



National Park Service

MEMO TO FILE

To: Files
From: Superintendent, *Sw* 9/23/09
Through: Park Environmental Compliance Specialist
Subject: Inadequacy of National Environmental Policy Act Documentation

A. Project Information

Park Name: Mojave NPRES
Project Number: 26771
Project Type: Abandoned Mine Land Safety (OTHER)
Project Location: County, State: San Bernardino, California
District, Section: CA41
Project Originator/Coordinator: Ted Weasma
Project Title: ARRA: Bundled AML Safety Installations, Multiple Projects
Contract #/Contractor Name: not available
Administrative Record Location: Headquarters-Barstow
Administrative Record Contact: Ted Weasma

B. Project Description

Mojave National Preserve is one of several parks receiving funds under the 2009 American Recovery and Reinvestment Act (ARRA) to implement safety installations on abandoned mine lands. Compliance with the National Environmental Policy Act (NEPA) will be conducted for the majority of projects under one NEPA process -- namely, an environmental assessment -- because of the complexity of the work and potential for public interest. A comprehensive EA for an AML Safety Installation Plan is also an appropriate pathway to streamline the NEPA process.

Project descriptions may be found in PMIS statements (in PEPC #26771). There are a total of 29 separate PMIS statements for the mine sites bundled into this PEPC project. These sites house an array of mining features that present safety hazards to both park staff and to the public. Features include but are not limited to: shafts/declines (including wooden shaft collars), adits and adit portals, prospect pits, trenches, open pits, drilling pads, stopes, and deteriorating structures.

Safety hazards at these sites may be reduced by the installation of safety treatments. Safety treatments will be selected based on the results of bat (and other wildlife) surveys, and AML sites and features inventories. This "toolbox" of safety treatments has received clearance from the California State Historic Preservation Officer under the National Historic Preservation Act (NHPA). It includes but is not limited to: back-filling, blasting, bulkheads, fencing, polyurethane foam plugs (PUF), safety cable nets, and rigid metal frame enclosures (e.g., bat gates and cupolas). The selection of a safety treatment for a given AML feature will be determined from the findings of the AML feature's inventory and from surveys for bats and other sensitive wildlife. The federally listed desert tortoise is prevalent in Mojave National Preserve;

protective measures must be considered for all sites in or adjacent to desert tortoise critical habitat.

Wilderness must also be taken into consideration and, for any AML site within wilderness or that must be accessed by crossing wilderness, Mojave National Preserve must complete a minimum requirements analysis.

Preliminary drawings attached? Yes ☐ No ☒

Background info attached? ☒ Yes ☐ No

Memo To File Date: June 24, 2009

Anticipated compliance completion date: 12/31/2009 (EA & FONSI process)

Projected advertisement/Day labor start: not available

Construction start: 15 February 2010

C. Description of Previous Compliance Documentation

A programmatic agreement with the California State Historic Preservation Officer (SHPO) has been completed (date?). The SHPO concurs with the National Park Service's recommendations for safety installations with consideration for preserving historic features.

An environmental screening form has been completed for these projects (06/23/2009). In discussions with the Pacific West Region's AML Safety Installations Coordinator and Mojave National Preserve's Deputy Superintendent, I have concluded these bundled projects will require NEPA compliance beyond a categorical exclusion.

D. Step 4 NEPA: Memo to file

Added to File Date: <u>9/23/2009</u>	Explanation: <u>self-explanatory</u>
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E. Impact Analysis - Briefly summarize the environmental impact conclusions from the previous document. Identify any mitigating measures from the previous project.

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources -- soils, bedrock, streambeds, etc.			X		
2. From geohazards			X		
3. Air quality		X			Temporary impacts during the construction phase.
4. Soundscapes		X			Temporary impacts during the construction phase.

5. Water quality or quantity	X				
6. Streamflow characteristics	X				
7. Marine or estuarine resources	X				
8. Floodplains or wetlands	X				
9. Land use, including occupancy, income, values, ownership, type of use	X				
10. Rare or unusual vegetation – old growth timber, riparian, alpine	X				
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat			X		Potential impact on bats, desert tortoise. Extent of impacts will be better known once bat surveys have been completed. Mitigation will be required wherever bat and/or tortoise presence is documented.
12. Unique ecosystems, biosphere reserves, World Heritage Sites	X				
13. Unique or important wildlife or wildlife habitat			X		Potential impact on bats, desert tortoise. Extent of impacts will be better known once bat surveys have been completed. Mitigation will be required wherever bat and/or tortoise presence is documented.
14. Unique or important fish or fish habitat	X				
15. Introduce or promote non-native species (plant or animal)		X			All motorized equipment must be cleansed of plant and soil debris prior to entering Mojave National Preserve.
16. Recreation resources, including supply, demand, visitation, activities, etc.	X				
17. Visitor experience, aesthetic resources		X			Negligible impacts: slight reduction in visitor access to some features must be weighed against increased visitor safety at AML features and sites. There may be controversy about safety installations on

					historic structures.
18. Archeological resources					
19. Prehistoric/historic structure					
20. Cultural landscapes					
21. Ethnographic resources	X				
22. Museum collections (objects, specimens, and archival and manuscript collections)	X				
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	X				
24. Minority and low income populations, ethnography, size, migration patterns, etc.	X				
25. Energy resources	X				
26. Other agency or tribal land use plans or policies	X				
27. Resource, including energy, conservation potential, sustainability	X				
28. Urban quality, gateway communities, etc.	X				
29. Long-term management of resources or land/resource productivity	X				Potential beneficial impacts for long-term management of mining resources.
30. Other important environment resources (e.g. geothermal, paleontological resources)?	X				

We can only use a memo to file if (1) all impact topics were analyzed in site-specific detail; (2) there are no changes to the proposal; (3) there are no changes in affected environment (e.g. newly listed threatened or endangered species, or listing of a resource in the National Register of Historic Places, etc.); and (4) there are no changes regarding adverse impacts to environmental resources. Make sure the memo addresses these points. Be sure to describe the results of any consultation regarding compliance with federal, state, or applicable local laws and regulations, including ESA Section 7 for threatened/endangered species, NHPA Section 106 for cultural resources, or CWA Section 404 permits for floodplains or wetlands, if necessary.

In preparing the environmental screening form, it has become evident there is no categorical

exclusion in NPS Director's Order 12 Handbook that suitably fits the project description. The depth and breadth of the AML sites to receive safety treatments is expansive such that cumulative impacts must be carefully analyzed.

Evidence of bats and/or desert tortoises will be accommodated in the design of each safety treatment, with the possibility of some adverse impacts to these sensitive or listed species.

In addition, any of the safety treatments will limit access into mining features, as the overriding purpose of this project is to secure human safety at Mojave's AML sites. The National Park Service anticipates some degree of controversy from the mining enthusiasts community over access issues. The level of controversy will likely be significant enough to preclude a categorical exclusion.

F. Conclusion




The Environmental Compliance (NEPA) Specialist reviewed the proposed project and consulted with the PWR AML Coordinator and Mojave National Preserve Deputy Superintendent. After careful review, the team concurs that the project, ARRA: Bundled AML Safety Installations, Multiple Projects, requires further review under the National Environmental Policy Act (NEPA). An Environmental Assessment is the next logical step in the NEPA process, to examine the impacts to wildlife of safety treatments at AML sites and features, to examine cumulative effects, and to appropriately address public interest in these projects.

Interdisciplinary Team Leader Name <u>Ted Weasma</u>	Field of Expertise Project Leader
Technical Specialists Names <u>David Nichols</u> <u>Ted Weasma</u> <u>Danette Woo</u>	Field of Expertise NHPA Specialist Project Leader NEPA Specialist

G. Signatory

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

Compliance Specialist	Telephone Number	Date
NEPA--Danette Woo 	760 252 6107	07/25/2009 
NHPA--David Nichols  FIN	760 928 2101	