National Park Service
U.S. Department of the Interior

Mojave National Preserve
California

FINDING OF NO SIGNIFICANT IMPACT

ABANDONED MINE LANDS SAFETY INSTALLATIONS
MULTIPLE MINE OPENINGS
MOJAVE NATIONAL PRESERVE, CALIFORNIA

March 2010

The National Park Service plans to implement safety options at abandoned mine lands in Mojave National Preserve. The purpose of this project is to mitigate human and environmental hazards present at the Preserve.

The need for the proposed abandoned mine safety installations is related to safety hazards created by a large number of old and deteriorated abandoned mine opening features. These types of hazards were recently documented in a report by the Office of the Inspector General (U.S. Office of the Inspector General 2008). To assure abandoned mine land sites are secured for visitor safety, each National Park Service region has been directed to identify and implement quick response measures for high-risk abandoned mine land features (National Park Service 2009). Some of these intrusions pre-date the designation of the area as Wilderness.

The purpose of the proposed project is to improve visitor and staff safety at Mojave while accommodating the use of abandoned mine land sites by wildlife (principally bats), minimize impacts on historic fabric and the visual character of the historic landscape, and minimize and offset potential adverse effects on natural resources using mitigation measures.

The National Park Service completed an environmental assessment that provides an analysis of the environmental consequences of the alternatives considered. The environmental assessment was prepared in accordance with the National Environmental Policy Act of 1969, as amended, its implementing regulations by the Council on Environmental Quality (40 CFR Parts 1500-1508), and Director's Order #12 and accompanying Handbook, Conservation Planning, Environmental Impact Analysis, and Decision-making. This document also satisfies the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended.

SELECTED ALTERNATIVE

Within the environmental assessment, the National Park Service identified Alternative B: Abandoned Mine Safety Installations, as the preferred alternative. The selected alternative is Alternative B – there are no modifications or revisions to the proposal incorporated herein due to public comment. The projects will consist of installing safety features at multiple abandoned mine openings in the Preserve. In addition, openings that already have safety features will continue to exist in their present state, as described in Alternative A: No Action.

The abandoned mine lands safety techniques can be grouped based on their similar effects. These groups of closure techniques include:

- Grates;
- Fencing;
- Bat gates, culvert gates, and cupolas;
- Cable mesh nets and screens;
- Polyurethane foam closures covered with backfill;
- Backfill alone; and
- Combination applications of above methods to treat complex situations.

The number and types of safety techniques vary according to individual site circumstances. For a simple abandoned mine lands open feature situation, only one technique might be needed. For a complex site closure, several techniques may need to be combined. For example, a bat gate will be incorporated into a grate over an adit known to be used by bats, while a simple metal grate will be used at a similar site not frequented by bats. Selection of closure techniques for specific openings will be based on a number of factors, including physical features and conditions of the opening, types of structures present, safety hazards, presence or absence of bats, use of the mine by other wildlife such as the desert tortoise, owls, or bighorn sheep, and the presence and condition of historic features. The objective is to select a set of techniques that eliminate basic safety hazards for visitors while simultaneously protecting historical resources, special status species, and other wildlife that use the mines.

The selected alternative provides a mechanism for securing abandoned mine openings in the Preserve over the long term using proven techniques. Securing abandoned mine openings will mitigate basic safety hazards at mine sites while simultaneously protecting special status species and other forms of wildlife that utilize the mines. Some of the abandoned mine safety installations will occur within designated wilderness in the Preserve (e.g., Big Horn, Teutonia, Oro Y Platta, and Gold Standard mines). Each abandoned mine land safety installation located in a wilderness area will comply with the minimum requirements analysis procedure. Mojave National Preserve utilizes the interagency Minimum Requirements Decision Guide. The "minimum tools" necessary for efficiently safeguarding these sites in the shortest period possible include, but are not limited to, motorized vehicles (e.g., trucks, helicopters), power saws and drills, welding equipment, and generators. If the Mojave National Preserve finds a need to modify any of the minimum tool determinations described in the EA and this FONSI, it will offer another opportunity for public comment.

OTHER ALTERNATIVES CONSIDERED

The environmental assessment prepared for this project also analyzed another alternative: Alternative A: No Action. The No Action alternative would consist of the continuation of existing management practices for abandoned mine land sites at Mojave. Additional abandoned mine safety installations would not be implemented by the National Park Service; unsafe conditions would continue to exist at sites with open mine features. Mine openings with existing safety installations would continue to exist and would continue to provide long-term safety improvements for visitors at those locations. If the No Action alternative had been selected, the National Park Service would have responded to future needs and conditions associated with abandoned mine land sites without making major actions or changes in the present course.

ALTERNATIVES CONSIDERED BUT DISMISSED

The installation of bat gates at all mine openings was considered as one alternative to improve public health and safety at mine openings. However, the universal application of bat gates was determined not to be a good allocation of resources for a number of reasons. In some cases, an inordinately large gate would have been required and could have been infeasible and/or cost prohibitive; a bat gate may not have been suitable because of site configuration constraints; and at mines not used by bats, the installation of bat gates would have been an unnecessary and excessive use of materials and funds. As a result of the inefficient use of resources that would have occurred with the installation of bat gates to secure all openings, this alternative was dismissed from further consideration.

Additionally, the components of alternative B, consisting of a variety of abandoned mine land safety techniques, will be considered in relation to a specific mine feature in deciding the best method to be used. When the variables are evaluated, including bat and wildlife use, the presence of historic cultural resources, and the physical nature of the mine opening, some techniques will be dismissed for lack of adequate public safety or resource protection.

RATIONALE FOR SELECTED ALTERNATIVE

Alternative B is the selected alternative because it offers the highest degree of resource protection for wildlife, special-status species, and cultural resources, while improving public health and safety, which is the primary purpose of the project. Project work at any wilderness sites will use the "minimum tool". Additionally, a safer environment will have a secondary benefit of reducing the need for emergency responses at abandoned mine lands as risks to human health and safety are diminished.

Environmentally Preferred Alternative

In accordance with the criteria outlined in the National Environmental Policy Act and Director's Order #12, an environmentally preferred alternative must be identified, which must meet the following criteria:

> Criterion 1: Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
>
> Criterion 2: Ensure for all Americans, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
>
> Criterion 3: Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
>
> Criterion 4: Preserve important historic, cultural, and natural aspects of national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
>
> Criterion 5: Achieve a balance between population and resource use that would permit high standards of living and wide sharing of life's amenities; and
>
> Criterion 6: Enhance the quality of renewable resources and approach the maximum attainable recycling of resources.

Alternative A does not protect visitors and Preserve staff from abandoned mine safety hazards or minimize potentially adverse effects on visitor experience, so it fails to meet

criteria 2, 3, and 5. Alternative A does not protect wildlife, especially special status species, from becoming trapped in open shafts, so it fails to fully meet criteria 1 and 4. It does partially meet criterion 4 by preserving important historic and cultural aspects of national heritage, and maintain, wherever possible, an environment that supports a variety of individual choice. Due to the degree of disturbance and general lack of vegetation around most mine openings, alternative A would not enhance the quality of renewable resources or approach the maximum attainable recycling of resources; therefore, alternative A does not meet criterion 6.

Alternative B does protect visitors and Preserve staff from abandoned mine safety hazards and minimizes potentially adverse effects on visitor experience, so it fully meets criteria 2, 3, and 5. Alternative B does protect wildlife and special status species from being trapped in open shafts, so it partially meets criteria 1 and 4. It does preserve important historic, cultural, and natural aspects of national heritage and maintains, wherever possible, an environment that supports diversity, but it does not allow the same variety of individual choice that alternative A does, so it only partially meets criterion 4. There will be no change to the amount of disturbance or increase of vegetation around most mine openings; therefore, alternative B will not enhance the quality of renewable resources or approach the maximum attainable recycling of resources (criterion 6) any better than alternative A. Because alternative B will ensure for all Americans safe surroundings, provide a greater opportunity for achieving a wide range of beneficial uses of the environment without risk of health or safety, achieve wilderness mitigation most expediently, and achieve a balance between population and resource use that will permit high standards of living and wide sharing of life's amenities, alternative B is considered the environmentally preferred alternative.

MITIGATION MEASURES

The National Park Service places a strong emphasis on avoiding, minimizing and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the mitigation measures identified in Table 1 will be implemented as part of the selected alternative. The National Park Service will implement an appropriate level of monitoring throughout the construction process to help ensure that protective measures are being properly implemented and are achieving their intended results. Only the "minimum tools" will be used for project work as may be undertaken in designated Wilderness.

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Table 1. Mitigation Measures to be Implemented.

Resource	Mitigation Measures	NPS Responsible Party
General Measures	• Construction limits will be delineated by the Preserve prior to any construction activity. Workers will be instructed to avoid conducting activities and disturbing areas beyond the construction limits.	Construction Manager
	• All tools, equipment, barricades, signs, surplus materials, demolition debris and rubbish will be removed from the project work limits upon project completion.	Construction Manager
	• Contractors will be required to properly maintain construction equipment and generators (i.e., mufflers) to minimize noise from use of the equipment.	Construction Manager
	• All equipment on the project will be maintained in a clean and well-functioning state to avoid or minimize contamination from petroleum products. All equipment will be checked daily.	Construction Manager
	• Materials will be stored, used, and disposed of in a proper manner.	Construction Manager
	• A hazardous spill plan will be approved by the Preserve prior to construction. This plan will state what actions will be taken in the case of a spill, notification measures, and preventive measures to be implemented, such as the placement of vehicles and generators.	Hazardous Materials Specialist
Soil Erosion and Vegetation Loss	• Wait until just before beginning construction to clear vegetation and to disturb the soil.	Construction Manager
	• Minimize the area of bare soil within the approved work zone as much as possible.	Construction Manager
	• Maintain a buffer of natural vegetation around the work area to slow runoff and trap sediments.	Construction Manager
	• Consider phasing construction to minimize the extent of the disturbed soils.	Construction Manager
	• Use existing roads and trails to access closure locations to maximum extent practicable.	Construction Manager
	• Park vehicles and equipment and temporarily store materials on locations that are already devoid of vegetation and/or compacted from previous mine activities.	Construction Manager
	• If vegetation disturbance cannot be avoided and conditions warrant, reseed the disturbed area with a mixture of native, self-sustaining native plant species in accordance with known, successful local techniques.	Construction Manager
	• Ensure the final land form is stable, minimizes soil erosion, and is hydrologically compatible with the surrounding area.	Construction Manager
	• Provide slope and land form stability by reducing slope angles.	Construction Manager
Water Quality and Aquatic Community Protection (rare due to arid and semi-arid conditions)	• Maintain a buffer zone between the construction activities and the edge of the water feature, a minimum separation distance of 100 feet is typically preferred.	Construction Manager
	• If rain is anticipated, install temporary silt fence between the construction activity and the water feature and remove the fence after the work is completed.	Construction Manager
	• In situations where a silt fence may not be adequate, create a temporary diversion or containment berm between the construction activity and the water feature to intercept and manage stormwater runoff.	Construction Manager
	• Remove and reshape temporary containment berms once closure activities are completed.	Construction Manager

Resource	Mitigation Measures	NPS Responsible Party
	• Restore any drainage channels that may have been altered by closure activities to predisturbance shape, size, capacity, stability, and contours.	Construction Manager
Visitor Experience	• Provide interpretative or guided tours of safe mines to illustrate the facilities and techniques relied upon to mine mineral resources and to provide a sense of the conditions encountered by miners.	Chief of Interpretation
	• Provide a permit system to allow qualified visitors to explore mine complexes on their own.	Special Park Uses Specialist
	• Minimize adverse visual experiences by using fences and other closure structures that are colored, when practical, to resemble desert soils and vegetation, allowing gates and closure structures to weather to resemble of old mine structural features, and keeping closure structures hidden from view, low profile, and inconspicuous.	Construction Manager
	• Minimize wilderness noise disturbance to the maximum extent possible.	Construction Manager
Wildlife and Special Status Species	• Time closure or construction activities to avoid or take place outside reproductive or sensitive portions of species' life cycles.	Construction Manager and/or Wildlife Biologist
	• Use designs in gates, fences and other closure techniques that allow bat, owl, and desert tortoise access to mines that are occupied by these species.	Construction Manager
	• Conduct bat and other wildlife surveys of openings to be closed before the closure is implemented to ensure that access is maintained and the closure technique produces minimal adverse effect.	Construction Manager and/or Wildlife Biologist
	• For situations involving the desert tortoise and its critical habitat, use the conservation measures specified by the "Biological Opinion for Small Projects Affecting Desert Tortoise Habitat in the Mojave National Preserve, San Bernardino County, California (1-8-98-F-17)" (U.S. Fish and Wildlife Service 1998).	Construction Manager and/or Wildlife Biologist
Wilderness	• Use the closure techniques identified as most appropriate by the Minimum Requirements Decision Guide to close mine openings.	Construction Manager
	• Restrict activities to a defined area around an abandoned mine opening site.	Construction Manager
	• Perform site restoration activities following safety installations to remove evidence of safety installation activities and to restore the previous site conditions to the extent possible.	Construction Manager
	• Use mitigation measures provided above under "Soil Erosion and Vegetation Loss."	Construction Manager
	• Keep construction equipment and crew vehicles on existing roads and trails to the maximum extent possible.	Construction Manager
	• Minimize wilderness access and vehicle trips into and out of the site to the maximum extent possible.	Construction Manager

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

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

No major adverse or beneficial impacts were identified that would require analysis in an environmental impact statement.

The impacts may differ depending on the closure technique implemented. Actions taken under the selected alternative will result in the following effects.

Public Health and Safety – The selected alternative will have long-term beneficial impacts for all closure techniques. Under the selected alternative, the safety installations will result in a benefit to public health and safety because risks posed at mine openings will be decreased. The additional improvements to public health and safety associated with the selected alternative will add to overall safety in the Preserve and will grow over time as more mine openings are closed. Overall, the effects of the selected alternative, combined with the effects of other plans and actions, will have a beneficial cumulative effect because all of the actions will either directly or indirectly enhance public health and safety.

Visitor Experience – These impacts are mixed. The selected alternative will have effects ranging from long-term, minor and adverse to beneficial for all closure techniques. Some visitors may regard the effects as adverse, because direct access to mines will be prevented. Others may see these changes as beneficial. In addition to increased safety, some safety techniques may improve the visitor experience. For example, a horizontal grate over a shaft will allow visitors increased visibility into the vertical opening without fear of falling in. The minor adverse to beneficial range of impacts on visitor experience under the selected alternative will incrementally contribute to the effects of other plans and projects so that the overall cumulative impact will be long-term and beneficial.

Special-status Species (negligible impacts are equivalent to an Endangered Species Act Section 7 "may affect, but not likely to adversely affect" determination) – Fencing will have negligible adverse to beneficial long-term impacts. Polyurethane foam with backfill will only be used where bat, owl, or other wildlife use of mine opening does not occur and, therefore, will have negligible effects on special-status species. Bat gates, screens, nets, grates, or cupolas will have long-term negligible to minor adverse, as well as long-term beneficial, effects. Shallow backfill will have short-term negligible adverse effects. The impacts of combined methods will be associated with the greatest adverse impact of the techniques employed. Tortoise barriers will be included at those features where tortoises could be trapped, such as shafts and inclines/declines. Combination closure techniques will also be implemented according to the requirements of the U.S. Fish and Wildlife Service biological opinion, which will avoid or minimize potentially adverse effects on the desert tortoise.

Overall, the effects of additional abandoned mine safety installations on desert tortoises and bats will range from long-term, negligible, and adverse to long-term and beneficial. In Endangered Species Act Section 7 terms, the project "may affect, but is not likely to adversely affect," the desert tortoise. A high priority will be given to determining the appropriate closure method with respect to special status species, along with the primary goal of protecting public health and safety. The mitigation measures incorporated in the abandoned mine safety installations for the desert tortoise and bats will ensure that these species will continue to have access to those mines.

While other plans and projects may affect the desert tortoise to various degrees, the abandoned mine safety installations will contribute negligible adverse cumulative effects on desert tortoises and bats. Regardless of the potential impacts to desert tortoises from other plans and projects, the cumulative impacts on the desert tortoise and state-listed bat species will not be greater than negligible and adverse, and there is a likely potential that the cumulative impact will be beneficial because in the long-term, mine habitats used by wildlife will no longer be subject to human intrusion.

Wildlife – Fencing will have negligible to minor, long-term adverse impacts. Polyurethane foam with backfill will only be employed where wildlife use is absent or rare, and the impacts will be negligible, long-term, and adverse. Bat gates, screens, nets, grates, or cupolas will have short- and long-term, negligible to minor adverse impacts, as well as beneficial impacts. Shallow backfill will have a negligible, short-term adverse impact and the impacts of combined methods will be associated with the technique with the greatest adverse impact.

The effects of the safety installations on wildlife can be either beneficial or adverse depending on the opening characteristics, the wildlife species using the opening, and the method(s) selected to close or restrict visitor access to the opening. Considerations for protecting existing and potential future wildlife uses of an opening are given one of the highest priorities in deciding the most appropriate closure approach. The potential effects on wildlife will be long-term, negligible to minor, and adverse, with the greatest effect associated with permanently closing an opening and causing wildlife to seek another mine opening or natural feature for use as shelter. Short-term, minor, adverse effects on wildlife will result from temporary disturbance caused by the construction activities during safety installations. Beneficial effects for wildlife will also occur in those cases where wildlife access is accommodated, but humans access is restricted, thus eliminating potential disturbance. The overall cumulative effect of the selected alternative on wildlife will range from short-term, negligible to minor and adverse, to predominantly long-term and beneficial.

Wilderness - The AML features pre-date Wildemess and are an unacceptable hazard; it is necessary to abate the risk of public exposure to these hazards. The selected alternative will have short- and long-term, minor impacts for all closure techniques. Short-term, adverse effects on wilderness as a result of noise and minor disturbance associated with vehicles (trucks and/or helicopters) and equipment used during construction of the closures will be minor. The long-term effect of the selected alternative on wilderness will be minor once the closures are installed and quiet conditions in the vicinity of the closures return to their wilderness character. The overall long-term cumulative effects of the selected alternative and other plans and actions will be beneficial.

The degree to which the proposed action affects public health and safety.

The selected alternative will have a long-term, beneficial effect on public health and safety by reducing overall risks to human health and safety caused by the continued existence of open abandoned mine openings. Temporary fencing could be employed at mine openings scheduled to be closed by one of the other various available closure techniques. Temporary fencing will protect visitors from entering dangerous openings such as shafts or adits. The fences will be removed once the final closure technique is applied. Fencing may also be used as a safety installation to improve public safety without adversely impacting historic features. Other closure techniques will include bat gates, nets, screens, grates, and cupolas, polyurethane foam closures covered with backfill, backfill alone, and combination applications of the above methods to treat complex situations. All these measures will have similar beneficial effects on public health and safety in that they will result in permanent closure of mine openings and will reduce risks to human health and safety.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

As described in the environmental assessment, ecologically critical areas, wild and scenic rivers, and prime and unique farmlands will not be affected. Effects to historic and cultural resources will be negligible to minor as a result of mitigation measures employed to minimize adverse impacts to these resources.

The degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

No highly uncertain, unique, or unknown risks were identified during either preparation of the environmental assessment or the public comment period.

The degree to which 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 National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

As described in the environmental assessment, cumulative impacts were determined by combining the impacts of the selected alternative (preferred alternative) with other past, present, and reasonably foreseeable future actions. Therefore, it was necessary to identify other ongoing or reasonably foreseeable future projects at Mojave National Preserve and, if applicable, the surrounding region.

Projects Contributing to Cumulative Impacts

Other plans and projects with potential to contribute to cumulative impacts of abandoned mine opening safety installations are described below.

Several restoration projects are being completed in the Preserve. These restoration projects include the Prospect Site Investigation #139 restoration, restoration of the trenches at Seventeen Mile point, and AT&T cable route restoration.

Mine openings at several other mines already closed or in the process of being closed at Mojave include the Oro Fino mine, the Butcher Knife, Paymaster, Gold Cycle, Death Valley, Cinder Cones, and Vulcan mines. Closure techniques include bat cupolas, polyurethane foam plugs, and fenced exclosures.

The environmental assessment evaluated cumulative impacts for each of the resources affected by the preferred alternative. As described in the environmental assessment, the cumulative impacts on public health and safety, visitor experience, and wilderness will be long-term and beneficial. Cumulative effects on special-status species will be negligible and adverse as well as beneficial, while wildlife cumulative impacts will range from short-term, negligible to minor, and adverse to predominantly long-term and beneficial.

The degree to which the action may adversely affect districts, sites, highways, structures or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

A "Programmatic Agreement between the National Park Service (U.S. Department of the Interior) and the California State Historic Preservation Officer Regarding Mitigation of Physical Safety Hazards at Historic Abandoned Mineral Lands within the National Parks in California" was developed in anticipation of funding under the American Recovery and Reinvestment Act of 2009. It was signed by both parties on August 18, 2009. The purpose of this programmatic agreement is to establish a program for compliance with Section 106 of

the National Historic Preservation Act and set forth a streamlined consultation process when agreed upon criteria are met and procedures are followed in the installation of physical safety mitigation treatments at abandoned mine lands sites. As part of the development of the programmatic agreement, the National Park Service has established guidelines, standards, and technical information applicable to the treatment of these physical hazards in ways that will, to the extent possible, minimize the impacts of such treatments on the historic fabric and historic character of abandoned mine lands features at these sites.

The Preserve will adhere to the programmatic agreement during implementation of this project and will treat all the mine structures as potentially eligible for listing on the National Register of Historic Places. The National Park Service will install only reversible closure treatments unless the unsafe condition of the feature is of such severity that a reversible option is not viable. The standard treatments described in Attachment A to the programmatic agreement, due to their non-permanent and reversible nature, are deemed to produce "No Adverse Effect" for purposes of the programmatic agreement. If Preserve staff determines that a required alternative safety treatment will have an unavoidable and irreversible adverse effect on one or more historic properties, that portion of the project will be suspended and the National Park Service will immediately enter into consultation with the State Historic Preservation Officer to identify other closure types that avoid, minimize, or mitigate the adverse effect. As a result of following the programmatic agreement and the mine closure types it proposes, the impact to cultural resources in Mojave National Preserve will be negligible to minor.

The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

The effects of additional abandoned mine safety installations on desert tortoises and bats will range from long-term, negligible, and adverse to long-term and beneficial. In Endangered Species Act Section 7 terms, the project may affect, but is not likely to adversely affect, the desert tortoise. A high priority will be given to determining the appropriate closure method in respect to special status species, along with the primary goal of protecting public health and safety. The mitigation measures incorporated in the abandoned mine safety installations for the desert tortoise and bats will ensure that these species will continue to have access to those mines. While other plans and projects may affect the desert tortoise to various degrees, the abandoned mine safety installations will contribute negligible adverse cumulative effects on desert tortoises and bats. Regardless of the potential impacts to desert tortoises from other plans and projects, the cumulative impacts on the desert tortoise and state-listed bat species will not be greater than negligible and adverse, and there is a likely potential that the cumulative impact will be beneficial because in the long-term, mine habitats used by wildlife will no longer be subject to human intrusion.

Mojave National Preserve will report all safety installation work that takes place within desert tortoise critical habitat or impacts desert tortoise anywhere within the Preserve in its annual report to the US Fish and Wildlife Service, as required under the Biological Opinion for Small Projects Affecting Desert Tortoise Habitat in Mojave National Preserve, San Bernardino County, California (1-8-98-F-17) (US Fish and Wildlife Service, 1998.

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

The selected alternative violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

Staff of the Preserve and resource professionals of the National Park Service Denver Service Center team initiated internal scoping in a project review meeting in September 2009. On October 6-7, 2009, Preserve and Denver Service Center staff conducted an onsite survey and discussed issues and options. A press release initiating public scoping and describing the proposed action was issued by electronic mail on October 28, 2009, and sent to local, regional, and national newspapers, radio and television stations along with approximately 120 agencies, individuals, businesses, and interest groups on the Preserve's mailing list. Comments were solicited until the scoping period ended November 28, 2009.

Three written responses from private individuals were received during the scoping period. One individual expressed concern about impacts to wildlife, specifically bats and the desert tortoise. Two individuals expressed concern about the preservation of mine features. These concerns were incorporated into the issues and impact topics discussions.

A programmatic agreement between the National Park Service and the California State Historic Preservation Office regarding mitigation of physical safety hazards at historic abandoned mineral lands within the national parks in California was developed in anticipation of funding under the American Recovery and Reinvestment Act. It was signed by both parties on August 18, 2009, and is included as appendix B to the environmental assessment.

The actions proposed in the environmental assessment will incorporate the protections and implement the conservation measures identified in the biological opinion prepared to address multiple "small" actions (defined as individual actions that disturb less than 2 acres of desert tortoise habitat), which was received from the U.S. Fish and Wildlife Service in 1998. It was determined that no listed species or their critical habitats will be adversely affected by either alternative.

The environmental assessment was made available for public review and comment during a 20-day period ending February 22, 2010. An electronic copy of the environmental assessment was placed on the Preserve's Planning, Environment, and Public Comment website. The public was invited to direct comments or concerns related to this project on the website and directly to Superintendent Dennis Schramm by postal delivery.

A total of 76 copies of the environmental assessment were distributed to the public. Copies were displayed at public libraries in San Bernardino, Riverside, and Clark counties and at Mojave National Preserve's three visitor centers. Recipients also included regulatory and affected agencies, including the U. S. Fish and Wildlife Service and the California Department of Fish and Game; the California State Historic Preservation Office; and tribes affiliated with Mojave National Preserve. The Mojave River Valley Museum requested a copy of the EA after receiving a press release. Other entities on the mailing list received a letter and/or a press release announcing the availability of the environmental assessment for review. Due to the relatively low level of controversy relative to this project, no public meetings were held.

During the 20-day public comment period, the National Park Service received five comments from five people via mail and via the NPS's Park, Planning and Public Comment website (www.parkplanning.nps.gov). None of the public comments necessitated textual changes to the environmental assessment, nor altered the environmental impact analysis. There are minor clarifications to the descriptions of mitigation measures in the environmental assessment as a result of internal discussion among National Park Service staff. These changes and responses to comments are documented in an Errata prepared as a technical supplement to the EA.

IMPAIRMENT OF PRESERVE RESOURCES OR VALUES

The National Park Service has determined that the implementation of the selected alternative will not constitute impairment to the resources or values of Mojave National Preserve. This conclusion is based on a thorough analysis of the environmental impacts described in the Abandoned Mine Lands Safety Installations environmental assessment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies (2006). As described in the environmental assessment, implementation of the selected alternative will not result in major adverse impacts on a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Mojave National Preserve; (2) key to the natural or cultural integrity of the Preserve; or (3) identified as a goal in the Preserve's General Management Plan or other relevant National Park Service planning documents.

CONCLUSION

The National Park Service has selected the above mentioned Alternative B: Abandoned Mine Lands Safety Installations, for implementation. The impacts that will result from the selected alternative will not impair any Preserve resources or values necessary to fulfill specific purposes identified in the enabling legislation for Mojave National Preserve.

The selected alternative does not constitute an action that would normally require preparation of an environmental impact statement. The selected alternative will not have a significant impact on the human environment. Negative environmental impacts that could occur are no greater than minor in intensity. Unacceptable public hazards in Wilderness are mitigated. There are no significant impacts on public health, safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental law.

Based on the foregoing, it has been determined that an environmental impact statement is not required for this action and thus will not be prepared.

Recommended: 3-5-10

Dennis Schramm
Superintendent
Mojave National Preserve

Date

Approved: 3-8-10

Rory Westberg
Acting Regional Director, Pacific West Region

Date

ERRATA

for

2010 Environmental Assessment

ABANDONED MINE LANDS SAFETY INSTALLATIONS
MULTIPLE MINE OPENINGS
MOJAVE NATIONAL PRESERVE, CALIFORNIA

This Errata documents changes to the text of the Mojave National Preserve Abandoned Mine Lands Safety Installations at Multiple Mine Openings EA, identified since the document was released on February 2, 2010. An interdisciplinary team reviewed these responses to identify any substantive comments. Substantive comments were considered to be comments that:

- Question, with reasonable basis, the accuracy of information in the environmental assessment.
- Question, with reasonable basis, the adequacy of the environmental analyses.
- Present reasonable alternatives other than those presented in the environmental assessment.
- Cause changes or revisions in the proposal.

Responses to comments on the environmental assessment follow the changes in text.

Environmental assessment text changes:

Several mitigation measures were edited by the National Park Service to provide better descriptions of the mitigation measures. Replace the mitigation measure bullets on pages 15-17 in the environmental assessment with the following.

General Measures

- Construction limits would be delineated by the Preserve prior to any construction activity. Workers would be instructed to avoid conducting activities and disturbing areas beyond the construction limits.
- All tools, equipment, barricades, signs, surplus materials, demolition debris and rubbish would be removed from the project work limits upon project completion.
- Contractors would be required to properly maintain construction equipment and generators (i.e., mufflers) to minimize noise from use of the equipment.
- All equipment on the project would be maintained in a clean and well-functioning state to avoid or minimize contamination from petroleum products. All equipment would be checked daily.
- Materials would be stored, used, and disposed of in a proper manner.
- A hazardous spill plan would be approved by the Preserve prior to construction. This plan would state what actions would be taken in the case of a spill, notification measures, and preventive measures to be implemented, such as the placement of vehicles and generators.

Soil Erosion and Vegetation Loss

- Wait until just before beginning construction to clear vegetation and to disturb the soil.
- Minimize the area of bare soil within the approved work zone as much as possible.

- Maintain a buffer of natural vegetation around the work area to slow runoff and trap sediments.
- Consider phasing construction to minimize the extent of the disturbed soils.
- Use existing roads and trails to access closure locations to maximum extent practicable.
- Park vehicles and equipment and temporarily store materials on locations that are already devoid of vegetation and/or compacted from previous mine activities.
- If vegetation disturbance cannot be avoided and conditions warrant, reseed the disturbed area with a mixture of native, self-sustaining native plant species in accordance with known, successful local techniques.
- Ensure the final land form is stable, minimizes soil erosion, and is hydrologically compatible with the surrounding area.
- Provide slope and land form stability by reducing slope angles.

Water Quality and Aquatic Community Protection (rare due to arid and semi-arid conditions)

- Maintain a buffer zone between the construction activities and the edge of the water feature, a minimum separation distance of 100 feet is typically preferred.
- If rain is anticipated, install temporary silt fence between the construction activity and the water feature and remove the fence after the work is completed.
- In situations where a silt fence may not be adequate, create a temporary diversion or containment berm between the construction activity and the water feature to intercept and manage stormwater runoff.
- Remove and reshape temporary containment berms once closure activities are completed.
- Restore any drainage channels that may have been altered by closure activities to predisturbance shape, size, capacity, stability, and contours.

Visitor Experience

- Provide interpretative or guided tours of safe mines to illustrate the facilities and techniques relied upon to mine mineral resources and to provide a sense of the conditions encountered by miners.
- Provide a permit system to allow qualified visitors to explore mine complexes on their own.
- Minimize adverse visual experiences by using fences and other closure structures that are colored, when practical, to resemble desert soils and vegetation, allowing gates and closure structures to weather to resemble of old mine structural features, and keeping closure structures hidden from view, low profile, and inconspicuous.
- Minimize wilderness noise disturbance to the maximum extent possible.

Wildlife and Special Status Species

- Time closure or construction activities to avoid or take place outside reproductive or sensitive portions of species' life cycles.
- Use designs in gates, fences and other closure techniques that allow bat, owl, and desert tortoise access to mines that are occupied by these species.
- Conduct bat and other wildlife surveys of openings to be closed before the closure is implemented to ensure that access is maintained and the closure technique produces minimal adverse effect.

- For situations involving the desert tortoise and its critical habitat, use the conservation measures specified by the "Biological Opinion for Small Projects Affecting Desert Tortoise Habitat in the Mojave National Preserve, San Bernardino County, California (1-8-98-F-17)" (U.S. Fish and Wildlife Service 1998).

Wilderness

- Use the closure techniques identified as most appropriate by the Minimum Requirements Decision Guide to close mine openings.
- Restrict activities to a defined area around an abandoned mine opening site.
- Perform site restoration activities following safety installations to remove evidence of safety installation activities and to restore the previous site conditions to the extent possible.
- Use mitigation measures provided above under "Soil Erosion and Vegetation Loss."
- Keep construction equipment and crews vehicles on existing roads and trails to the maximum extent possible.
- Minimize wilderness access and vehicle trips into and out of the site to the maximum extent possible.

Responses to Comments

Comment: "My primary concern is for the wildlife, especially bats, who face a variety of threats. Please provide bat gates where ever needed so these valuable animals will have a safe home."

Response: As noted in this Finding of No Significant Impact and in the environmental assessment, bats will be a high priority when considering what technique to use for the safety installations. No change in the environmental assessment text is needed.

Comment: "Wildlife that reside in the mines need access. Not only for the bats, but I also know of mines in the Mojave Preserve that have honey bee hives, and most importantly, water. Take note of the footprints and scat at the mouth of the mines. Coyote, fox, and bobcat frequently rear their young in mines and they are an important part of the ecosystem. Sure mines are manmade, but so is the interstate, maybe we can counterbalance our negative human footprint with some positive habitat. Signs would warn of danger and be cheaper and easier to install, allow wildlife access, and still give BLM employees some busy work. Besides, those hooligans hellbent on going in old mines will still do so regardless of fencing or grates."

Response: Wildlife needs will be evaluated when safety installations are considered as described in the environmental assessment. The installation of safety measures will consider accommodating a broad range of wildlife groups and the specific closure approach at each site will consider wildlife uses occurring at that site. At mines with known wildlife use, safety installations will accommodate continued use. No change in the environmental assessment text is needed.