreational mining area, allowing limited uses such as off road vehicles and “non-mechanized prospecting.”

No provisions were made for the few hundred acres of casual use mining claims on the western side of the area. It seems to me that if the NPS could have taken into account the idea of a special management, a couple thousand acres, left open for the casual use mining. I know it is done in other parks. I believe we have demonstrated we are good stewards of the land and should not shut out due to restrictive policies. (Recreational Groups Correspondence)

Response: The Mining in the Parks Act does not allow NPS to create a recreational mining area that would allow for casual use mining like that which is conducted on BLM-managed land. Prospecting would be allowed to continue on valid mining claims. The NPS may also be able to authorize temporary mining activities pending the completion of the validity process for unpatented claims. Implementation planning for the affected area, should it be included in the park boundary, would further explore opportunities for appropriate recreational use of the area. For example, the NPS could consider designating routes for off road vehicles.

Concern 28: If Alternative B is implemented the NPS should grandfather in access to owners of mineral rights patented or unpatented mining claims.

If Alternative B is implemented I would suggest that owners of mineral rights patented or unpatented be grandfathered in and be able to keep their claims and should be allowed road access. Solar plants are the worst destruction to wildlife and plant life in the Mojave Desert and should be limited in my opinion. (Recreational Group Correspondence)

Response: Under Alternative B, the existing unpatented mining claims would continue to be managed by the BLM. Claim holders would still be allowed access to their claims. Claimants could receive a permit for access by submitting a plan of operations (related to access) that would need to be approved by the Joshua Tree National Park superintendent.

Concern 29: The NPS should consider a modified Alternative B that excludes all valid existing rights including, unpatented mining, and the right-of-way and existing withdrawal for the Eagle Mountain Pumped Storage Hydroelectric Project. This alternative should be released in a new or supplemental boundary study and environmental assessment.

KEM supports a modified version of Alternative B whereby all the identified federal lands are transferred to the jurisdiction of the NPS, except for those federal lands on which are located: (i) mining and mill site claims; (ii) rights-of-ways; (iii) the Federal Power Act ("FPA") withdrawn lands for the Eagle Crest Energy Company ("Eagle

Crest") Eagle Mountain hydroelectric pumped storage project licensed by the Federal Energy Regulatory Commission ("FERC") as described in the Eagle Crest right-of-way SF-299 application (as amended) pending with the Bureau of Land Management ("BLM"); and (iv) other similar items that would be identified in a new or NPS supplemental boundary study for JTNP. (Business Correspondence)

As a backup, Alternative B would be acceptable with minor amendments. Private lands and state, county lands AND ACTIVELY MINED UNPATENTED CLAIMS would not be included in the boundary and would continue to be used for existing purposes. Approximately 380 acres of lands ... UN-PATENTED MINING CLAIMS will remain under BLM jurisdiction. (Recreational Group Correspondence)

Response: Exclusion of all valid existing rights, including unpatented mining and millsite claims, from the boundary adjustment would greatly reduce the size of the boundary adjustment resulting in a boundary configuration that is less effective in protecting national park values such as habitat for desert wildlife and would create new management challenges for the BLM and the NPS. The Selected Alternative excludes lands that are identified in Eagle Crest Energy Company's amended right of way application. The exclusion of these areas reduces the acreage of federal land containing mining and millsite claims that is proposed for transfer to the NPS.

Concern 30: If Alternative C is implemented, the NPS should find a reasonable way to accommodate the rights of those who hold interest in unpatented mining claims in the area.

I think we need to use this land as a limited use area and allow ATV and OHV use on limited trails to truly make this land accessible to all. I don't own a 4 X 4 or a horse. I think we should also allow non mechanized prospecting. (Individual Correspondence)

Mojave Desert Land Trust is concerned that the vocal and focused objections of those who hold interest in unpatented mining claims in the area would be left without financially feasible recourse on their interest in the Eagle Mountain Area under Alternative C. Reverberations from past conservation efforts still echo in present day conversations from those who were pushed out of areas protected in the past. We hope that the Park Service will find a reasonable way to accommodate those interests. (Conservation/Preservation Correspondence)

Response: The NPS is committed to working with members of the Eagle Mountain Mining District and other active claimholders to evaluate the extent to which existing uses could continue under NPS laws and policies. Mining on NPS land is subject to the Mining in the Parks Act and the regulations found in 36 CFR Part 9, Subpart A. The NPS would work with owners of unpatented mining claims to understand the validity process and how their claims might be affected. The NPS could allow operations to continue temporarily during the validity examination process. Some visitor uses, such as OHV use, could be allowed on NPS land. If the park boundary is expanded, the NPS would engage the public in a planning effort to determine the type and extent of visitor uses that are appropriate in these areas.

Concern 31: The NPS should revise the boundaries proposed in Alternative C to reflect the most current BLM SF-299 right of way application for the Eagle Mountain Pumped Storage Hydroelectric Project pending before BLM. This configuration would better comply with NPS boundary criteria and create a more manageable boundary for both the NPS and BLM. The current configuration in Alternative C would create islands, fragmenting management boundaries for the Bureau of Land Management and National Park Service.

Rather than pursue an unmanageable boundary alternative, Eagle Crest recommends a modest, but important revision to Alternative C ("Modified Alternative C" as illustrated in Figure 7) to consolidate contiguous federal and certain fee lands under NPS management to avoid fragmentation of federal land management and interference with the Project. (Business Correspondence)

Eagle Crest submits these comments to underscore the recognition by NPS that the Eagle Crest Project is a separately permitted and authorized activity on lands "withdrawn" for power project development under Section 24 of the Federal Power Act ("FPA"). "The proposed addition would not include ELM-managed lands that have been previously withdrawn under the Federal Power Act for the Eagle Crest Energy Company's proposed Eagle Mountain Pumped Storage Project." EA at 106. No boundary expansion decision that results from the Study or any related administrative transfer of public lands managed by the Bureau of Land Management ("BLM") to JTNP may interfere with the power project development purposes for the FPA- withdrawn lands. 43 CFR §§ 2300 and 2320. The lands necessary for these power purposes have been withdrawn and set aside to fulfill the purposes of the FPA. 43 U.S.C. § 1714. Federal lands included in an application are "from the date of filing of application . . . reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by [FERC] or by Congress." 16 U.S.C. § 818. (Business Correspondence)

Response: Eagle Crest's amended right of way application was not available to NPS when alternatives were being formulated for the Boundary Study environmental assessment. As stated in Alternative C in the Boundary Study/EA (page 106), the NPS recognizes that the boundaries surrounding the proposed project footprint for the Eagle Mountain Pumped Storage Hydroelectric Project are preliminary. The Selected Alternative does not identify lands included in Eagle Crest's amended right-of-way application as feasible for transfer to the NPS in the near term. However, the Selected Alternative recognizes that lands within the right of way application may become available for transfer to NPS if they are not needed for right of way purposes in the future.

Concern 32: The NPS should specify the necessary increases in rangers, resources, and administrative staff and maintenance personnel, as well as needed infrastructure required for a boundary adjustment.

I would like to see these lands incorporated within Joshua Tree National Park, but with mandated increase in ranger, resources and administrative staff and maintenance personnel, as well as needed infrastructure. In other words, I think that new lands should come with the means to care for them!!!! (Individual Correspondence)

Response: Comment noted. The Selected Alternative provides an estimate of the staffing that would be required to manage the proposed additions to the park. A more detailed discussion of costs is included in the feasibility analysis in Chapter 2 of the Boundary Study/EA.

Concern 33: The NPS should consider a broader range of alternatives including at least one alternative that calls for full reversion to NPS management of all lands affected by Private Law 790, specifically including all of the lands patented to Kaiser after July 8, 1952 for development of the Eagle Mountain Mine and Townsite.

Excluding even one acre of these lands to allow the permitting and development of the Eagle Mountain Pumped Storage Hydroelectric Project appears, on its face, to be in violation of the PL 790's reversion language as well as the 1978 Redwoods Act. All of the 289,000 acres removed from the National Monument in 1950 should be examined for their potential for restoration back to NPS

management either as part of Joshua Tree National Park, or as part of a national preserve connected to Joshua Tree, or lastly under a joint management structure such as that used at Parashant National Monument. Reasons for doing this are to correct the past error in removing such a large amount of land from the original national monument, only a portion of which was used for mining. Joshua Tree is under threat today from many large-scale alternative energy projects, and expansion of the park back to its original boundary configurations will help protect core park ecosystem values including air quality, night skies, groundwater, wildlife, and wilderness values. Additional lands will also help the park flora and fauna adjust as climate change forces widespread changes in the ranges of many species. (Individual Correspondence)

The final court order resolving the landfill litigation provides that the continuous seven-year period of non-use related to Private Law 790's reversionary interest does not apply to the period between 1999 (the date of the land exchange) and 2014 (the end of the lawsuit.) (Conservation/Preservation Group Correspondence)

As noted above, Kaiser ceased mining [in] 1983. The mine was inactive, and Kaiser relinquished all mining rights, for the dump. 15 years expired from 1983-1998, which triggers the reversionary clause. The reversionary clause was never before the Court, as it was omitted in our opening brief, and the Court rejected a later inclusion attempt. So, no matter if the reversionary interest does not apply from 1999-2014, IT DOES APPLY FROM 1983-1999. (Conservation/Preservation Group Correspondence)

Response: There are some factual inaccuracies in these comments. The reversionary interest under Private Law 790 (1952) only applies to the Eagle Mountain Townsite area (approx. 465 acres) and to the railroad rights of way that the federal government issued to Kaiser Steel Corporation to facilitate the development of the Eagle Mountain mine. The reversionary interest in the Townsite has not been triggered. The court order that resolved the litigation over the landfill determined that the seven year period of non-use under Private Law 790 did not apply between 1999 and 2014, which generally corresponds to the time period that the land exchange was in effect. In addition, many of the private lands that comprise the Eagle Mountain mine site were held in private ownership prior to the original establishment of Joshua Tree National Monument. The NPS never exercised management control over lands that were patented prior to the Monument's creation in 1936.

The NPS has evaluated a full range of alternatives for lands that were included in the original national monument in 1936. Alternative D, which was not selected for implementation, proposed to include the Eagle Mountain Townsite area in an expanded park boundary. The Boundary Study noted that these lands would not be available for NPS ownership or direct management unless the reversionary clause was triggered (which it has not been) and a subsequent determination was made by the Department to transfer the Townsite lands from BLM to NPS.

Minerals and Mining

Concern 34: The NPS should correct its estimates of the amount of available rock/aggregate present in the Eagle Mountains.

It is estimated that over 165 million tons of stockpiled rock is located on half of the fee-owned Eagle Mountain property; known as the West End Property which is approximately the western half of the

Eagle Mountain Mine. The Boundary Study on page 129 states that: "It is estimated that there are over 165 million tons of stockpiled rock located in and around the Eagle Mountain Mine." Additionally, it is estimated that there is over 1 billion tons of rock in-place on the West End Property. The rock and aggregate resources stockpiled in the eastern half of the Eagle Mountain Mine have not been estimated but it is clearly millions of tons of rock. U.S. Geological Service has estimated that there may be up to 550 million tons of iron ore at Eagle Mountain. In addition, the 44 million cubic yards of coarse tailings can also be sold as aggregate for various purposes. Thus, the Boundary Study vastly underestimates the amount of available rock and aggregate resources at the Eagle Mountain Mine. (Business Correspondence)

Response: The NPS has included the information provided by the commenter about quantities of above and in-ground mineral resources available in the Eagle Mountain Mine in the Boundary Study/EA. However, it is noted that this information has not been independently verified.

Concern 35: The NPS analysis does not address the market, market value and potential uses of rock that could be mined. The NPS should clarify that, as proposed, existing commercial activities as currently permitted would not be affected by inclusion in the park.

There are opportunities for large-scale shipments of rock. For example, as a part of the evaluation of a Salton Sea restoration plan, the State of California through one of its consultants, requested a bid for up to 20,000,000 tons of rock from Eagle Mountain. (Attachment 9) Implementation of a restoration plan for the Salton Sea is probable and the implementation of any restoration plan would require millions of tons of rock. (Business Correspondence)

Response: The Boundary Study/EA did not address the market or the market value of the available aggregate because neither was pertinent to the environmental analysis of the alternatives. For clarification, the NPS has included language in the Boundary Study/EA to acknowledge that private parties with a legal interest in the aggregate resources on lands within the study area believe that viable markets for the aggregate exist

Concern 36: The NPS fails to address the impacts on the potential resumption of large-scale mining and whether such mining would impact any decision to include the lands into the park. The Boundary Study/EA dismisses the resumption of large-scale mining and its beneficial effects on the economy through increased jobs and property taxes.

The NPS fails to address the impacts on the potential resumption of large-scale mining and whether such mining would impact any decision to include the lands into the park...KEM holds 460 active mining claims with an approved plan of operations. They continue to be occupied and used in support of mining operations by the Mining Law. Mining could potentially resume on the federal mining claims particularly since there are substantial mineral resources in the mining claims. (Business Correspondence)

While the resumption of large-scale iron ore mining is currently within the control of Kaiser Eagle Mountain, LLC, it is possible that CIL&D could reacquire Kaiser Eagle Mountain, LLC and the Eagle Mountain Mine if there should ever be a default in the note or other security instruments given to CIL&D as a part of the sale of Kaiser Eagle Mountain, LLC. Furthermore, depending upon the price of iron ore, Kaiser Eagle Mountain, LLC could decide that it would undertake extractive iron ore mining. Iron ore mining could commence in the lands in the two pits not utilized in Eagle Crest's project and could be phased so that mining could take place in and around the central and east pits if the Eagle Crest project should ever be decommissioned. (Business Correspondence)

Resumption of large scale extractive iron ore mining could resume under any number of circumstances, including, for example, the reacquisition of KEM and/or the KEM assets by CIL&D or the market price of iron ore rising to the level that would be sufficient to resume mining at the two open pits and their respective surrounding property that are not used in the ECEC project. Instead, as noted above, the Boundary Study impermissibly dismisses the resumption of large-scale mining and the benefits derived from such mining such as increased jobs, increased property taxes, etc. with no analysis. To categorically fail to the study the impacts of mining as the Boundary Study has done makes the Boundary Study flawed—it is a significant socio-economic and resource impact that must be analyzed. (Business Correspondence)

Response:

The potential resumption of large scale mining is mentioned in several sections of the Boundary Study/EA. The Boundary Study/EA (pages 86 and 129) states “Eagle Mountain Mining and Railroad (EMMR), a Kaiser subsidiary, is planning to increase the sale and shipment of material off-site by 2018 and asserts the possibility that large-scale mining activities could also resume (Kaiser Eagle Mountain, LLC 2013).” As explained below, the Boundary Study assumed that large scale mining was not likely to occur in the foreseeable future. Nevertheless, the NPS has included language in the Boundary Study/EA to acknowledge that large scale mining, if resumed, when combined with socioeconomic benefits from a boundary adjustment, would be beneficial to the local economy by increasing jobs and property taxes.

The Boundary Study/EA (page 86) assumes that the likelihood of the resumption of large scale mining on the KEM unpatented claims is low for several reasons. The future use of the mining pits and the central mine area for the pumped storage hydroelectric project is not compatible with the resumption of large scale mining. The FERC FEIS (page 64) also presumes that future large scale mining is unlikely: “given that the mining equipment once used to extract and process iron ore at the mine has since been removed, the extraction, processing, and shipment of any recoverable mineral resources from the mine is not currently feasible without significant investment to replace the mining equipment.” Further, the EMMR Mining Lease does not currently authorize EMMR to conduct any new extractive mining as such rights are reserved to and owned by KEM.

One of the comments on this topic suggested that large scale mining could resume if Eagle Crest defaults on its payments to CIL&D which could then enable CIL&D to regain possession of the property and resume mining. Eagle Crest has made its initial payments to CIL&D and is proceeding with project planning and implementation. Additional payments are due many years in the future. The NPS is not aware of any information indicating that Eagle Crest might default on its payments. NEPA does not require the NPS to address speculative outcomes.

Concern 37: The Boundary Study/EA discussion of mining and minerals is insufficient and missing information particularly because a geologic survey, assessment, and mineral report have not been completed. This information needs to be made available to the public before finalization of the boundary study.

Much of the study area contains vast mineral resources. In fact one of the reasons for the revision of the Monument’s boundaries in 1950 was due to the mineral resources contained within the area being removed from the Monument. The Boundary Study’s analysis of the mineral resources and mining is inadequate and needs to be revised to be made more complete. (Business Correspondence)

Under the terms of its Mining Lease with Kaiser Eagle Mountain, LLC, EMMR has the right to mine stockpiled rock, iron ore pellets, and the coarse and fine tailings. While the Boundary Study does discuss mining and mining related issues, its discussion is insufficient and is missing important information. For example, the Boundary Study concedes that a geologic survey and assessment has not been completed. (Boundary Study, p. 127.) This critical information needs to be provided and be made available for public review before finalization

of the Boundary Study and the adoption of any alternative other than the no action alternative (Business Correspondence).

We are a mineral rich nation, and many of these minerals are located within the Eagle Mountain Boundary Study area. (Recreational Group Correspondence)

Response: The Boundary Study/EA relied on previous studies and research, consistent with CEQ and NPS policies. Prior mineral reports completed for the study area provided a reliable baseline for minerals present in the study area for purposes of the analysis. However, prior to the implementation of a withdrawal from entry, a mineral potential report, as required by 43 CFR 2310.3-2(b)(3)(iii), will be completed. The BLM will consider the mineral potential report before completing its environmental compliance documentation required for a public land transfer. Further, mineral potential reports typically compile existing research in an area and do not include new geologic surveys. The findings of the mineral potential report would have no effect on valid existing rights or a claimant's ability to prove validity of claims.

Concern 38: The NPS is in error in its statement about mining claim validity examinations and the implication that the cost would be borne solely by the claimholders. The NPS should include the potential cost of the validity examination to the NPS or the Department of the Interior.

The law is that a mining claim is considered valid until determined otherwise. The Boundary Study is deficient in that it does not estimate the costs and time that NPS or the Department of the Interior may incur in undertaking the validity examinations of the mining claims in the Study Area. Nor has the NPS analyzed the costs that may be incurred by the government in the defense of any adverse validity determination that is made. (Business Correspondence)

Response: The NPS was incorrect in its statement that the cost of validity examinations would be borne by the claimholders. Validity examinations are conducted by mineral examiners who are certified by the BLM in accordance with BLM Manual 3895. Because BLM cost-recovery regulations do not authorize the recovery of costs associated with validity examinations on NPS lands, the cost of the validity exams would probably be borne by the National Park Service should lands be transferred for management as part of Joshua Tree National Park. Associated text regarding the validity examination process and its effects to claim holders has been corrected in the Environmental Consequences section of the Boundary Study/EA. Information on the potential costs of the validity examination has been added to the cost of the Alternatives, as well as in the costs analysis in the Feasibility section of the document.

Concern 39: The Eagle Mountain area is rich in minerals, including rare earth minerals, that should remain available for extraction, particularly for “modern green technology and in the interest of the National Defense.”

We are a mineral rich nation, and many of these minerals are located within the Eagle Mountain Boundary Study area. (Individual Correspondence)

Much of the study area contains vast mineral resources. In fact one of the reasons for the revision of the Monument's boundaries in 1950 was due to the mineral resources contained within the area being removed from the Monument. The Boundary Study's analysis of the mineral resources and mining is inadequate and needs to be revised to be made more complete. (Business Correspondence)

Response: The Boundary Study/EA adequately discloses the minerals that could be present in the study area. Prior mineral studies completed for the study area provided a reliable baseline for minerals present in the study area. Boundary Study/EA (page 176) states that the existence of rare earth minerals (which have been used for green technology or military equipment) are expected to be extremely limited in the study area. The DRECP LUPA states that rare earth elements are found principally in just one small area near Mountain Pass, which is not within the study area (BLM 2016).

Concern 40: The Boundary Study/EA says that there are other areas available for mining to offset the loss of Eagle Mountain, but this is becoming untrue. Many public lands have been withdrawn from mining over time.

Response: Comment noted. The NPS recognizes that individuals and mining clubs would be adversely affected by the prohibition on new mining; that impact is disclosed in the Boundary Study/ EA.

Land Ownership and Management

Concern 41: The NPS incorrectly states that lands in the study area are owned by the BLM. BLM does not hold title to the land and this should be corrected in the Boundary Study/EA.

These lands rightfully belong to the people of the United States of America and title should be held in trust for that purpose. The "NO ACTION" outcome guarantees that these lands and all the wealth they contain remain the property of the people of the United States. You have deceived the public by stating publicly, and in print that these lands are owned by the BLM. This is patently false and willfully misleading. The BLM does not hold title to these lands, and we demand that you retract and correct this for the public record. (Recreational Group Correspondence)

Response: The study does not state that BLM directly owns the lands; it correctly states that the study area contains federally owned lands managed or administered by the Bureau of Land Management. The Boundary Study/EA (page 9) states that the federally owned land in the study is managed by the Bureau of Land Management (BLM). Table 2-1 states that lands in the Federal Lands Parcel Group "Includes federal lands under BLM management." In some cases the study refers such lands as "BLM lands." In these cases the NPS intends to convey that these are BLM-managed lands (see pages 35, 49, 86, 93, 97, 98, 101, Table 3-1, 152, 155, 156, 158, 170, 171-172, 176, 177, 181, 186, 187, 190, 194-196, 199, 201, and Table 3-1).

Concern 42: The transfer of management from the Bureau of Land Management to the National Park Service violates existing rights under the Mining Law of 1872, Multiple Use Surface Act, the National Minerals and Mining Policy, and the Federal Land Management Policy Act.

It is our belief that by the Federal Government confiscating our land that you will be violating our rights under the mining law of 1872 (30 USC 22-54), Multiple Surface use Act (30 USC 612B), National Minerals and Mining Policy (30 USC 621A), Federal Land Management Policy Act. (Multiple Individual Correspondences).

Response: A proposed withdrawal and federal land transfer is permitted under the Federal Land Management Policy Act and is not prohibited by the other laws cited in the comment.

Concern 43: The NPS should correct the description of ownership and interests in private lands with regards to the Eagle Crest Energy Company, Kaiser Eagle Mountain, LLC, and CIL&D.

KEM [Kaiser Eagle Mountain] owns the Eagle Mountain Mine located in Riverside County, California. KEM's land, mining claims and other assets are within the Boundary Study area (the "Study Area") and, in whole or in part, are included and impacted by all the alternatives discussed in Boundary Study, except for Alternative A: Continue Current Management (No Action). KEM, or its predecessor in interest in the Eagle Mountain Mine, Kaiser Steel Corporation ("Kaiser Steel"), has owned or controlled the land and mining claims constituting the mine (including the Eagle Mountain Townsite) since 1944. Until the sale of KEM in June, 2015, KEM was owned by CIL&D, LLC (previously known as Kaiser Ventures LLC). CIL&D, LLC is the reorganized successor to a portion of the assets of the former Kaiser Steel. KEM was sold in 2015 to Eagle Mountain Acquisition LLC. The Boundary Study incorrectly refers to KEM as being owned by Eagle Crest, the FERC license-holder. Boundary Study p. 9 and p. 62. KEM was acquired by Eagle Mountain Acquisition LLC which is not a subsidiary of Eagle Crest although there is substantial indirect common ownership of Eagle Mountain Acquisition LLC and Eagle Crest and there are certain common officers between the two companies. EMMR [Eagle Mountain Mining and Railroad], a wholly-owned subsidiary of CIL&D, LLC, has a Mining Lease and Agreement and various implementing agreements with Kaiser Eagle Mountain, LLC each dated June 29, 2015, (collectively the "Mining Lease") that covers a significant portion of the Eagle Mountain Mine. The Mining Lease is for an initial term of 40 years but the term can be extended in 20 year increments up to a total of 100 years as provided in the Mining Lease. The Mining Lease provides that EMMR may mine the stock piled rock, iron ore pellets, coarse and fine tailings. The Mining Lease does not currently include new extractive mining as such rights are reserved to and owned by Kaiser Eagle Mountain, LLC. The Mining Lease (as well as the first deed of trust) imposes certain conditions and covenants on Kaiser Eagle Mountain, LLC with regard to mining and the mining and mill site claims owned by Kaiser Eagle Mountain. CIL&D, LLC is the reorganized successor to a portion of the assets of the former Kaiser Steel Corporation ("KSC"). CIL&D, directly or indirectly through a wholly-owned subsidiary, owned the Eagle Mountain Mine located in Riverside County, California from approximately 1944 until the sale of Kaiser Eagle Mountain, LLC in June 2015. Kaiser Eagle Mountain, LLC was sold to Eagle Mountain Acquisition LLC. (Business Correspondence)

Response: The NPS has corrected the ownership information.

Concern 44: The California State Lands Commission request that the NPS corrects acreage for the State School Lands.

According to reports, the Iron Chief Gold Mine produced approximately \$150,000 in gold, at a time when the price of gold was approximately \$19 per ounce. The mine contained a mill and a 50-ton cyanide plant. We believe this mine is the Iron Chief Gold Mine composed of patented mining claims near the center of Section 36, Township 3 South, Range 13 East, San Bernardino Baseline and Meridian. Excluding a small amount of BLM lands, the CSLC obtained title to 335.76 acres within section 36, upon federal survey if 1963 (see enclosure). (State Government Correspondence)

Response: Corrections have been made throughout the Boundary Study/EA.

Concern 45: Southern California Edison (SCE) requests the NPS Eagle Mountain Study team include provisions in the Boundary Study/EA to protect, preserve, and make available land use authorizations for electrical and telecommunications infrastructure. SCE is willing to assist the NPS Eagle Mountain Study team in developing those provisions.

Response: The Selected Alternative proposed boundary adjustment appears to exclude areas with existing SCE electrical and telecommunications infrastructure. The NPS appreciates the assistance offered by SCE and will continue to engage SCE in any implementation planning should a boundary adjustment be implemented. The Selected Alternative also contains language that recognizes the need for utilities to continue operation,

maintenance, and potential upgrades, as necessary, of existing and planned electrical and telecommunications infrastructure.

Cultural Resources

Concern 46: The NPS should include information about the historical significance of the Romero-Estudillo party as it relates to the study area in the cultural resources affected environment, as well as the history surrounding Minerva Hoyt and the conservation efforts to protect California Desert ecosystems in the 1920s and 1930s.

The cultural resources section omits any mention of the Romero-Estudillo party that became lost in the desert somewhere north of Desert Center while trying to locate a route of travel from Mission San Gabriel to the Colorado River in 1823. It's possible their route of travel took them into the lower Pinto Basin or along the eastern flank of the Coxcomb Mountains. These may have been the first people of European descent to enter the modern boundaries of Joshua Tree National Park. They abandoned considerable equipment and animals in their wanderings...Astonishingly missing from the cultural section is any mention of the long and persistent effort by Minerva Hamilton Hoyt and other conservation minded people during the late 1920s and throughout the 1930s to establish parks and protected areas within the California Desert. This effort grew out of a project by the State of California to establish a system of state parks. Mrs. Hoyt's tireless efforts to educate the public about the value of desert ecosystems and work for their protection stands as a significant counterbalance to the comment on p.148 that "'many people opposed the idea of an environmental preserve in California's deserts, particularly from mining interests.'" (Individual Correspondence)

Response: Comment noted. The NPS acknowledges that there may be aspects of history related to Joshua Tree National Park, the study area and region that were not included in the Boundary Study/EA and the NPS appreciates the additional information. The Cultural Resources Affected Environment section was not intended to give a comprehensive history; instead, the goal was to highlight some important aspects of the area to show its cultural significance.

Concern 47: There is a one minor error in the section on Cultural Resources: the so-called Pinto Culture is one of the earliest cultures to be described in this region and spans a time frame from 8000-4000 years before the present. It is likely a continuation of the original migrations and was present after the more environmentally optimal late Pleistocene, but when there was still regional water within drainages, especially at low elevations.

Response: Statements in the Boundary Study/EA are correct; the text on page 145 has been changed for clarification to read "The descendants of Pleistocene and Archaic people (such as the Pinto Culture), learned to adapt and thrive in harsh environment by making careful use of local plants and living in oases and along water courses."

Wildlife Resources

Concern 48: The Boundary Study/EA Affected Environment discussion regarding desert bighorn sheep distribution is incorrect and misrepresented. The literature cited by NPS does not support a conclusion that bighorn utilize the pits either as habitat or as a migration corridor.

The literature cited by NPS does not support a conclusion that bighorn utilize the pits either as habitat or as a migration corridor...The "maps of bighorn locations in the Divine and Douglas (1996) report (Figure 9) do not

support the conclusion that bighorn sheep use the mining pits to any significant extent. Over a 2-year period, bighorn sheep were recorded in mountainous areas around the Project site, but not in the east pit (Project lower reservoir), and rarely in the central pit (Project upper reservoir). This makes biological sense as there is no food supply for bighorn sheep in the pits and the sheep would be at risk from predators in the pits. Bighorn sheep do use the area between the two pits and the mountains to the north and the south. While it is correct that Bleich et al. found that bighorn sheep avoid areas near roads, they concluded that fire history had the largest influence on distribution and that the best characteristic of sheep habitat is the presence of escape terrain. The report by Creech et al. (2014) does not contain information about the location of bighorn sheep migration corridors in the Study Area. Neither of the two Epps papers cited (2007 and 2010) discuss bighorn sheep migration through the area "where the reservoirs will be located," as stated by the NPS. The research documents habitat preferences which include steep slopes and open terrain so the sheep can see approaching danger and escape. (Business Correspondence)

Based upon the observations of personnel that work at the Eagle Mountain Mine in the past and currently, the bighorn sheep are very seldom seen within mine pits. Most sightings of the bighorn sheep as well as the observation of bighorn sheep scat occur on the far western end of the Eagle Mountain Mine. There are bighorn sheep trails that traverse the western end of the Eagle Mountain Mine. The likely reason that this is the case is because Kaiser Eagle Mountain, LLC, has in the past (and is believed to continue to this day) voluntarily keeps a guzzler filled with water for the benefit of the bighorn sheep. Most observations of the bighorn sheep, their scat and trails are in the area of this guzzler. This is not to say that the bighorn sheep have not been observed in other locations at the Eagle Mountain Mine but the bighorn sheep have predominantly been seen and are at the far west end of the Eagle Mountain property where there is available water. The pits do not contain water or suitable grazing habitat for the big horn sheep. (Business Correspondence)

In addition, based upon the observation of individuals that worked at the Eagle Mountain Mine during the height of mining and mining related activities, the bighorn sheep were observed in large numbers at that time. The bighorn sheep did not appear to be stressed by all the mining and related activities at the Eagle Mountain Mine. It is believed that the bighorn sheep flourished at that time because more water sources were available as a result of the large-scale mining. It is also important to understand that mining activity has continued after 1982 when large-scale extractive iron ore mining was suspended. While the most recent mining activities are reduced in scope, there has been no evidence of any impact to the bighorn sheep population or their travel patterns due to the current mining activities. (Business Correspondence)

Response: The Boundary Study/EA did not specifically state that the desert bighorn sheep utilize the pits. The Boundary Study/EA (page 184), stated "Connectivity based on the least resistance models of Epps et al. (2007) and telemetry data (Divine and Douglas 1996; Divine 1998) show that the primary route of movement between these areas is located through the areas where the reservoirs would be located for the pumped storage project." To eliminate confusion, this sentence has been deleted from the Boundary Study/EA. However, other conclusions in Boundary Study/EA are true and unrefuted and are even supported by the commenters. For example desert bighorn sheep do indeed traverse through the Eagle Mountain Mine area, in between the pits. Maps in both Creech 2014 and Epps 2007 indicate the importance of the connection between the Eagle Mountain and Coxcomb Mountain herds through this vicinity.

Concern 49: The NPS analysis of potential impacts of the Eagle Mountain Pumped Storage Project on desert bighorn sheep is incorrect and overstated, scientific papers are incorrectly cited, and the conclusions in the Boundary Study/EA regarding sheep response to human activity are exaggerated.

The "environmental analysis in the Boundary Study with regard to the bighorn sheep is unsupported. The resumption of large-scale mining and the construction and operation of the Eagle Crest project would have little actual adverse impact, if any, on the bighorn sheep population." "The Boundary Study needs to be revised

to have a more complete and accurate discussion on the bighorn sheep, more accurately state what the research demonstrates about bighorn sheep and unsupported statements about alleged impacts to sheep should be deleted." Eagle Crest dispute is the claim that the Project reservoirs "would be located within the Bighorn Sheep migration corridor between the Eagle and Coxcomb mountains "and that "[a]ny construction, ongoing energy operation or mining through the study area has the potential to create serious impacts to this iconic species. (Business Correspondence)

The 1996 Divine and Douglas study of the bighorn sheep at Eagle Mountain tracked the sheep using telemetry. Such study conclude that the operation of the landfill at its fully permitted capacity of 20,000 tons per day would not hinder the movement of the bighorn sheep or impact any lambing that may occur at the Eagle Mountain Mine. This level of disturbance is greater by many magnitudes than what is anticipated for the Project. Once the Project is constructed, surface activity will be minimal, with all energy generation and pumping activities occurring deep underground, with changes in reservoir levels occurring quietly over periods of hours, virtually undetectable to wildlife. If a project like the landfill would not interfere with sheep migration, it is a misuse of this scientific literature to say that the Eagle Crest Project will have such an effect. Bleich detected a "slight effect" of human disturbance on bighorn sheep distribution. Bleich also concluded that sheep will habituate to perceived sources of disturbance, when in predictable locations and consistent and that mining can alter terrain features to promote occupancy by bighorn sheep. Bleich drew no conclusions about bighorn sheep in the Study Area, as stated in the EA, because the research was conducted in San Bernardino County, not in the Study Area (161). While it is correct that Bleich et al. found that bighorn sheep avoid areas near roads, they concluded that fire history had the largest influence on distribution and that the best characteristic of sheep habitat is the presence of escape terrain. (Business Correspondence)

In the Project EIS prepared by FERC (2012), FERC addressed impacts on bighorn sheep and concluded that the "effects of project construction activities would not create a migratory barrier," and effects of Project construction would be "minor and temporary." The literature demonstrates that sheep adapt easily to consistent and minimal disturbances, and that even loud explosive operations at mining sites would not be a deterrent for sheep. New above-ground structures built for the operation of the Project would be minimal with the majority of Project infrastructure located deep underground. The only difference between current conditions and conditions during Project operation would be that the mining pits will be alternatingly filled with water and fenced to keep animals out. Bighorn sheep would still be able to move between the two fenced reservoirs. There would be very few employees on site during Project operation and noise would be minimal. (Business Correspondence)

Response: The NPS disagrees that references to scientific papers are incorrectly cited. Scientific research was appropriately used to support NPS' assertion that disturbances and cumulative stress to bighorn sheep could have negative effects on individuals or sheep populations (Wiedmann and Bleich 2014). Telemetry data also showed the Eagle Mountain study area as an active movement corridor between the Eagle and Coxcomb Mountains (Epps 2007).

Disruption of habitat connectivity can be a serious issue for bighorn sheep (Wiedmann and Bleich 2014). Research shows that bighorn sheep may be able to acclimate and/or avoid disturbances if they have alternate sites to occupy, but this is not always the case (Longshore et al. 2013). Sometimes they avoid roads or other barriers; other times bighorn sheep are unaffected. The Boundary Study/EA discloses that bighorn have adapted to limited noise and activity at the Eagle Mountain mine (the Boundary Study/EA has been corrected with the current activity level). Inclusion of study area lands into the boundaries of Joshua Tree National Park would benefit bighorn sheep and help preserve landscape scale connectivity.

As noted in the comment, the FEIS for the Eagle Mountain Pumped Storage Hydroelectric Project concluded that "effects of project construction activities would not create a migratory barrier" and the effects of construction

would be minor and temporary" because the mountains would be untouched and equipment would be underground. The Boundary Study/EA looks at the entire study area, not just the footprint of the pumped storage project. Under current BLM management, other industrial developments could be allowed on the unallocated BLM-managed land (referred to now as "general public lands" in the DRECP LUPA) resulting in additional adverse effects to bighorn sheep. Cumulative disturbances to bighorn sheep have the potential for long term impacts. The Boundary Study/EA has been corrected to include the above information.

Concern 50: Bighorn sheep counts referenced in the Boundary Study/EA are misleading.

The EA states that a Project 2010 wildlife survey identified 51 bighorn sheep in six locations. EA at 34. However, this wildlife survey covered a much larger area than the NPS Study Area. Significantly, only 3 of the 51 bighorn sheep were noted as in the Eagle Mountains, the balance of the sheep surveyed were found in other mountain ranges miles from the Project location. (Business Correspondence)

Response: The Boundary Study/EA has been revised to disclose the corrected information about the 2010 wildlife survey.

Concern 51: The Affected Environment chapter is missing information about the potential presence of certain wildlife species, including an important stop for migratory bird species, potential habitat for the elf owl, and lacks a discussion of the area's importance to invertebrates.

*The section on affected wildlife is not complete and omits at least one California state endangered species, the elf owl (*Micrathene whitneyi*) that has been recently documented from the park and which could reasonably be expected to occur within the project area. Based well-documented records from nearby Desert Center and Chiriaco Summit, the Eagle Mountain town site probably serves as a significant migratory stop for many bird species, including some federal and state listed species, that move through the eastern region of Joshua Tree National Park. Adequate surveys and monitoring would likely turn up some significant records indicating a richer avifauna for the area than what is currently known...The Wildlife section beginning on p. 140 has no discussion of invertebrates that occur or are likely to be affected by the Boundary Study or by activity of the proposed pump storage project. Limited data on Lepidoptera in the area shows that the eastern region of Joshua Tree has populations of insects that differ in significant ways from those found in the higher, areas of the Mojave Desert section of the park to the west of the Eagle and Coxcomb Mountains. There are likely numerous species occurring in the area whose range is highly limited in Joshua Tree National Park. The lack of discussion of invertebrate populations and how the alternatives presented here will affect them is a significant weakness of the EA. (Individual Correspondence)*

Response: The NPS appreciates the additional information on wildlife species. Invertebrate populations are briefly mentioned in the Boundary Study/EA on page 140. A complete list of invertebrate species is not necessary because that information is inconsequential to the environmental analysis regarding a boundary expansion. Further, the Council of Environmental Regulations (CEQ), Sec. 1500.4 state that environmental documents should discuss only briefly issues other than the most important ones. Impacts to invertebrates and birds are not critical to the decision-making process of whether or not to move the park boundary. Invertebrates and birds are grouped with wildlife, which would generally benefit from a boundary expansion. If the study area is included in the NPS boundary, future site-specific planning will consider effects to species potentially affected by specific projects. The elf owl was not considered due to the lack of known evidence of presence in the study area. However, the NPS agrees that the owl could be present exist if ideal habitat conditions existed. Additional planning would occur before action is taken that could affect protected species. Potential effects to the elf owl are similar to other species described in the Boundary Study/EA and therefore a detailed analysis was not needed.

Water Resources

Concern 52: The NPS claim that the issue of groundwater recharge is complicated and controversial, and that agencies do not agree on the extent of recharge to groundwater aquifers (Boundary Study/EA at 135) is unsupported and contradicted by evidence.

"The science of hydrogeology in California is well developed, and groundwater recharge is reasonably well understood. For the Chuckwalla Basin, in particular, well data exists that extends across the Basin and over a period of decades, including a period of heavy water use for irrigated agriculture in the 1970s and early 1980s during which Basin water table levels declined. After much of the agricultural use ceased in the mid-1980s, groundwater levels subsequently recovered, providing a good basis for estimating long-term average recharge conditions within the Chuckwalla Basin. (25) The EA should also address the available data that shows groundwater pumping effects are localized . . . The Chuckwalla Basin also has been extensively studied in recent years by some of the top hydrogeologists in the state of California as they conducted investigations of proposed solar projects located across the Basin, and for the Project. Each of those investigations was subject to consultation and review with water experts in state and federal agencies, and the Project consultation included water experts and the leading hydrogeologist with [the Metropolitan Water District of Southern California] (Business Correspondence)

Response: The issue of groundwater recharge is debated among federal and state agencies and the statements in the Boundary Study/EA reflect this fact. . However, the referenced text on page 135 has been removed from the Boundary Study/EA in response to the public comment. The Boundary Study/EA does not dispute the State Water Resources Control Board's (SWRCB) final findings on groundwater recharge (Boundary Study/EA, page 181). Details on groundwater pumping data is not included in the Boundary Study/EA because the analysis is intended to be broad, since a boundary adjustment is a policy change with no immediate physical impact on resources. The Boundary Study/EA (page 181) refers readers to the Eagle Mountain Pumped Storage Hydroelectric Project FEIS and final FERC license requirements (2014) for more information on the effects of the pumped storage project on groundwater and associated mitigation. The Boundary Study/EA ultimately restates the SWRCB finding that the "Chuckwalla aquifer was not at risk" (Boundary Study/EA, page 181).

Concern 53: The NPS overstates the cumulative effect on water supply as a result of the Eagle Mountain Pumped Storage Hydroelectric Project and future renewable energy projects.

"There could be a negative effect on groundwater supply with the No Action alternative. If BLM were to continue as the land management agency, renewable energy projects that require water could be approved for the study area under current land management classifications. These projects could require water from the Chuckwalla Valley aquifer." EA at 180. This statement is a hypothetical that is unsupported. The EA acknowledges that the DRECP will limit the Study Area for renewable energy development through NLCS and ACEC designations and we have noted that the unallocated DRECP lands have no access that would permit their use for renewable energy. Furthermore, solar power plants consume very little water (other than panel washing) since BLM requires the use of air-cooling and not water-cooling in the desert. Wind power projects do not require a water supply..."FERC and the California State Water Resources Control Board both analyzed the impact of the Project and considered cumulative impacts and the only potential cumulative effect identified was a contribution to a temporary overdraft of the aquifer, with recovery over a period of about 17 years following Project decommissioning. The predicted worst-case overdraft conditions were far less than occurred during the 1970s-1980s agricultural expansion which resulted in no adverse effects to surrounding basins. We also note that this cumulative assessment (completed in about 2012) is very conservative because it included

water use for the landfill project, over ten solar projects and nearly 2,000 acres of irrigated agricultural use. The landfill project is cancelled, only three solar projects have been developed, and irrigated agriculture has declined in the Chuckwalla Valley, so that even these potential cumulative effects have significantly decreased.” (Business Correspondence)

Response: The NPS disagrees that the cumulative effect determination is overstated. The Boundary Study/EA does not dispute or misrepresent the impact of potential future energy projects on groundwater supply. Although the Boundary Study/EA did not explicitly disclose the water needs of solar versus wind projects, it did generally state that the extent of impact would depend on the water needs of a particular project. The Boundary Study/EA did not solely assign cumulative impacts to the Eagle Mountain Pumped Storage Hydroelectric Project, which according to the FEIS for that project, would be the largest water user in the Chuckwalla Valley. The Boundary Study/EA stated that the pumped storage hydroelectric project, when combined with other renewable energy projects (either in on BLM unallocated land or within the nearby Riverside East Solar Energy Zone (SEZ)) may affect groundwater (Boundary Study/EA, page 180). Even if the water needs of other potential nearby renewable energy projects are small, there could still be some effect when combined with a temporary overdraft of the aquifer from the pumped storage hydroelectric project. There is a possibility that renewable energy projects in the desert may have incremental water needs and contribute to cumulative groundwater impacts. For example, the Final Environmental Impact Statement for the Desert Sunlight Solar Farm (BLM 2011) authorized up to 1,400 acre feet (AF) of groundwater during the 26-month construction period, and 6 AF (total) at 0.2 acre-feet per year (AFY) (annual average) for the 30-year operation and maintenance period. Subsequent to that decision, the project required more water than analyzed in the FEIS. Use of an additional 100 AF of groundwater was approved for a total solar plant site construction allowance of up to 1,500 AF, which was still insufficient. The BLM completed additional environmental assessment for a water variance request for a 50 AF increase in groundwater use to: (1) provide a sufficient buffer in the event of unanticipated construction water needs; and (2) support site remediation required to respond to damage to onsite water retention and other facilities caused by future storm events (BLM 2014).

The statement that lands proposed as general public lands in the DRECP would be open to renewable energy development is neither hypothetical nor unsupported. The area had one pending permit (currently inactive) for a wind farm and there is the potential that others could be proposed if the land remained under BLM management, particularly considering the mandate for BLM to prioritize renewable energy production (Secretarial Order No. 3285). Even if a renewable energy project on BLM general public lands became infeasible due to access, projects within the SEZ (which is in the same aquifer), could still occur. The Boundary Study/EA does state that the DRECP ACEC designation would limit development on the unallocated lands (renamed the “general public lands” in the BLM ROD). It could restrict access as well.

Concern 54: The NPS has misquoted the FERC Project FEIS regarding the source of water for the Project.

“The water supply for the Project is from three private wells drawing from the Chuckwalla Aquifer. Figure 1. The Project FEIS only includes a discussion of the use of water from the Colorado River Aqueduct in the “Alternatives Considered But Eliminated From Further Analysis” (FERC FEIS, page 40).(26) In sum, the Colorado River Aqueduct as a source of Project water was considered, but rejected for practical and environmental reasons including the fact that MWD would not allow this use.” The “Project would be the largest single water user in the Chuckwalla Valley, its annual make-up water use would be about 25-30o/o of total water use in the Valley. To put that into context, annual Project make-up water is estimated to be 1,800 acre-feet, roughly equivalent to water consumed by two golf courses in the nearby Coachella Valley, or about 300 acres of citrus trees on the nearby Palo Verde Mesa.” (Business Correspondence)

Response: Comment noted. This information has been corrected in the Boundary Study/EA.

Concern 55: The NPS statement about acid mine drainage (Boundary Study/EA, page 181) leaves this impression that the Federal Energy Regulatory Commission would allow this to occur and does not acknowledge that the FERC license, as opposed to the FEIS, includes mandatory requirements related to acid-mine drainage (Articles 402 and 405).

The EA states, "Use of the Eagle Mountain Mine for the Eagle Mountain Pumped Storage Hydroelectric Project has the potential to have adverse effects associated with acid mine drainage, resulting in impacts to water quality, particularly if the reservoirs are not lined. The potential for acid mine drainage at the Pumped Storage Hydroelectric Project has not yet been determined and lining of the reservoirs is not a requirement of the FERC license. (EA at 181)." Articles 401, 402 and 405. FERC has required very careful analysis of the issue of acid mine drainage in several license provisions [Articles 401, 402, and 405]. (Business Correspondence)

Response: The NPS has included additional language in the Boundary Study/EA to reflect the 2014 FERC license requirements. The FERC license, Section B, Groundwater Quality and Seepage Management (#75-80) provides conditions to mitigate impacts to groundwater. It states "Article 405 of the license requires Eagle Crest to use reservoir liners to control seepage and for Eagle Crest to conduct aquifer testing" and requires "Eagle Crest to develop a seepage management and monitoring plan detailing the location and pumping capacity of the seepage recovery wells and the final design of the reservoir liner." This seepage management plan must be submitted to FERC at least six months prior to initial reservoir fill. Article 401 of the FERC license requires Eagle Crest to conduct site investigations to determine potential water quality impacts to the reservoirs and groundwater associated with ore-body contact. Article 404 requires groundwater quality monitoring in the vicinity of the project's reservoirs, desalination ponds, seepage recovery wells, and water supply wells over the term of the license.

Visitor Opportunities

Concern 56: The NPS fails to discuss the impacts from additional visitors on the existing or expanded Joshua Tree National Park.

Transferring the land will result in more development, more people, and more infrastructures being built to accommodate more visitors. As it is, the Park itself has a significant amount of visitors each year who often do NOT take care of the environment. As a local resident, I often hear on the radio and read in the newspaper (as well as see the damage myself) about the vandalism, trash, and overall disturbance of the flora and fauna. I believe there is a better way to protect the environment yet allow passage of people who truly love and care for this beautiful desert area (Individual Correspondence).

The Boundary Study also fails to adequately discuss the negative impacts that are likely to arrive from an expansion of JTNP. It must be remembered that access to most of the lands covered by Alternative C is currently restricted access. See, e.g., Boundary Study pp. 61, 81, 75-76 and 150. In the Boundary Study the NPS is proposing to open the door to additional visitors but fails to discuss the impacts of these additional visitors on the expanded JTNP or on the existing JTNP. The Boundary Study environmental analysis fails to analyze and discuss traffic, air emission, trash, sewage disposal impacts, and the impacts on the wilderness experience from increased visitation to an expanded JTNP. (Business Correspondence)

The study contradicts itself. At one point it talks about protection of the wild animals in the area, their corridors, etc. Then at another point it talks about opening it to more recreational opportunities to tourists,

*new campgrounds, etc. More people mean less protection. The Park Service cannot have it both ways.
(Individual Correspondence)*

Response: Balancing resource protection with visitor use is an inherent aspect of the NPS mission which states “The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.” The protection of park resources and values (such as natural/cultural resources, wilderness, soundscape, viewshed, etc.) is always a primary consideration with regard to allowable visitor use opportunities and access.

The action alternatives propose only different sizes for a boundary expansion, and do not specify exactly how visitors use would be expanded, how visitors would access the site, or other activities and amenities. If the study area is included in an expanded park boundary, additional planning would occur to decide on the best uses for the area that are compatible with protection of park resources. Additional environmental compliance would be completed as well and would consider impacts such as traffic, sewage treatment, water, etc.

Concern 57: Mining clubs do not impact wildlife or resources and therefore this activity should be allowed to continue. NPS management will prohibit long-standing traditional uses such as use mining/camping by mining clubs. These uses will be eliminated for future generations.

The NPS will slowly close down and take away any rights that they say will exist in the same manner they did in the East Mojave. They said they were going to allow small scale mining to continue. They actually spent money on geologist to prove mineral content was too low for a prudent person to make a living mining their claims. Closed roads to limit access to other claims and were reopened after the claims lapsed. Very few if any of the over 400 claims still in existence and none of the small placer claims (Individual Correspondence).

Miners are not the problem they are mostly the solution. We are always cleaning up our claim areas and maintaining the lands for future us. Sure there are people who miss us the land but if you just let the clubs that us the lands like the off road clubs, the equestrian clubs, mountain bike clubs, mining clubs, and hiking clubs etc. the burdens of the BLM would be extinguished. All recreational clubs would love to have the privilege to maintain sections in the desert or wherever they hold events. Simply letting club and recreational outfitters have the opportunity to maintain sections greatly reduce the burden of maintenance for BLM offices (Individual Correspondence)

Your preferred Alt C requires us claim owners to use a Validation system that does not take into account Small Scale Miners. I understand the need for it in large scale commercial mining where Notices of Intent and Plans of Operations are required under BLM regulations. But Small Scale Miners' only validation requirement is that we self-validate the first flake or nugget of gold found on the claim, nothing more. For the National Park to impose a very expensive validation process on claims that produce very little placer gold, in the eyes of commercial mining, will basically shut us down. We cannot afford the validation process that has been discussed at the last Public Meeting in Joshua Tree. To expect Small Scale Miners, where we can only use hands tools to dig with by definition of Small Scale Miner, to come up with \$100,000 or more for the validation when we are lucky to pull an ounce a year, many times less, is just not realistic. We prospect and mine because we enjoy mining, the thrill of the hunt, and the remote, however slight, chance that we might hit it big. We call it Gold Fever. (Recreational Group Correspondence)

Response: The Boundary Study/EA does not state that existing recreation, such as use by mining clubs, created the need for the boundary expansion, nor does it state that casual use mining affected wildlife or other park resources. The NPS has concerns about the cumulative and synergistic effect of changes in land use to the region as a result of energy development, urbanization, and the as well as the potential effects of climate change on

park biodiversity. Landscape scale conservation efforts such as protection of contiguous habitat can help mitigate these effects. Land use authorities that allow for the smaller scale mining also allow for more industrial uses of the land. The prohibitions on new mining claims and validation process for owners of unpatented mining claims are requirements of the Mining in the Parks Act, and not a requirement proposed for any specific user group; the same regulations apply to any holder of pre-existing claims.

The Mining in the Parks Act requires unpatented mining claims to undergo a validity determination before mining activities can occur under an NPS approved plan of operations. The Boundary Study/EA (page 178) stated that “This process might deter, or be too onerous or financially infeasible, for miners.” The Boundary Study/EA was incorrect in stating that claimholders would be required to pay for the validity exam. The cost is borne by the National Park Service and could take a number of years. Unpatented claim holders could submit an interim plan of operations for park approval to continue mining until such time that a validity exam could be undertaken.

It is true that the action alternatives would result in a prohibition on some existing uses; the Boundary Study/EA (page 193) disclosed those adverse impacts. The extent of allowable recreational opportunities would be determined in future NPS implementation planning. The NPS is committed to working with the public to plan for future management of the area in a way that both protects resources and meets the visitors’ needs to the greatest extent possible.

Concern 58: Many commenters oppose the loss of recreational opportunities that currently permitted on BLM-managed land. They are concerned about a lack access to the area, particularly for those who cannot access the area by foot, payment of entrance fees, and the inability to carry on long-standing family traditions such as mining and camping.

The action alternatives would create adverse impacts to disabled by restricting off road access and financially disadvantaged by charging entrance fees where there are none now. (Individual Correspondence).

The more land transferred to the Park, the less is actually available to the public. I am a disabled senior citizen, and the loss of public access has already affected me. I cannot walk unassisted for long distances, which makes it impossible for me to do any more than park on the highway and look south. The elected BLM officials who want to close off the area to the public have never ever personally explored the area, but want to take it away from us anyway (Individual Correspondence)

Yes I have great concern for administrative transfer of BLM Land to the National Park Service because public lands continue to shrink and access to them are diminishing. Just the case where the military took over some OHV/BLM acreage to expand the 29 Palms marine base. These lands are shrinking and are getting smaller. I would like to note The Mojave National Preserve is another large 1.6 million acres of preservation. There is a lot more restrictions when it comes to the National Park Land that BLM administered lands also. Restrictions like mineral access, off-highway excess and camping which is very important to the public to have open for recreation and education for our future use. (Recreational Group Correspondence)

They will not allow camping, campfires and dogs. This is a remote area that has been used recreationally that way for the last 100 years. Please do not take away this land from public use. (Individual Correspondence)

Response: Incorporating lands into the Joshua Tree National Park would prohibit certain existing uses, as noted in the Boundary Study/EA (pages 192-193). These restrictions stem from law and NPS *Management Policies*

2006. Future implementation planning would determine the nature and location of appropriate recreational activities and the public will be invited to participate in that planning process.

However, the park superintendent does have discretion over allowance of certain activities, such as camping, and where to permit off-highway vehicles (OHV). OHVs would be allowed on street legal roads. On-leash pets would be permitted in designated areas. Unpatented mining claims would subject to a validity determination, and mining would cease if the claims were found to be not valid. However, claimants could receive temporary approval from the NPS to continue developing the minerals on their claims during the validity examination, a process that could take several years to complete.

Joshua Tree National Park does charge entrance fees and the Eagle Mountain area could be subject to those fees. However, most visitors currently access the area via Black Eagle Mine Road, which is accessed in Joshua Tree National Park and already pay an entrance fee. Entrance fees are \$20 entrance fee per vehicle for a 7-day permit or \$80 for an annual pass (or \$10 pass for seniors; passes are free for military and disabled U.S. residents).

Dark Night Skies

Concern 59: The NPS should evaluate the impact that industrial or large scale recreational activity would have on night skies.

Response: The Boundary Study/EA does evaluate this issue. On page 196, the Boundary Study/EA states that renewable energy projects in the Riverside East Solar Energy Zone or DRECP LUPA Development Focus Area could contribute cumulative adverse effects to the dark night sky due to the addition of night lighting, or reduction of visibility. The FERC license for the Eagle Crest Energy project requires a lighting Plan to protect wilderness values, existing ambient light conditions and to meet International Dark Skies guidelines. The Boundary Study/EA also states that the preservation of additional land (with any of the action alternatives), would restrict new development in the park, resulting in benefits to scenic viewshed and the night sky. Any new park facility would be constructed with dark sky compliant lighting.

NEPA Process

Concern 60: The Boundary Study/EA does not explain that there was no access to much of the Study Area and, as a result, much of the Boundary Study/EA's discussion on environmental consequences is based upon the review of prior available literature and documents or is based upon the reasoned speculation of the NPS. The inability to provide on-the-ground information makes the Boundary Study/EA and its discussion of the environmental consequences deficient.

Response: The NPS was able to access federal lands from Joshua Tree National Park. The private lands, identified as potentially feasible in the Boundary Study/EA, were inaccessible but some areas could be viewed from publicly accessible roads. Although the Boundary Study/EA does not specifically state that no on-site surveys were completed for the boundary study, it does state that the "Analysis of the environmental consequences is based on literature reviews, information provided by experts in the NPS, as well as outside organizations, and the professional judgement of the study team members." This is acceptable according to National Environmental Policy Act (NEPA) regulations. Council on Environmental Quality regulations and the National Park Service Director's Order 12 Handbook state that "Many different types of material may be incorporated by reference, including written material of all kinds, conversations, taped public meetings or workshops, etc. Specific examples of materials that might be incorporated by reference into a NEPA document include other NEPA documents, species lists relevant to the project area, scientific studies, monitoring data, and environmental reviews prepared by state and local governments."

For material to be incorporated by reference, the analysis and assumptions used in the incorporated document must be appropriate for the analysis at hand (46.135(a)). In addition, the incorporated material must be "reasonably available for inspection by potentially interested persons within the time allowed for comment" on the NEPA document (1502.21). Incorporation of previously completed studies was appropriate for this boundary study, especially considering it is a broad policy-level proposal. If lands are included in the boundary, additional site-specific planning and research would occur prior to any changes on the ground.

Concern 61: The conclusions are flawed because they are based on petitions signed by people who don't live in the area. People who live here should have more of a say. There should be balanced input.

Response: Study findings and conclusions are a result of NPS analysis which is based on the best available science and information. The Council of Environmental Quality regulations require agencies to involve the public in decision-making. One important factor for civic engagement is to include as much of the interested public as possible. The majority of individual responses for scoping and the public review of the Boundary Study/EA were primarily from San Bernardino and Riverside county respondents. Further, the NPS weighs all public comments equally during the decision-making process.

Concern 62: Desert Center meeting was not well publicized.

Response: Comment noted. The NPS followed up with additional information for Desert Center residents. The meeting information was also available on the project website.

Concern 63: Comment analysis should be completed by an unbiased non-NPS entity.

Response: Thank you for your comment. The National Environmental Policy Act of 1970 requires that federal agencies conduct an unbiased analysis of direct, indirect, and cumulative environmental impacts and National Park Service employees maintain high standards of integrity during the decision-making process. NPS staff was objective in analyzing all public comments on the boundary study.

References

Bureau of Land Management

2016 *Desert Renewable Energy Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan.* BLM/CA/PL-2016/03+1793+8321, September 2016.

2014 *Desert Sunlight Solar Farm Variance Request Finding of No Significant Impact – Decision Record, Environmental Assessment.* DOI-BLM-EA-06000-15-08, Palm Springs South Coast Field Office, December 2014

Creech, T.G., C.W. Epps, R. Monello, and J.D. Wehausen

2014 "Using Network Theory to Prioritize Management in a Desert Bighorn Sheep Metapopulation". *Landscape Ecology*: 29:605-619.

Dilsaver, Lary M.

2015 *Joshua Tree National Park: A History of Preserving the Desert. Administrative History.* Prepared for the National Park Service. Joshua Tree National Park. Twentynine Palms, California.

Divine, D. D., Ebert, D. W., and Douglas, C. L.

1996 The effect of scale on defining topographically suitable desert bighorn sheep habitat: Desert Bighorn Council Transactions, v. 40, p. 13-18.

Divine, D.d.

1998 *Habitat patch dynamics of desert bighorn sheep Ovis canadensis nelsoni in the eastern Mojave Desert.* Ph.D. Thesis, University of Nevada-Las Vegas

[FERC] Federal Energy Regulatory Commission

2012 *Final Environmental Impact Statement for Hydropower License—Eagle Mountain Pumped Storage Hydroelectric Project—FERC Project No. 13123-002, California, FERC/FEIS-F-0238.* Washington, D.C.

Edwards, T., Schwalbe, C. R., Swann, D. E., & Goldberg, C. S.

2004 "Implications of anthropogenic landscape change on inter-population movements of the desert tortoise (*Gopherus agassizii*).*" Conservation Genetics*, 5(4), 485-499.

Epps, Clinton W., John D. Wehausen, Vernon C. Bleich, Steven G. Torres, and Justin S. Brashares

2007 "Optimizing dispersal and corridor models using landscape genetics." *Journal of Applied Ecology*. 44.4 (2007): 714-724

Fischer, J. and Lindenmayer, D. B.

2007 Landscape modification and habitat fragmentation: a synthesis. *Global Ecology and Biogeography*.16: 265–280. doi:10.1111/j.1466-8238.2007.00287.x

Nussear, K. E., Todd C. Esque, Richard D. Inman, Leila Gass, Kathryn A. Thomas, Cynthia S. A. Wallace, Joan B. Blainey, David M. Miller, and Robert H. Webb.

2009 "Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave and parts of the Sonoran deserts of California, Nevada, Utah, and Arizona." *US Geological Survey Open-file Report 1102*.

Kaiser Eagle Mountain, LLC

2013 *Interim Management Plan, Kaiser Eagle Mountain Mine (CA Mine ID #91-33-0600)*. Prepared by Sespe Consulting, Inc. Ventura, California.

Alice E. Karl, Ph.D.

2016 *Eagle Mountain Pumped Storage Project, 2016 Desert Tortoise Survey*. Davis, CA. August 2016

Longshore, K., C. Lowery, and D. B. Thompson

2013. "Detecting short-term responses to weekend recreation activity: desert bighorn sheep avoidance of hiking trails." *Wildlife Society Bulletin*, 37:698–706.

[NPS] United States Department of the Interior, National Park Service

1995 *Joshua Tree National Park General Management Plan, Development Concept Plans and Environmental Impact Statement*. Denver, CO: National Park Service, Denver Service Center.

Riverside County and [BLM] Bureau of Land Management

1996 *Draft Environmental Impact Statement/Environmental Impact Report for the Eagle Mountain Landfill and Recycling Project*. Prepared by CH2MHILL. State Clearinghouse No. 95052023

1997 *Final Environmental Impact Statement/Environmental Impact Report for the Eagle Mountain Landfill and Recycling Project*. Prepared by CH2MHILL. State Clearinghouse No. 95052023

Sonoran Institute

2015 *The California Desert Conservation and Recreation Act of 2015: Impacts on Mining and the Regional Economy*. Available on the Internet at: <https://sonoraninstitute.org/resource/california-mining-report-10-27-15/>

Wiedmann, B. P. and Bleich, V. C.

2014 Demographic responses of bighorn sheep to recreational activities: A trial of a trail. *Wildl. Soc. Bull.*, 38: 773–782. doi:10.1002/wsb.463

[USFWS] United States Fish and Wildlife Service

2011b "Biological Opinion on the Desert Sunlight Solar Farm Project." Riverside County, California." Carlsbad Fish and Wildlife Office. Carlsbad, California.