



**National Park Service
US Department of the Interior
Mojave National Preserve
California**

**FINDING OF NO SIGNIFICANT IMPACT
Kelso-Cima Road and South Kelbaker Road Rehabilitation**

Recommended:

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Date

Approved:

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Acting Regional Director, Interior Region 10, National Park Service

Date

INTRODUCTION

The National Park Service (NPS) prepared an environmental assessment (EA) to examine alternatives and environmental impacts associated with the proposed rehabilitation of Kelso-Cima Road and South Kelbaker Road at Mojave National Preserve (Preserve) in San Bernardino County, California. See figure 1 for a map of the project area. The EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [USC] 4336 et seq.); the Department of the Interior NEPA regulations (43 CFR Part 46); and NPS Director’s Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making and its accompanying NPS NEPA Handbook.¹ This NEPA review is consistent with the Council on Environmental Quality’s (CEQ) Memorandum issued on February 19, 2025, and its guidance to follow the CEQ NEPA implementing regulations at 40 CFR parts 1500–1508 for ongoing NEPA reviews.

The purpose of the project is to reduce the number and severity of automobile accidents and to improve visitor experience and access within the Preserve by addressing safety concerns and correcting structural and road design deficiencies along 42 miles of major Preserve roadways, while providing additional resource protections and increasing roadway resilience in the Preserve. Other project objectives include:

- Restoring roads to meet current condition standards by resurfacing and correcting design deficiencies.
- Improving road safety.
- Enhancing the visitor experience and access with better driving conditions and new amenities, including a welcome area and scenic pullouts.
- Installing exclusion fences to reduce wildlife mortality on Preserve roads.

This project is needed because the existing road system has exceeded its service life, and high rates of automobile accidents occur each year. Current road deficiencies, including sharp turns with poor sightlines, soft shoulders, and degraded asphalt conditions, contribute to avoidable traffic accidents each year. In addition, the project includes protections for desert tortoises to help reduce tortoise mortality in the Preserve.

The Federal Highway Administration Central Federal Lands Highway Division (FHWA) is a cooperating agency in the NEPA process. Detailed design and construction for the project will be conducted by FHWA in consultation with the NPS.

¹ “Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the NPS to strictly adhere to the National Environmental Policy Act (NEPA), 42 USC §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The NPS verifies that it has complied with the requirements of NEPA, including the Department’s regulations and procedures implementing NEPA at 43 CFR Part 46 and Part 516 of the Departmental Manual, consistent with the President’s January 2025 Order and Memorandum.

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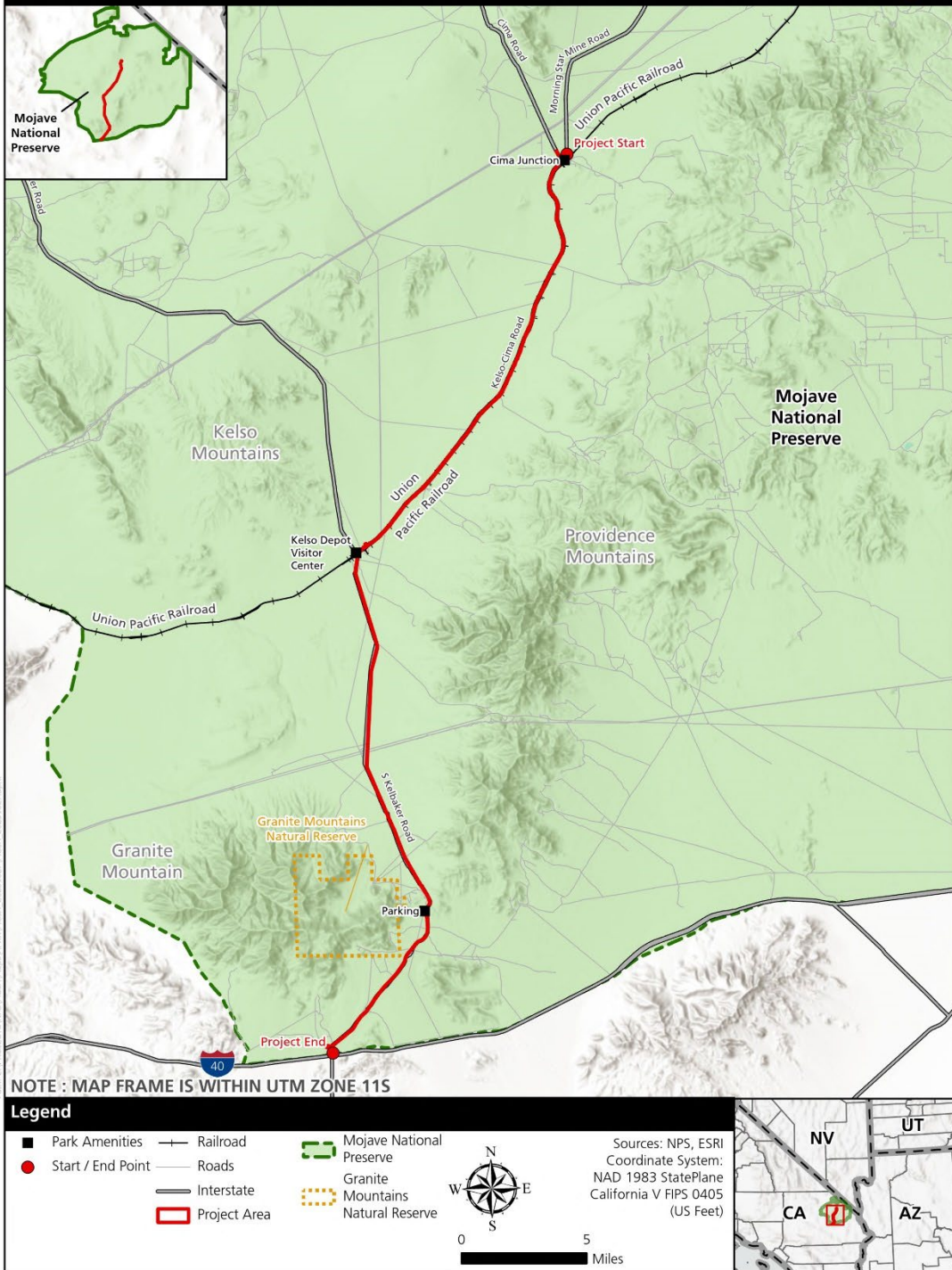


FIGURE 1. PROJECT AREA

As part of the planning process, the EA evaluated two alternatives, including a no-action alternative and one action alternative (alternative 2). The action alternative presents a reasonable and feasible approach that meets the purpose of and need for action. The Finding of No Significant Impact (FONSI) documents the decision of the NPS to implement the selected alternative, which is referred to as the proposed action (alternative 2) in the EA. The selected alternative includes rehabilitating approximately 42 miles of Kelso-Cima and South Kelbaker Roads to improve safety and visitor access. The roadway improvements will include treatments, such as restriping pavement, adding mumble strips, widening shoulders, paving with asphalt concrete (asphalt), installing low-water crossing features, and adding exclusion fencing to keep desert tortoises and other small animals off the roads. Alternative 2 also includes reduction of the speed limit, installation of speed limit and other traffic signs, radar speed feedback signs or roadway striping and markings as appropriate, and additional signage to address safety issues and improve the visitor experience. To the extent necessary, relevant sections of the EA are referenced below.

SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA, the NPS selected the preferred alternative (alternative 2) after an evaluation of the feasibility of several potential alternatives. The alternatives considered but not carried forward for further analysis are summarized in appendix C of the EA. Under the preferred alternative, the NPS would rehabilitate approximately 42 miles of Kelso-Cima and South Kelbaker Roads to improve safety and visitor access. The proposed improvements, construction/staging activities, roadway detours, and resource protection measures outlined in chapter 2 of the EA will occur under the selected alternative.

Under the selected alternative, the roads will mostly remain in their existing alignment, with vertical and horizontal adjustments to improve safety. Three road segments along Kelso-Cima Road, between Cima Junction and Cedar Canyon Road, will be realigned to rectify substandard curves and sight distances. Vertical adjustments will occur near 11 low-water crossings to enhance sight distance and improve drainage. At Cima Junction, Kelso-Cima Road will be realigned into a gradual curve to improve safety and eliminate the current “T” intersection to reduce the risk of rear-end collisions. Existing pavement on Kelso-Cima and Cima Roads will be removed and reclaimed, and the at-grade railroad crossing will be relocated approximately 150 feet west and improved with pavement markings. The speed limit will be reduced throughout the project corridor. Lower speed limits will be posted at Kelso Depot and through the Cima Junction area, with the specific limits determined during final design. At Kelso Depot, the improvements will remain within the existing roadway prism to minimize impacts on adjacent resources.

The Union Pacific Railroad (UPRR), in coordination with the NPS, will decommission and remove the existing 60-foot guyed wire communications tower at Cima Junction and replace it with a self-supporting tower not exceeding 65 feet. The new tower will sit on a subterranean mat foundation and be enclosed by a 45-by-50-foot safety fence. Ground equipment may include a generator and enclosure, with utilities determined during final design. An access road will be built and graded to connect with Kelso-Cima Road, providing safe construction and maintenance access. All work will remain within previously disturbed and surveyed areas.

The roadway rehabilitation will primarily consist of partial depth reclamation of existing asphalt, with some areas requiring full-depth reclamation. The improvements will include installation of new asphalt to provide 11-foot travel lanes and 2-foot paved shoulders in both directions, totaling 26 feet. Near Kelso Depot, lanes will be 10 feet wide with variable shoulder widths and curb-and-gutter improvements within the existing footprint. Mumble strips will be added along the project corridor, as needed, to reduce roadway departures while also minimizing noise.

The selected alternative will include approximately 37 pullouts, about 1 per mile, on either side of the project corridor. Each pullout will include a 14-foot-wide paved lane with pavement markings and asphalt curbing; pullouts will be approximately 14 feet wide and 200 feet long and within previously disturbed

areas. The exact number of pullouts will be determined during final design. The pullouts will provide safe areas for resting, scenic viewing, emergency stops, and law enforcement.

The NPS will improve and stabilize existing low-water crossings to enhance cross drainage while allowing drivers to maintain a consistent speed and reducing the potential for roadway damage during heavy rain events.

Wildlife exclusion fencing, designed primarily for desert tortoises following US Fish and Wildlife Service (USFWS) specifications, will be installed along the roadway in high-quality desert tortoise habitat to prevent desert tortoises from accessing the roadway and exposure to potential road mortality. The exclusion fencing will incorporate hardwire mesh material, stand approximately 24 inches tall, be supported by metal posts and be buried to a depth of at least 12 inches. The fence will have a U-shaped bend at every fencing terminus to prevent tortoises from entering the roadway. Design features in areas of low-water crossings will allow water and debris to flow past the fence to minimize damage. Some portions of the project area will use recessed vertical concrete barriers on the downstream side of low-water crossings that prevent desert tortoises from accessing the roadway, while allowing other wildlife to escape. The NPS will install wildlife crossings structures where existing low-water crossings are located along the length of the project corridor. The wildlife crossing structures will feature approximately 2-foot diameter concrete structures under the roadways and will tie into the wildlife exclusion fencing. The crossing structures were designed in collaboration with USFWS and will be placed on either side of the low-water crossing to reduce the likelihood of clogging, facilitate clearing after storm events, and more effectively facilitate wildlife passage under the roadway.

The selected alternative will include several improvements along the project corridor related to visitor use and experience, including at Kelso Dunes, Granite Pass, and near the entrance to the Preserve on South Kelbaker Road. The NPS will provide a larger pullout area with space for future interpretive signage near the viewpoint at Kelso Dunes to allow visitors to enjoy the scenic vistas, take photographs, rest, and make unplanned emergency stops. At Granite Pass, the NPS will improve the existing parking area, install a concrete pad for future restroom facilities, provide accessibility features, add new signs, and expand the existing viewpoint to improve safety of ingress and egress for visitors. The NPS will relocate the existing entrance sign for the Preserve to the area near Interstate 40 toward the end of the project area. The entrance sign will be located in the new welcome area for visitors that will also include a paved, striped parking area near the Preserve entrance, a concrete sidewalk along the perimeter edge, and additional informational signage.

Additional signage in the project area will improve traffic safety and hazard communication to travelers. The NPS will limit the amount of signage throughout the project area, to the extent feasible, to minimize impacts on the landscape.

To the extent possible, material delivery and disposal hauling will occur on the main arterial roadways in the region. Contractor hauling operations will comply with legal load limits, and any unsuitable and excess construction materials will be disposed of outside the Preserve in accordance with NPS and FHWA specifications. To the extent possible, existing on-site demolished materials, such as waste concrete and pulverized asphalt, may be recycled and reused to reduce waste and truck traffic. During final design, the NPS and FHWA will establish parameters for material disposal for the construction contractor.

All staging areas will be in previously disturbed areas, on existing roadbeds, or in disturbed pullouts. No staging will occur on previously undisturbed land. One potential staging area could be a location immediately southwest of the project limits on South Kelbaker Road near the southern entrance of the Preserve. The second potential staging area could be located in an area near the intersection of Kelso-Cima Road and South Kelbaker Road, near the Kelso Depot visitor center. If used, these staging areas will be closed temporarily during construction. After construction, the NPS will restore staging areas to their previous condition, where feasible, and there will be no change in size or location of the existing

area. Access to the Kelso Depot site will be maintained throughout the project, although there may be short-term delays or one-lane closures for short periods during construction.

Construction activities for the selected alternative are anticipated to take up to three years to complete, weather permitting. Where feasible, the NPS will provide access to the project area; however, roadway closures will help reduce overall construction costs and project duration. The length of closures may vary, depending on which roadway segments are closed during construction.

Rationale

NPS selected alternative 2 (preferred alternative) because:

- It satisfies the purpose and need by correcting roadway conditions and design deficiencies, improving road safety, enhancing the visitor experience, and reducing wildlife mortality in the Preserve.
- It will better serve the Preserve's maintenance and resource management operational needs when compared to the no-action alternative.
- Resource protection measures and best management practices will avoid, minimize, and mitigate adverse environmental impacts.

Mitigation Measures

Resource protection measures are discussed in chapter 3 and appendix B of the EA. These protection measures are considered part of the selected alternative and will be implemented to avoid, minimize, and/or mitigate impacts on Preserve resources. The measures presented in appendix B of the EA are subject to the final design and approval of plans by relevant agencies.

OTHER ALTERNATIVES ANALYZED IN THE ENVIRONMENTAL ASSESSMENT

In addition to the NPS selected alternative described above (alternative 2), the EA analyzed a no-action alternative (see chapter 2 of the EA). The no-action alternative was not selected because it does not meet the purpose for and need of the project, nor does it address safety concerns, maintenance demands, desert tortoise mortality, or other natural resource impacts in the Preserve. Alternatives considered but dismissed are summarized in appendix C of the EA.

FINDING OF NO SIGNIFICANT IMPACT

In considering whether the effects of the proposed action are significant, the NPS analyzed the potentially affected environment and degree of the effects of the action. In considering the degree of the effects, the NPS considered short- and long-term effects as well as beneficial and adverse effects.

POTENTIALLY AFFECTED ENVIRONMENT

As described in the EA, the selected alternative has the potential for adverse and beneficial impacts on Preserve resources, including biological resources (i.e., wildlife and threatened and endangered species), geological resources, (i.e., geologic features and soils), cultural resources, visitor use and experience, and water resources.

DEGREES OF EFFECTS OF THE ACTION

The NPS considered the following actual or potential project effects in evaluating the degree of effects for the selected alternative.

Beneficial and Adverse, and Short-term and Long-term Effects of the Selected Alternative

No significant impacts on resources were identified that will require analysis in an environmental impact statement (EIS). Whether taken individually or as a whole, the impacts of the selected alternative do not reach the level of significance. The selected alternative will result in substantial long-term, beneficial effects.

Effects of the Selected Alternative

The following summary of effects has been incorporated from chapter 3, “Affected Environment and Environmental Consequences,” of the EA (pages 12–52).

Biological Resources

Vegetation. The selected alternative will have short-term, adverse impacts on vegetation due to construction activities that will damage or destroy small areas of vegetation adjacent to the roadway. Approximately 70 acres of vegetation will be cleared to accommodate the roadway improvements. To reduce these short-term, adverse impacts, plants will be salvaged prior to construction for use later to revegetate the sides of the roadway outside the newly widened shoulders. This process will ultimately mitigate impacts and allow for areas disturbed during construction to be revegetated through seeding; replanting with native, nursery-grown plants; and replanting of plants salvaged prior to construction. Approximately half of the cleared area (35 acres) will be restored using salvaged soils that will be windrowed on-site and then returned to their previous location to preserve the native seed bank. The remaining approximately 35 acres will not be suitable for revegetation because they will be included in the roadway shoulder. An additional 4.7 acres (approximately) will be revegetated around the new pullouts. Additional mitigation measures include collecting seeds and salvaging cacti, Joshua trees, Mojave yucca, and banana yucca plants prior to road construction work. Revegetation work will use soil conserved along the corridor; native species from genetic stock originating in the Preserve; and will attempt to reconstruct the natural spacing, abundance, and diversity of native plant species. The areas newly disturbed during construction will be revegetated using locally collected plant species (seeds, nursery plants grown from native seed, and salvaged plants). The NPS has prepared a revegetation plan that will guide restoration efforts.

Additional adverse impacts that will result from the selected alternative include soil compaction and the potential spread of invasive and/or nonnative species from the use of construction equipment. Vegetation removal and soil disturbance can facilitate the spread of invasive and/or nonnative plant species, ultimately degrading native vegetation communities. Furthermore, soil compaction can disrupt the physical environment that plants rely on for growth by restricting root development and nutrient uptake and increasing erosion (University of Minnesota 2018). As mitigation for these impacts, the contractor will be required to clean all equipment prior to entering the Preserve to begin work to avoid the spread of invasive species to the site from outside areas. Restoring cleared areas (approximately 35 acres) using salvaged soils, as described above, will also reduce soil compaction and the potential spread of invasive and/or nonnative species. These mitigation measures will partly offset adverse impacts and provide long-term, beneficial impacts by helping restore ecosystem functions.

Terrestrial Wildlife. The selected alternative will have short-term, adverse impacts on terrestrial wildlife during construction and long-term benefits after construction, as a result of reducing the speed limit and installing exclusion fencing, wildlife crossing structures, and recessed vertical barriers. Wildlife will experience impacts such as disturbance, displacement, and behavior modification from the increased likelihood of human encounters during the construction period, as well as from the habitat modification that will result from the project. Construction traffic in the project area will increase, which could pose a threat to terrestrial wildlife because it may be difficult for haul trucks carrying heavy loads to avoid obstacles in the road. Therefore, accidental injuries or deaths of wildlife such as small mammals and

reptiles that frequent the project area could occur from vehicular collisions from increased construction traffic.

Mitigation measures specifically used to avoid impacts to desert tortoise will reduce the risk of road mortality of other species during construction. During construction, wildlife will be intermittently exposed to noise and visual disturbances from the use of heavy equipment and machinery, increased traffic and hauling, and increased human presence. Increases in noise levels or visual disturbances in an area can temporarily or permanently alter wildlife behavior by disrupting communication and feeding patterns. Although the presence of construction equipment and crews necessary for the roadway improvements will temporarily disturb wildlife, these impacts will not be noticeable over the long term because most of the project area has been previously disturbed, and noise levels will return to baseline conditions after construction is completed. Impacts related to noise and visual disturbances will be mostly limited to temporary disturbances to individuals and will not affect species at the population or community level.

The removal of vegetation and expansion of the road, including the addition of pullouts and new shoulders to increase the impervious surface area needed for roadway rehabilitation, will most likely alter wildlife habitats. Most project activities will fall within the existing roadway prism; however, habitat disturbance adjacent to the roadway will occur as a result of the roadway realignment in certain places along the corridor, as well as the inclusion of the recessed vertical barriers. Areas adjacent to the roadway do not provide high-quality habitat for wildlife because these areas are previously disturbed, sparsely vegetated, and are exposed to noise and visual disturbances from vehicle traffic. Therefore, the small amount of habitat that will be lost as a result of project activities, relative to the amount available surrounding habitat, will not likely have a measurable effect on wildlife. To mitigate impacts from habitat loss, the NPS will provide habitat restoration in disturbed areas outside the roadway.

Although the selected alternative is anticipated to have short-term, adverse impacts on terrestrial wildlife during construction, long-term benefits are anticipated after construction, as a result of reducing the speed limit, implementing additional wildlife crossing structures, and installing exclusion fencing and recessed vertical barriers. The addition of recessed vertical concrete barriers along western portions of Kelso-Cima Road will have adverse impacts on existing habitat from excavation, but will provide long-term, beneficial impacts by allowing wildlife to cross the roadway without obstruction from the exclusion fencing. These structures will improve wildlife connectivity, provide a safe route for wildlife to cross the roadway, and increase the overall available area for desert tortoises because they will be able to occupy areas immediately adjacent to the fence without the risk of being struck by vehicles.

Desert Tortoise. The selected alternative will result in long-term, beneficial impacts as a result of project design features such as exclusionary fencing, recessed vertical barriers, and wildlife crossing structures; long-term, adverse impacts due to the loss of approximately 150 acres of desert tortoise critical habitat; and short-term, adverse impacts due to construction.

Approximately 150 acres of critical habitat will be permanently lost. However, this habitat consists mainly of long, narrow strips of previously disturbed land along either side of the roadway that does not offer high-quality habitat for the desert tortoise, and desert tortoise populations adjacent to the roadway are likely already depressed, compared to surrounding habitats, because of the road-zone effect.

During construction, the application of water to control dust may attract desert tortoises to the area, placing them at higher risk of injury or mortality. Tortoises may also seek shade by taking shelter under parked vehicles and could be killed, injured, or harassed when the vehicle is moved. Impacts may also occur from transportation and access within the project area because this species is mobile and likely to traverse the project roadways where it may be killed or wounded by vehicles, including construction vehicles. To alleviate impacts, project-related vehicles and equipment will be limited to designated roads and areas identified as being permanently or temporarily affected by construction within the proposed project area. Motor vehicle speeds along project routes within desert tortoise habitat will not exceed

45 miles per hour, and a biological monitor pilot vehicle will guide groups of three or more large trucks. Additionally, the NPS will require all personnel involved in activities to inspect the ground under vehicles any time a vehicle or piece of construction equipment is parked in desert tortoise habitat (outside the areas with wildlife exclusion fencing). Other causes of impacts due to construction will include noise and visual disturbances, which could result in increased stress, altered foraging behavior, damaged hearing, and degraded communication (Barber et al. 2009; Pater et al. 2009).

Project design features such as exclusionary fencing, recessed vertical barriers, and wildlife crossing structures will result in long-term, beneficial impacts for the desert tortoise and their critical habitat. The exclusionary fencing will prevent tortoises from entering roads, while the crossing structures will reduce habitat fragmentation and provide safe passage across roadways, allowing tortoises to move between different parts of their habitat without exposure to traffic; this will help maintain overall population health and provide greater access to resources.

Due to the impacts associated with the selected alternative, the NPS conducted consultation with the USFWS under section 7 of the Endangered Species Act (ESA). The NPS determined the selected alternative will fall under the programmatic biological opinion for the Preserve. By letter dated March 27, 2025, the USFWS concurred with the NPS determination, noting the selected alternative is not likely to jeopardize the continued existence of the desert tortoise. This concurrence concluded the consultation process.

Monarch Butterfly. Impacts to the monarch butterfly will be minimal because they will be temporary and because the project area lacks high-quality suitable habitat. While the vegetation community types present within the Preserve include milkweed, which makes it suitable habitat for the monarch butterfly, this milkweed is most often associated with riparian habitats, which are not present in the project area. Although high-quality habitat for the monarch butterfly does not exist in the project area, the species has a large distribution range and could occasionally be present where project activities are occurring. There will be some disturbance to vegetated areas during construction that could temporarily displace monarch butterflies. Where feasible, disturbed areas will be revegetated with a native seed mix upon completion of construction, potentially restoring habitat for monarch butterfly.

Gilded Flicker. Because project activities will involve the removal of vegetation suitable for foraging, the gilded flicker could experience short-term, adverse impacts from the loss of foraging habitat. Construction-related noise and activity may disturb individual birds that frequent the project area for the purpose of foraging, ultimately displacing the species from critical areas and disrupting their foraging behaviors. Although the project will result in a loss of foraging habitat and cause temporary disturbances through noise and increased levels of activity, there is suitable gilded flicker foraging habitat outside the project area. Additionally, the NPS will salvage and replant certain individual plants and revegetate using native plants, which will minimize the impact from the loss of foraging habitat. The selected alternative is not anticipated to result in long-term, adverse impacts or affect the species at the population level.

Geologic Features and Soils

The selected alternative will adversely affect surficial soils, geologic features, and subsurface materials in the short and long term. In general, short-term impacts to surficial soils and geologic features will be limited to preconstruction activities. Long-term, adverse impacts to surficial soils and geologic features will result from construction-related activities, including the roadway realignment, pullouts, the parking area at Granite Pass, the communications tower at Cima Junction, low-water crossing structures, recessed vertical barriers, exclusion fencing, and other permanent features. However, these impacts will be mitigated by adhering to the resource protection measures, including minimizing soil disturbance; implementing erosion control measures; and siting staging and storage areas for construction vehicles, equipment, materials, and soils in previously disturbed or paved areas.

Cultural Resources

Historic Structures and Cultural Landscapes. The selected alternative will not constitute an adverse effect to the Kelso Historic District or Kelso Depot; the improvements will not diminish the integrity of design, setting, materials, workmanship, feeling, and association of the historic, designed cultural landscape. The project will avoid direct impacts to the Kelso Historic District and Kelso Depot; however, to mitigate any inadvertent adverse effects, the area will be designated a high-sensitivity area during construction, and additional monitoring will be required.

The selected alternative will not constitute an adverse effect on the Vulcan Mine Historic District. The project will not encroach on the earthen loading ramp structures or otherwise alter the historic district's contributing resources, and new elements will not result in adverse visual effects. Additionally, to mitigate any inadvertent adverse effects, the area will be designated a high-sensitivity area during construction, and additional monitoring will be required.

The selected alternative will not constitute an adverse effect to the Rock Springs Land and Cattle Company Historic District. Most improvements within the historic district will be limited to the existing roadway prism and adjacent areas previously disturbed by road construction and maintenance; no alterations to contributing resources will be made in a way that will compromise its eligibility for the National Register of Historic Places; improvements will not diminish the integrity of design, association, or location; and limited vegetation removal and changes to natural grades and surrounding topography will help to maintain the integrity of the setting and feeling.

The selected alternative will not constitute an adverse effect to the UPPR. Improvements along the project corridor will not alter any portion of the railroad corridor or any associated features. Therefore, the selected alternative will not have an adverse effect on this historic property, and no additional mitigation measures are needed.

The selected alternative will not constitute an adverse effect to the Southern California Edison Lugo-Mohave Transmission Line. No elements of the resource were identified within the area of potential effects (APE), and the changes to the road south of Kelso will not have any adverse effects to the setting or feeling of this resource.

The selected alternative will not constitute an adverse effect to the Old Mojave Trail. No evidence of the historic trail was observed within the APE, likely due to previous disturbances caused by the construction of Kelso-Cima Road. The roadway rehabilitation and improvements will be limited to the existing roadway prism and will not affect any intact elements of the trail.

Archeological Resources. The selected alternative will not adversely affect the Cima Railroad Hamlet. The remains of the historic property will be designated a high-sensitivity area during construction, and additional monitoring will be conducted to mitigate any inadvertent adverse effects to the property. The selected alternative will also not adversely affect the former corral area, which is in an area that may be used as a temporary nursery location to support the project's revegetation efforts. While the corral area may be used to temporarily house nursery beds, this use will not require removal or alteration of any of the extant corral structures, and ground disturbance will be limited to the nursery bed support stakes and shallow trenching in previously disturbed areas. If this location is pursued for use as the temporary nursery area, a stipulation prohibiting removal or alteration of any extant corral features will be included in contract documents to avoid any inadvertent adverse effects.

Visitor Use and Experience

The selected alternative will have long-term, beneficial impacts and short-term, adverse impacts on visitor use and experience.

Roadway improvements will result in long-term, beneficial impacts by creating a more pleasant driving experience for visitors and reducing the amount of ongoing maintenance, leading to fewer delays and

detours. Installation of signage will have long-term, adverse impacts on visitor experience by creating more interruptions in scenic vistas along the roads and will also have long-term, beneficial impacts from the addition of road condition and safety warning signs. The addition of approximately 37 pullouts along the project area, including establishing a viewpoint pullout near the Kelso Dunes, and the improvements to the existing viewpoint and parking area at Granite Pass will result in long-term, beneficial impacts to visitor experience. The creation of a new welcome area with parking and the relocated monument sign will result in long-term, beneficial and adverse impacts on visitor experience, given that some visitors may appreciate the extra space to park and the clarity of the entrance sign, while other visitors may find that the new welcome area negatively alters the natural viewshed.

Short-term, adverse impacts on visitor use and experience will occur during construction from roadway closures and detours that result in increased travel times and potentially limit access to certain areas of the Preserve during some construction phases, use of staging areas that will alter the existing viewshed, and higher traffic volumes from construction vehicles. Short-term, adverse impacts will also occur from the alteration of current natural viewsheds following the removal of existing vegetation; however, viewsheds will be restored through revegetation following construction.

Long-term, beneficial impacts on visitor safety will occur with the rehabilitation and improvements to Kelso-Cima and South Kelbaker Roads, the road realignment at Cima Junction, the addition of approximately 37 pullouts, the installation of exclusion fencing and recessed vertical barriers to limit the presence of wildlife on roadways, the improvements to the Granite Pass parking area to clarify traffic patterns and improve ingress and egress, and the addition of welcome area parking to provide visitors areas to rest and make emergency stops.

Water Resources

Floodplains. The selected alternative will have short-term, adverse impacts on floodplains and long-term, beneficial impacts on floodplains. Short-term, adverse impacts on floodplains will occur as a result of surface disturbance and vegetation removal associated with construction. These activities could compact surfaces that could reduce the potential for flood energy dissipation and sediment and nutrient capture. These short-term impacts could result in more rapid and energetic runoff responses and temporarily make construction areas more vulnerable to erosion.

The roadway rehabilitation and improvements, particularly the improvement and stabilization of the approximately 106 existing low-water crossings, will result in long-term, beneficial impacts on floodplains. Improving the low-water crossings will reduce road undermining, and riprap bank protection will prevent road damage during flood events. The selected alternative will mitigate current risks to floodplain values, including human health and safety, because the low-water crossings will decrease the likelihood of road degradation and damage and the probability of drivers becoming stranded on the road between drainage crossings during flow events. In the event of substantial 100- or 500-year storm events, the selected alternative will reduce the frequency and duration of road closures and potential damage. In addition, roadside pullouts will provide safe areas for vehicles and visitors to wait until floodwaters recede, and additional signage will improve hazard communication to visitors.

Surface Water. The selected alternative will result in short-term, adverse impacts and long-term, beneficial impacts on surface waters. Temporary disturbance associated with vehicle and equipment travel within surface water features during construction will increase erosion potential, reduce stream stability, and temporarily impede the flow of stormwater or snowmelt, resulting in short-term, adverse impacts on surface waters. The selected alternative will increase stream stabilization by improving low-water crossings to reduce the severity and incidence of washouts, increase upstream and downstream connectivity, and reduce potential erosion and damage to streambanks and existing infrastructure during flooding events, resulting in long-term, beneficial impacts to surface waters.

Groundwater. The selected alternative will result in short-term, adverse impacts on groundwater but will have no long-term impacts. The temporary surface disturbance and loss of vegetation associated with the roadway improvements could reduce shallow water recharge, resulting in short-term, adverse impacts on groundwater. Groundwater recharge capabilities will be returned to preexisting conditions after construction.

Degree to Which the Selected Alternative Affects Public Health and Safety

Under the selected alternative, public health and safety will be improved by addressing the current design deficiencies on the roadway, providing pullout areas, reducing the speed limit, providing mumble strips along the roadway centerline and shoulders, and improving and stabilizing existing low-water crossings along the project corridor. Upon completion, visitors will continue to enjoy the same level of access, recreational activities, and ability to experience the natural and cultural qualities of the Preserve. There will be no significant negative impacts on public health, public safety, or unique characteristics of the region.

Effects That Will Violate Federal, State, Tribal, or Local Law Protecting the Environment

No highly uncertain or controversial impacts, unique or unknown risks, or elements of precedence were identified. The implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection laws.

AGENCY AND TRIBAL CONSULTATION

The NPS initiated consultation with relevant agencies, including the USFWS, the California State Historic Preservation Office (SHPO), and Tribal Nations, during the preparation of the EA and provided a copy of the EA for review. This consultation is discussed in detail in chapter 4 of the EA titled “Consultation and Coordination.”

US Fish and Wildlife Service

In accordance with section 7 of the ESA, the NPS prepared a memo-to-file and an activity form for a programmatic biological opinion for the USFWS. In March 2025, the NPS requested review and comment on the memo-to-file and an activity form from the USFWS. The USFWS suggested that the wildlife exclusion fence should have a U-shaped bend at every fencing terminus to prevent tortoises from entering the roadway. Based on these suggestions, the NPS and FHWA updated the design plans to reflect the changes to the fence design. On March 27, 2025, the USFWS issued concurrence that the project falls under the programmatic biological opinion for the Preserve.

California State Historic Preservation Office

Compliance with section 106 of the National Historic Preservation Act (NHPA) was carried out separately but concurrently with the planning process for the EA. As required by section 106 of the NHPA, the NPS is consulting with the California SHPO as a consulting party.

On March 7, 2025, the NPS requested review and concurrence with the results of the identification and evaluation of historic properties and assessment and finding of no adverse effect. On May 13, 2025, the California SHPO concurred with the results and recommendations of the Assessment of Effect documentation.

Tribal Nations

The NPS completed the section 106 consultation process prior to finalizing this decision document for the EA, including consultation with traditionally associated Native American Tribes that are culturally or historically affiliated with the Preserve. In January 2024, the NPS initiated consultation with the following Tribal Nations: the Colorado River Indian Tribes, Chemehuevi Indian Tribe, Fort Mojave

Indian Tribe, San Fernando Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians. No comments were received within the 30-day review period.

On March 7, 2025, the NPS requested review and comment on the Assessment of Effect from the Colorado River Indian Tribes, Chemehuevi Indian Tribe, Fort Mojave Indian Tribe, San Fernando Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians. No comments were received from the Colorado River Indian Tribes, Fort Mojave Indian Tribe, San Fernando Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians within the 30-day review period. The Chemehuevi Indian Tribe requested additional consultation regarding Tribal monitoring in areas of medium and high sensitivity during ground-disturbing activities. The NPS and FHWA will coordinate monitoring with the Chemehuevi Indian Tribe.

Cooperating Agencies

The NPS consulted with FHWA as a cooperating agency for this project. FHWA developed the design plans for the project, and the agency is continuing to work with the NPS to revise the designs to limit the potential impacts on natural and cultural resources. Consultation efforts with FHWA are ongoing.

PUBLIC INVOLVEMENT

Public engagement prior to the release of the EA for public comment is described in chapter 4 (page 53) of the EA. On April 9, 2025, the NPS issued a press release announcing the release of the EA. The press release included a link to the NPS Planning, Environment, and Public Comment (PEPC) website, which initiated a 30-day public comment period. The NPS posted the EA and a supplemental newsletter to the PEPC website at the start of the public comment period. Comments were accepted from April 9, 2025, until May 8, 2025.

The supplemental newsletter included information about the background of the Preserve, a project overview, the purpose of and need for the project, an overview of the alternatives, current project status and schedule, and information on how to comment on the EA. The Preserve hosted one virtual meeting on April 16, 2025, on Microsoft Teams to provide information about the project, showcase methods for public comment, and answer participants' questions. The NPS received 18 correspondences during the public comment period. The Public Comment Response Report is provided in attachment B.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an EIS. The selected alternative will not have a significant effect on the human environment in accordance with section 102(2)(c) of NEPA.

This finding is based on consideration of the CEQ and NPS guidance on the criteria for significance, regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference) and as summarized above.

ATTACHMENT A: PUBLIC COMMENT RESPONSE REPORT

**United States Department of the Interior
National Park Service**

Mojave National Preserve

**Kelso-Cima Road and South Kelbaker Road
Rehabilitation**

Public Comment Summary Report

June 2025

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Introduction

On April 9, 2025, the National Park Service (NPS), in cooperation with the Federal Highway Administration, announced the release of the environmental assessment (EA) for the Kelso-Cima and South Kelbaker Roads Rehabilitation project at Mojave National Preserve (Preserve) in San Bernardino County, California. On the same day, the Preserve issued a press release with a summary of the proposed project, a link to the EA and supplemental newsletter, guidance on how to comment on the EA, and information for the virtual public meeting. The supplemental newsletter included information about the background of the Preserve, a project overview, the purpose of and need for the project, an overview of the alternatives, the current status and schedule for the project, and information on how to comment on the EA.

With the release of the EA, the Preserve initiated a 30-day public comment period that began on April 9, 2025, and ended on May 8, 2025. The Preserve hosted one virtual meeting on April 16, 2025, on Microsoft Teams to provide information about the project, showcase methods for public comment, and answer participants' questions. The Preserve encouraged the public to submit comments through the NPS's Planning, Environment, and Public Comment (PEPC) website at: https://parkplanning.nps.gov/MOJA_KelsoCima.

The NPS considered all comments from members of the public, including comments received directly by the Preserve through US mail and those entered in PEPC. Eighteen pieces of correspondence were received during the public comment period. This Comment Summary Report summarizes the concerns expressed during the public comment period and includes the NPS's responses to substantive public comments on the EA.

Definition of Terms

Correspondence: A correspondence is the entire document received from a commenter and includes letters; written comment forms; comments entered directly into the PEPC database; and any other written comments provided either at the public meetings, by postal mail, or in person at the park.

Comment: A comment is a portion of text within a correspondence that addresses a single subject such as "purpose and need" or "other management suggestions." The comment could also question the accuracy or adequacy of the information provided in the EA or present reasonable alternatives other than the potential actions presented in the EA.

Code: A code is a grouping centered on a common subject. The codes were developed during the comment analysis process and are used to track major issues. In cases where no comments are received on an issue, the code is not identified or discussed in this report.

Comment Summary: A grouping that is centered on a common subject. Comment summaries combine similar comments.

Comment Analysis Methodology

Correspondence was received by hard copy letter via US mail, email, or entered directly into the PEPC system. The Preserve entered letters received through the US mail or email into the PEPC system for analysis. Once all correspondence was entered into PEPC, each was read, and specific comments within each unique correspondence were identified. When identifying comments, every attempt was made to capture the full breadth of comments submitted.

To categorize comments, each comment was given a code to identify its general content and to group similar comments. An example of a code developed for this project is *Elements – Exclusion Fencing and*

Crossings. Once every correspondence was broken into comments, all comments were categorized and summarized with similar comments, and concern statements were created.

Correspondence Received

The following tables were produced by the NPS PEPC database and provide information about the numbers and types of correspondence received, organized by code and by various demographics. The tables present data on the number of correspondences received by correspondence type, organization type, state, and country. One table provides information on which organizations commented during the comment period.

Also included below is a table detailing the number of comments identified by code. A total of 61 individual comments were derived from the 18 correspondences received.

TABLE 1. CORRESPONDENCE DISTRIBUTION BY CORRESPONDENCE TYPE

Correspondence Type	Correspondences
Web Form	18

TABLE 2. CORRESPONDENCE DISTRIBUTION BY ORGANIZATION TYPE

Organization Type	Correspondences
Unaffiliated Individuals	14
Conservation/Preservation – Desert Tortoise Council	3
Governmental – California Department of Transportation District 8 (Local Development Review Branch)	1

TABLE 3. CORRESPONDENCE DISTRIBUTION BY COUNTRY

Country	Correspondences
United States	18

TABLE 4. CORRESPONDENCE DISTRIBUTION BY STATE

State	Correspondences
California	14
Nevada	1
North Carolina	1
Arizona	1
Unknown	1

TABLE 5. NUMBER OF COMMENTS PER CODE

Code	Number of Comments
Alternatives: New/Other Alternatives	12
Elements: Exclusion Fencing and Crossings	13
Elements: Signage	3
Elements: Low-Water Crossings	5
Elements: Granite Pass Improvements	1
Issues: Road Closures	3
Issues: Threatened, Endangered, or Sensitive Species	10
Issues: Wildlife	1
Issues: Vegetation	3
Issues: Safety	3
Issues: Geologic Resources	2
Consultation and Coordination	3
Public Involvement	2

SUMMARY OF CONCERN STATEMENTS AND COMMENT RESPONSES

The summary of substantive comments that were received during the EA public review period are provided below and organized by code. Each comment summary is also summarized into concern statements and followed by an NPS response.

Most of the comments received were related to the proposed exclusion fencing and crossings, new or other alternatives, and impacts to threatened, endangered or sensitive species.

Alternatives: New/Other Alternatives

New Alternatives

Concern Statement: The following new alternatives were proposed for the project:

- Prioritize opening the Kelso Depot Visitor Center before working on the roads.
- Rewild the area rather than implementing the proposed action because it would be less expensive in the long term and would protect tortoises if the road were deconstructed. An additional suggestion was provided that if full deconstruction of the road is not possible, the roads could be turned into a four-wheel-drive trail.
- Hire more rangers and install speed-activated cameras to enforce speeding laws rather than implementing the proposed action.
- Prioritize other projects over the proposed action, like grading major dirt roads, such as Black Canyon and Cedar Canyon.

NPS Response: Thank you for your comments. The Kelso Depot Visitor Center is currently closed for heating and cooling system repairs, and the Preserve is completing a separate project to address these infrastructure concerns. The visitor center is anticipated to reopen in 2026. For additional information on this project, please visit the Preserve website at the following link: <https://www.nps.gov/moja/index.htm>.

As noted in the EA, the purpose for the project is “to reduce the number and severity of automobile accidents and to improve visitor experience and access within the Preserve by addressing safety concerns and correcting structural and road design deficiencies along 42 miles of major Preserve roadways, while providing additional resource protections and increasing roadway resilience in the Preserve.” Therefore, rewilding the project area and removing the roadway does not meet the purpose and need for the project. Additional new alternatives, such as hiring more rangers or prioritizing other projects, are outside the scope of this action. The NPS will take these suggestions under advisement for future management decisions.

Federal funding is authorized for specific projects and cannot be applied to other projects or park programs. However, Preserve staff currently address ongoing maintenance needs throughout the Preserve, which includes maintaining existing dirt roads.

New Elements

Concern Statement: The following new alternative elements were proposed for inclusion in the project:

- Use the Highway Design Manual, the California Department of Transportation (Caltrans) Standard Specifications, and California Manual on Uniform Control Devices (CA MUTCD) for the project to provide continuity for roadway features.
- Implement bicycle safety features on the roads, including minimum shoulder widths.

- Comply with the accessibility and equitable access standards and ensure bicycle and pedestrian access are maintained throughout the construction phase.
- Ensure that the project design and traffic management plan are consistent with the CA MUTCD, Caltrans Highway Design Manual, Caltrans Standard Plans, and associated documents.
- Explore transportation demand management strategies, such as transportation services to frequently visited areas of the Preserve, to reduce travel demand and pavement wear.
- Add Global Positioning System (GPS) coordinates for the locations of improved roadways, exclusion fencing, culverts, and pullouts to a database and geospatial tracking system to facilitate monitoring, maintenance, and assessment of cumulative impacts.
- Use sustainable materials for construction, including recycled or locally sourced materials.

NPS Response: Thank you for your comments. The NPS appreciates the opportunity to continue coordinating with and maintaining a partnership with Caltrans. The NPS and Federal Highway Administration (FHWA) are in the process of preparing final design plans for this project; these plans will be designed and constructed in accordance with relevant NPS design and engineering standards, as well as American Association of State Highway and Transportation Officials (AASHTO) standards. If any work is completed within state right-of-way, the NPS will also adhere to all relevant state standards, as appropriate.

As noted in the EA, the NPS is planning to use sustainable materials and methods, where feasible. The proposed action will primarily rehabilitate the roadway using partial-depth reclamation of the existing asphalt, along with full-depth reclamation for several sections of the roadway. Prior to construction, the NPS and FHWA will finalize the as-built design plans showing the locations of the proposed improvements and develop a traffic management plan outlining public access, where possible.

Elements: Exclusion Fencing and Crossings

Exclusion Fencing and Crossing Structures

Concern Statement: General support was expressed for the wildlife crossing structures and fencing, along with other related suggestions. The NPS was encouraged to update the EA to state that several wildlife crossing structures “would” be installed along the length of the project corridor, where existing low-water crossings are located, rather than “could” be installed. It was also requested that the EA describe the construction, monitoring, and maintenance of the crossing structures and note that they are also used by species other than tortoises for safe passage under roadways.

The NPS was asked to provide additional clarification on the description of the typical design for a tortoise crossing structure in the EA, noting that publications including Blanchard et al. (2022), Fairbank et al. (2021), Fairbank et al. (2023), Huijser et al. (2023), and guidelines developed by the Desert Tortoise Recovery Office provide guidance for effective design of exclusion fencing and crossing structures, including culverts.

Additional suggestions included describing the potential benefit of exclusion fencing and crossing structures, noting that reducing the overall amount of roadkill along the project corridor would reduce the number of tortoise predators because existing roadkill is an “anthropogenic food subsidy” for predators, like ravens and coyotes.

NPS Response: Thank you for your comments. The NPS has prepared an Errata to the EA, which is included with the Finding of No Significant Impact (FONSI), reflecting that wildlife crossing structures “would” be installed.

As noted in the EA, exclusion fencing follows US Fish and Wildlife Service (USFWS) specifications, and the NPS closely coordinated with and sought feedback from the USFWS on design decisions. During

consultation efforts, as required by section 7 of the Endangered Species Act, the USFWS provided a suggestion that the exclusion fence should have a U-shaped bend at every fencing terminus to prevent wildlife (primarily desert tortoises) from entering the roadway; this feature was added to the design plans. As described in the EA, concrete crossing structures, rather than corrugated metal culverts, are preferred because they hold the appropriate substrate conducive to tortoise passage. Wildlife crossings will be situated north or south of the washes to avoid them becoming filled with sediment. The NPS will inspect and maintain the crossing structures and exclusion fencing, as needed.

Additionally, language has been added to the Errata noting the potential benefits of exclusion fencing and crossing structures in reducing the overall amount of roadkill along the project corridor because roadkill can be a food source for predators like ravens and coyotes.

Maintenance and Monitoring of Fencing and Crossings

Concern Statement: The NPS was asked to update the proposed action to include regular monitoring of the wildlife crossing structures and exclusion fencing at the beginning of the active season and immediately after storm events. Additionally, the NPS was encouraged to conduct maintenance as soon as an issue is reported and to update the EA to include a description and analysis of the impacts of monitoring and maintenance activities, particularly on tortoises, migratory birds, and vegetation. It was noted that the section 7 consultation with the USFWS should address any foreseeable monitoring and maintenance activities.

NPS Response: Thank you for your comment. Currently, the NPS conducts surveys of existing exclusion fencing following heavy rains in the Preserve. During the consultation process, the USFWS also provided comments on the maintenance cycle and inspection process for the exclusion fencing. The NPS will provide the same maintenance and inspection standards for the new exclusion fencing associated with this project. Additionally, the roads in the project area are well-traveled, and the NPS anticipates that any issues would likely be reported promptly. If necessary, the NPS could respond quickly to address these concerns, as well as close the roads to conduct any ongoing maintenance or repairs, as needed.

Clarifications and Questions Related to Fencing and Crossings

Concern Statement: Additional clarification was requested regarding how installing exclusion fencing and guards would minimize habitat fragmentation, as stated in appendix B of the EA. The NPS was asked to replace the existing text to state that installing exclusion fencing and tortoise/wildlife crossing structures would reduce tortoise mortality and reconnect the Ivanpah tortoise population, which has been fragmented by the use of Kelso-Cima and Kelbaker Roads. Additionally, it was noted the NPS should determine whether the railroad tracks at Kelso would create an effective artificial barrier to tortoise movement and install exclusion fencing if tortoises are able to cross the tracks. The NPS was also asked to provide a drawing of the proposed infrastructure to be constructed in the floodplains, as described in appendix D of the EA. It was requested that the EA consider how materials and culvert slopes may deter tortoise use of the crossings and the EA should address how the proposed design features, such as riprap on culvert aprons, could introduce new sources of tortoise mortality.

NPS Response: Thank you for your comment. In chapter 2 of the EA, figure 4 depicts a typical cross section for the low-water crossing. Additionally, the Floodplain Statement of Findings, in appendix D of the EA, includes further information on the infrastructure being constructed in the floodplains.

Installing exclusion fencing will help keep tortoises off the roadway right-of-way because it will tie into the crossing structures under the road and help guide safe passage for the desert tortoises, thereby enhancing safer habitat connectivity for tortoises. The crossing structures were designed in collaboration with the USFWS and will be placed on either side of the low-water crossing to reduce the likelihood of clogging and to facilitate clearing after storm events. The exclusion fencing will also include a U-shaped bend at every fencing terminus to prevent tortoises from entering the roadway. Additionally, the USFWS

determined after the consultation process that project activities are not likely to jeopardize the continued existence of the desert tortoise, are not likely to result in the destruction or adverse modification of desert tortoise critical habitat, and the protective measures will help minimize disturbances.

After consultation with the USFWS, the railroad tracks are anticipated to serve as a sufficient barrier to tortoise movement. The NPS will monitor the effectiveness of the railroad tracks and take corrective actions, if needed.

Elements: Signage

Signage Requests and Suggestions

Concern Statement: General support was expressed for the proposed signage along the project corridor. Additional requests for specific signage included using “Loose Gravel” signs after construction, signs to indicate shared use of roadways by bicyclists and motor vehicle users, and signs for the pullouts.

NPS Response: Thank you for your comment. The NPS and FHWA will develop a traffic management plan that will outline specific signage requirements during construction, including the need for “Loose Gravel” signs for public safety.

As noted in the *Foundation Document for the Mojave National Preserve*, one of the Preserve’s fundamental resources and values is to protect desert scenery and landscapes. Therefore, installing signs near each proposed roadway pullout would detract from the desert viewshed and conflict with the purpose of the Preserve. However, the NPS will provide traffic safety and hazard communication signage at specific locations along the project corridor for visitor use, particularly near the Kelso Dunes pullout, the Granite Pass area, and near the entrance to the Preserve on South Kelbaker Road.

Elements: Low-Water Crossings

Suggestions and Requests for Low-Water Crossings

Concern Statement: The NPS was asked to strengthen the road and reinforce wash areas as much as possible to prevent deterioration. The NPS was also encouraged to design and position culverts to accommodate predicted changes in precipitation frequency and intensity and include additional culverts to allow for water conveyance and to function as tortoise/wildlife crossing structures. It was also noted that the proposed low-water crossings will not prevent debris and sediment from crossing roads and will not provide safe passage for tortoises and other wildlife. Additionally, it was noted the NPS should recognize the ecological importance of washes for desert tortoises and install culverts in addition to reinforcing and adding low-water crossings.

The NPS was asked to update the EA to state that culverts will be installed under Kelso-Cima and South Kelbaker Roads. Finally, the NPS was encouraged to design and implement these culverts to convey surface waters, sediment, and debris during flow events, ensuring safe passage for tortoises and small wildlife. The culverts will allow wildlife to use the washes for feeding, shelter, movement, and connectivity with populations on the other side of the road. The installation of these culverts will also help restore connectivity among tortoise populations.

NPS Response: Thank you for your comment. During earlier phases of the planning process, the NPS considered using culverts along the project corridor; however, this design element was later dismissed from consideration. The NPS determined there was an increased risk for debris buildup in the culverts, which would increase the risk for desert tortoises to get stuck, reduce their ability to safely pass under the roadway corridor, and therefore, not meet the purpose of and need for the project. As noted in the EA, the NPS will install wildlife crossing structures along the length of the project corridor where existing low-water crossings are located.

Following the release of the EA, the NPS completed consultation efforts for the project with the USFWS, as required by section 7 of the Endangered Species Act. The USFWS reviewed the project design plans and the corresponding documentation prepared by the NPS for consultation purposes, and the USFWS determined the programmatic biological opinion for the Preserve is appropriate for use for the proposed action. The NPS will adhere to any mitigation and minimization measures as a result of the USFWS-issued programmatic biological opinion.

Elements: Granite Pass Improvements

Restrooms

Concern Statement: A suggestion was provided that the NPS should construct restrooms at Granite Pass rather than provide the proposed pads for future restrooms.

NPS Response: Thank you for your comment. The NPS will take this suggestion under advisement during future management decisions. However, the NPS plans to install restroom facilities in the future as additional funding becomes available.

Issues: Road Closures

Access and Communication During Closures

Concern Statement: A suggestion was provided to phase the construction closures in sections so that visitors can still access parts of the project area. An additional suggestion included communicating road closures to the Adventure Cycling Association, federal websites and social media; Caltrans; the County of San Bernardino; and related user groups that use the road network. Additionally, a request was made for the Preserve to facilitate access to the Sweeney-Granite Mountain Natural Reserve during construction.

NPS Response: Thank you for your comment. The NPS will continue to provide updates on the Preserve website and other approved communication channels throughout the construction process, including information about any roadway closures. The NPS will also maintain access to inholdings and provide access for emergency services, as needed, during construction.

Issues: Threatened, Endangered, or Sensitive Species

Desert Tortoise

Concern Statement: Additional suggestions and clarifications were provided regarding the analysis and discussion of desert tortoises in the EA. It was noted that Morafka's desert tortoise (*G. morafkai*) and the thornscrub tortoise (*G. evgoodei*) also occur in the habitat range described for the desert tortoise in the EA. The NPS was asked to explain how the pavement removal on Morning Star Mine Road, described under "Trends and Planned Actions" in the EA, would reduce road mortality for desert tortoises. It was noted that construction-related impacts from vehicle use would result in mortality or injury to tortoises and would result in long-term, adverse impacts, rather than short-term, adverse impacts. Additionally, it was noted that because of the time it takes for tortoises to reach sexual maturity, it would take 15 to 20 years to replace one tortoise removed from the population, which would be a long-term impact. The NPS was asked to revise the conclusions related to the duration of impacts from desert tortoise mortality to "long term" in the EA.

Additionally, the NPS was asked to describe and analyze in the EA the impacts of the potential use of the pullout areas to illegally collect tortoises. It was noted that the pullout areas would provide additional opportunities for visitors to stop and collect desert tortoises. The NPS was encouraged to emphasize a

“hands off” policy for plants and wildlife (including tortoises) in its education and outreach to Preserve visitors.

NPS Response: Thank you for your comment. Morafka’s desert tortoise (*G. morafkai*) and the thornscrub tortoise (*G. evgoodei*) are not discussed in the EA because the species are not known to be present within the Preserve.

As mentioned in the EA, the pavement pulverization on Morning Star Mine Road, a reasonably foreseeable action, will provide long-term benefits to biological resources from the reduction of vehicle speeds, which will decrease tortoise-vehicle collisions. In addition, traffic will be directed onto Cima Road, which will also decrease tortoise-vehicle collisions because it currently includes tortoise fencing.

As described in the EA, construction is expected to result in short-term, adverse impacts to desert tortoises, which will be addressed with the mitigation measures discussed in appendix B. These measures include limiting project-related vehicles and equipment to designated roads and areas identified as being permanently or temporarily affected by construction within the proposed project area; limiting motor vehicle speeds along project routes within desert tortoise habitat to less than 45 miles per hour; and requiring that groups of three or more large trucks be guided by a biological monitor pilot vehicle. Additionally, the NPS will require all personnel involved in activities to inspect the ground under vehicles any time a vehicle or piece of construction equipment is parked in desert tortoise habitat (outside the areas with exclusion fencing). Furthermore, initial desert tortoise surveys indicated low tortoise occupancy along the Kelso-Cima Road corridor, with NPS biologists observing two potential tortoise burrows of recent activity. As noted in the EA, the low number of observations is likely due to long-term, persistent vehicle strikes, which this project seeks to minimize by installing exclusionary fencing, recessed vertical barriers, and wildlife crossing structures. The benefits of adding these protections for desert tortoises and implementing the mitigation measures are discussed in appendix B of the EA.

The NPS will continue to emphasize responsible practices to the public regarding plants and wildlife in the Preserve, including desert tortoises. The NPS will also continue to provide interpretive information and educational materials on the Preserve website, at the Kelso Depot Visitor Center, and through other approved communication channels. While the pullout areas will enhance safety and provide additional opportunities for visitors to enjoy the scenic vistas and take photographs, they are not expected to increase opportunities for illegal tortoise collection. As discussed in the EA, areas adjacent to the roadway do not provide high-quality habitat for wildlife because these areas were previously disturbed, sparsely vegetated, and are exposed to noise and visual disturbances from vehicle traffic. In addition, exclusion fencing will be installed along the roadway in the project area to prevent desert tortoises from accessing the roadway, which will help deter illegal tortoise collection.

Gilded Flicker

Concern Statement: The NPS was asked to update the EA to indicate that the loss of perennial desert vegetation as a result of the proposed action would result in long-term impacts to the gilded flicker, rather than short-term impacts, as currently described in the EA.

NPS Response: Thank you for your comment. The NPS is preparing a revegetation plan for this project to mitigate and minimize impacts on desert vegetation during and following construction. In addition, the construction will occur primarily within the existing road prism. The NPS will salvage and replant certain individual plants, including perennial desert vegetation, and revegetate using native plants, which will minimize the impact of loss of foraging habitat for the gilded flicker. This replanting and revegetation effort will restore foraging habitat lost as a result of construction, meaning that adverse impacts to the gilded flicker are expected to be short term.

Monarch Butterfly

Concern Statement: The NPS was asked to update the EA to indicate that the USFWS published a proposed rule in the *Federal Register* to list the Monarch butterfly as threatened with critical habitat on December 12, 2024. Additionally, the use of the term “brood rearing” as a behavior associated with Monarch butterflies was questioned. It was noted the EA does not mention whether the NPS has completed consultation with the USFWS for the Monarch butterfly as a proposed threatened species and a request was made to add the consultation information to the EA.

NPS Response: Thank you for your comment. Following the release of the EA, the NPS completed consultation efforts with the USFWS as required by section 7 of the Endangered Species Act for the proposed action. The USFWS reviewed the project design plans and the corresponding documentation prepared by the NPS for consultation purposes. While the NPS is not required to consult with the USFWS regarding proposed species, the NPS prepared documentation for USFWS review in March 2025, which included discussions regarding the presence of the Monarch butterfly. The Errata updates the EA to reflect that the Monarch butterfly is proposed for federal listing as a threatened species. In addition, headings for the Monarch butterfly have been updated to “Proposed Federally Listed Species – Monarch Butterfly.”

As noted in the EA, although Monarch butterflies are documented in the Preserve for breeding and foraging, they are not commonly found. In addition, milkweed is limited in the project area. To mitigate any adverse impacts to the Monarch butterfly, the NPS will survey milkweed plants in the project area for the presence of larvae or pupae and will wait for any adult Monarchs to leave prior to construction. Additional mitigation measures will include collecting seeds for replanting prior to road construction work.

The term “brood rearing” has been updated to “breeding” in the Errata.

Issues: Wildlife

Night Work Impacts

Concern Statement: Additional clarification was requested regarding whether the NPS would complete night work during construction, noting that work lights could have impacts on nesting birds and bats.

NPS Response: Thank you for your comment. The NPS will not complete night work or implement the use of artificial lights during construction for this project.

Issues: Vegetation

Vegetation Impacts

Concern Statement: The NPS was asked to note how it would comply with the spirit and intent of the State of California’s Western Joshua Tree Conservation Act and how the NPS would avoid and minimize impacts to the western Joshua tree. In addition, it was requested that the EA include more information on the regulatory status of the Joshua tree, along with measures that fully mitigate direct and indirect impacts to the species. Furthermore, a request was expressed for the NPS to update the EA noting that these impacts to vegetation would likely be long term, rather than short term.

NPS Response: Thank you for your comment. The State of California’s Western Joshua Tree Conservation Act does not apply to this project because the Joshua trees found in the project area are eastern Joshua trees. The eastern Joshua tree (*Yucca jaegeriana*) is not currently listed under the Endangered Species Act. The NPS prepared a revegetation plan for this project to mitigate and minimize

impacts to desert vegetation, including Joshua trees, during construction. As noted in the EA, approximately 89 Joshua trees will be salvaged from cleared areas and transplanted. In addition, revegetation work will use soil conserved along the corridor and will attempt to reconstruct the natural spacing, abundance, and diversity of native plant species, including Joshua trees.

As mentioned in the EA, although there will be short-term, adverse impacts on vegetation during the process of relocation or revegetation, this process is meant to ultimately mitigate impacts and allow for areas disturbed during construction to be revegetated through seeding; replanting with native, nursery-grown plants; and replanting plants salvaged prior to construction. Additional mitigation measures will include collecting seeds and salvaging cacti, Joshua trees, Mojave yucca, and banana yucca plants prior to road construction work. Due to this mitigation and restoration work, impacts to vegetation will remain short term rather than long term.

Issue: Safety

Safety Suggestions

Concern Statement: General support was expressed for upgrading the roads to improve safety. The NPS was asked to add speedhumps to the project corridor to slow down traffic and improve safety and to add call boxes to the project corridor so that visitors would have an additional communication method in case of an emergency.

NPS Response: Thank you for your comment. In accordance with roadway design standards, speedhumps would not be appropriate given the posted speed limits throughout the project corridor. However, the project will include many features aimed at enhancing public safety, including lowering speed limits; improving the roadway surface; and adding mumble strips, radar speed feedback signs, roadway pullouts, and paved shoulders.

The project area does not have the appropriate utility infrastructure needed to install call boxes. However, the NPS will take this suggestion under advisement for future management decisions.

Issues: Geologic Resources

Impacts of Crossing Structures

Concern Statement: The NPS was asked to revise the EA to include an analysis of how the design and maintenance of culverts/tortoise crossing structures would impact geologic features and soils.

NPS Response: Thank you for your comment. Wildlife crossing structures will be situated north or south of existing low-water crossings outside the flow channel, with minimal adverse impacts on soils and geologic features. Information has been added to the Errata to reflect this clarification.

Roadway Pullout Impacts

Concern Statement: The NPS was asked to consider impacts to the desert floor from people exiting their vehicles at the roadway pullouts and walking around.

NPS Response: Thank you for your comment. As discussed in the EA, there will be long-term, adverse impacts to surficial soils and geological features related to the construction of the pullouts along the roadway corridor. However, drivers who currently need to pull off of the roadway must do so directly on the desert floor. With the addition of the roadway pullouts after construction, visitors will have a designated area for pulling off the roadway, which is anticipated to minimize long-term impacts to the desert floor, compared to existing conditions.

Consultation and Coordination

Encroachment Permit

Concern Statement: The NPS was advised that an encroachment permit would be required for any permanent work or temporary traffic control that encroaches onto the state's right-of-way.

NPS Response: Thank you for your comment. The NPS and FHWA will prepare a traffic management plan prior to construction. If any permanent work or temporary traffic control measures are required in the state's right-of-way, the NPS will obtain any necessary permits prior to construction.

Desert Tortoise Council

Concern Statement: The Desert Tortoise Council offered assistance in the design, implementation, monitoring, or maintenance of tortoise exclusion fencing and tortoise and wildlife crossing structures. The Council noted its grant program may help fund research and studies that contribute to desert tortoise conservation. The Desert Tortoise Council requested that the NPS provide it with future environmental documentation for the project for review.

NPS Response: Thank you for your comment. The NPS is open to further discussions with the Desert Tortoise Council. Environmental documentation will continue to be posted on the NPS's PEPC website at: https://parkplanning.nps.gov/MOJA_KelsoCima.

Public Involvement

Public Communication

Concern Statement: The NPS was asked to provide regular updates throughout the project to maintain trust and transparency with the public.

It was also advised to use portable changeable message signs to communicate the upcoming work to stakeholders, noting that using the signs in the state right-of-way would require an encroachment permit.

NPS Response: Thank you for your comment. The NPS will continue to provide updates throughout the construction process on the Preserve website and other approved communication channels. If portable changeable message signs are required and used in the state's right-of-way, the NPS will obtain the necessary permits prior to construction.

ATTACHMENT B: ERRATA INDICATING TEXT CHANGES TO EA

INTRODUCTION

This errata contains corrections, minor revisions, and/or explanations to the environmental assessment (EA) for the Kelso-Cima Road and South Kelbaker Road Rehabilitation project. The revised changes or new language to the EA are underlined below, and the text that has been removed are shown in ~~strikeout~~.

The edits and corrections in this errata do not result in any substantial modification being incorporated into the selected alternative, and it has been determined that the revisions do not require additional environmental analysis. The chapter reference, section reference, and page number are included below to indicate where changes to the original EA have been made.

Chapter 2: Alternatives

Roadway Improvements (page 8)

~~The NPS, in coordination with UPRR,~~ The UPRR, in coordination with the NPS, would also decommission and remove the approximately 60-foot guyed wire communications tower located at Cima Junction and install a new self-supporting tower in its place; the new tower would not exceed 65 feet.

Roadway Improvements (page 9)

~~Desert tortoise exclusion fencing, following US Fish and Wildlife Service (USFWS) specifications, would be installed along the roadway in the project area to prevent desert tortoises from accessing the roadway and exposure to potential road mortality.~~ Wildlife exclusion fencing, designed primarily for desert tortoises following US Fish and Wildlife Service (USFWS) specifications, would be installed along the roadway in high-quality desert tortoise habitat to prevent desert tortoises from accessing the roadway and minimizing exposure to potential road mortality.

~~As part of this alternative, and where U-shaped fencing termini would not be feasible, the NPS could also install several tortoise crossings structures along the length of the project corridor, where existing low-water crossings are located.~~ The NPS would install wildlife crossings structures where existing low-water crossings are located along the length of the project corridor. The wildlife crossing structures would feature approximately 2-foot-diameter concrete structures under the roadways and would tie into the exclusion fencing. The crossing structures, designed in collaboration with USFWS, would be placed on either side of the low-water crossing to reduce the likelihood of clogging and to facilitate clearing after storm events, as well as to more effectively facilitate wildlife passage under the roadway.

Visitor Use Improvements (page 10)

~~(Error! Reference source not found.)~~ (Figure 5).

Chapter 3: Affected Environment and Environmental Consequences

Biological Resources, Threatened and Endangered Species (page 17)

The project area contains confirmed populations, and/or potentially viable habitat, for one federally endangered, one federally threatened, one ~~candidate~~ proposed federally threatened species, one state (California) endangered species, and one state threatened species.

The monarch butterfly is proposed a candidate for federal listing as a threatened species.

Biological Resources, Threatened and Endangered Species (page 20)

~~Federally Listed Species – Monarch Butterfly~~ Proposed Federally Listed Species – Monarch Butterfly

Monarch butterflies have been documented breeding, ~~brood rearing~~, and foraging in the Preserve, though they are considered uncommon. Desert milkweed (*Asclepias erosa*), a primary plant required for ~~brood rearing~~ breeding, occurs along most Preserve roads.

Biological Resources, Terrestrial Wildlife (page 23)

Wildlife would experience impacts such as disturbance, displacement, and behavior modification from the increased likelihood of human encounters during the construction period, as well as from the habitat modification that would result from the proposed project. The addition of recessed vertical concrete barriers along western portions of Kelso-Cima Road would also result in adverse impacts to existing habitat due to excavation, but would provide long-term, beneficial impacts by allowing wildlife to cross the roadway without obstruction from the ~~tortoise~~ wildlife exclusion fencing.

Biological Resources, Threatened and Endangered Species (page 24)

Tortoises near roads experienced higher temperatures, likely due to the heat generated by the asphalt, which could affect their thermoregulation and overall health. Mitigation measures, such as the implementation of ~~tortoise~~ wildlife crossing structures, exclusionary fencing, and recessed vertical barriers could offset long-term impacts, as well as provide long-term, beneficial impacts to the critical habitat by improving connectivity and reducing mortality.

Biological Resources, Threatened and Endangered Species (page 25)

Project design features such as exclusionary fencing, recessed vertical barriers, and ~~tortoise-wildlife~~ crossing structures would result in long-term, beneficial impacts for the desert tortoise as well as their critical habitat. The exclusionary fencing would prevent tortoises from entering roads while the crossing structures would reduce habitat fragmentation and provide safe passage across roadways, allowing tortoises to move between different parts of their habitat without exposure to traffic; this would help maintain overall population health and provide greater access to resources. Additionally, these design features would result in long-term, beneficial impacts for the desert tortoise by reducing the amount of roadkill along the project corridor. Because increased roadkill could inadvertently increase the presence of predators of the tortoise, such as ravens and coyotes, the addition of these design features would inadvertently reduce tortoise predation.

Geologic Features and Soils, Soils and Subsurface Materials (page 29)

Areas that could experience long-term, adverse soil and subsurface materials impacts include the proposed roadway realignments, pullouts, parking area, welcome area, low-water crossing structures, recessed vertical barriers, and ~~tortoise~~ wildlife exclusion fencing, which would require prescribed excavations into natural materials.

Geologic Features and Soils, Soils and Subsurface Materials (page 30)

Short-term, adverse impacts would include subsurface excavation of bedrock, wheel tracking, and minor grading disturbance of the bedrock and surficial soils during construction. Additionally, because the crossing structures would be placed on either side of the low-water crossing, which is located outside the flow channel, the adverse impacts on geologic features and soils would be short term and minimal.

Whereas long-term, adverse impacts to surficial soils and geologic features would be the result of construction-related activities, including the proposed roadway realignment, pullouts, parking area at Granite Pass, communications tower at Cima Junction, low-water crossing structures, recessed vertical barriers, ~~tortoise~~ wildlife exclusion fencing, and other proposed permanent features.

Geologic Features and Soils, Reasonably Foreseeable Impacts (page 31)

Long-term, adverse impacts to soils and bedrock mass would occur from the excavation and grading of soils and bedrock from the addition of permanent structures such as new roadway beds, pullouts, the Granite Pass parking area, communications tower at Cima Junction, low-water crossing structures, safety road signs, recessed vertical barriers, crossing structures, and tortoise wildlife exclusion fencing.

Cultural Resources, Historic Structures and Cultural Landscapes (page 35)

Furthermore, no tortoise wildlife exclusion fencing would be installed around Kelso Depot to avoid the introduction of new structures and to minimize visual impacts to the landscape.

Specific work proposed under alternative 2 would include the installation of tortoise wildlife exclusion fencing along both sides of South Kelbaker Road, approximately 7 to 14 feet from the proposed roadway edge.

Visitor Use and Experience, Environmental Consequences (page 41)

No tortoise wildlife exclusion fencing would be installed, meaning that vehicle strikes on desert tortoises and other wildlife would continue at their existing rate.

No tortoise-wildlife exclusion fencing would be installed, and vehicle strikes on desert tortoises and other wildlife would continue, negatively impacting visitor safety.

Visitor Use and Experience, Environmental Consequences (page 42)

Installation of desert tortoise wildlife exclusion fencing and recessed vertical barriers would reduce the presence of wildlife on the roadways, leading to fewer collisions between motorists and animals, resulting in long-term, beneficial impacts to visitor safety.

Appendix B: Resource Protection Measures and Best Management Practices

Biological Resources (page B-2)

~~Install features along Kelso-Cima Road and South Kelbaker Road to prevent desert tortoise mortality from vehicle strikes and promote habitat connectivity. Features would include tortoise exclusion fencing along the roadway and tortoise crossing structures for the length of the project corridor, approximately every kilometer and/or where existing low-water crossings are located. In total, install approximately 60 to 100 tortoise crossing structures. In addition, place tortoise guards at each secondary road access point to allow uninhibited vehicle traffic and prevent tortoise from accessing the primary roadway.~~

The NPS will survey milkweed plants in the project area for the presence of larvae or pupae and will wait for any adult Monarchs to leave prior to construction.

Cultural Resources (page B-4)

The NPS and FHWA will coordinate Tribal monitoring in areas of medium and high sensitivity during ground-disturbing activities with the Chemehuevi Indian Tribe.

ATTACHMENT C: DETERMINATION OF NON-IMPAIRMENT

INTRODUCTION

This non-impairment determination has been prepared for the selected alternative, as described in the Finding of No Significant Impact for the *Kelso-Cima Road and South Kelbaker Road Rehabilitation* environmental assessment (EA).

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the US Department of the Interior and the NPS to manage units “to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (54 United States Code 100101).

NPS *Management Policies 2006*, section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

An action constitutes impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values” (NPS 2006, section 1.4.5). To determine impairment, the NPS must evaluate the “particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the reasonably foreseeable impacts in question and other impacts.”

An impact on any park resources or values may constitute an impairment, but an impact is more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance (NPS 2006, section 1.4.5).

The significance and importance of each resource analyzed have been informed by the Mojave National Preserve’s (Preserve) enabling legislation and its foundation document (NPS 2013) as discussed in the following sections. As a basis for evaluating the potential for impairment or unacceptable impacts on the Preserve’s resources, the NPS relied on the *Kelso-Cima Road and South Kelbaker Road Rehabilitation* EA. Chapter 3 (“Affected Environment and Environmental Consequences”) of the EA analyzes direct, indirect, and reasonable foreseeable impacts on biological resources (i.e., wildlife and threatened and endangered species), geological resources (i.e., geologic features and soils), cultural resources, visitor use and experience, and water resources.

The purpose of the Preserve, along with park significance statements and a description of the park's fundamental resources and values (FRVs), are described in the *Foundation Document for Mojave National Preserve*. The park's purpose statement is:

Mojave National Preserve protects a diverse mosaic of desert ecological communities and functions, and evidence of a 10,000-year history of human connection with the desert. By offering extensive opportunities to experience a wide variety of desert landscapes, the preserve promotes understanding and appreciation for the increasingly threatened resources of the Mojave Desert and encourages a sense of discovery and connection to wild places. (NPS 2013).

A non-impairment determination is not necessary for visitor use and experience because these impact topics are not generally considered a park resource or value subject to the non-impairment standard (see NPS 2006, section 1.4.6). Impacts on other resources that would be subject to a non-impairment determination, including air quality, visual resources, and wilderness, are so minor that they were not carried forward for analysis in the EA and will not result in impairment (see appendix A of the EA for the rationale of dismissal for each environmental issue). The impacts to these resources are small and insignificant, and these resources will remain available for the enjoyment of current and future generations. Therefore, the resources will not be impaired by implementation of the selected alternative. While a written determination is not required for a determination of unacceptable impacts, NPS *Management Policies* 2006, section 1.4.7.1 was considered, and the selected alternative will not result in unacceptable impacts to park resources.

NON-IMPAIRMENT EVALUATION BY RESOURCE

Biological Resources

The protection of a "Full range of biological diversity of native species representative of the eastern Mojave Desert," and "Desert scenery" are identified as elements of the FRV in the foundation document, emphasizing the preservation of ecoregions in the Preserve (NPS 2013). Demolition and construction under the selected alternative will have short-term, adverse impacts on vegetation related to vegetation removal and relocation and soil disturbance. However, resource protection measures, as outlined in appendix B of the EA, including preparing a revegetation plan, properly cleaning the construction equipment, and using salvaged soils for cleared site restoration, will mitigate these impacts.

Additionally, demolition and construction activities under the selected alternative will have temporary and short-term, adverse impacts on terrestrial wildlife as well as on the desert tortoise and its designated critical habitat, as a result of habitat loss/disturbance, noise, and visual disturbances. Although the presence of construction equipment and crews necessary for the roadway improvements will temporarily disturb wildlife and the desert tortoise, these impacts will not be noticeable over the long term because most of the project area has been previously disturbed, and noise levels will return to baseline conditions after construction is completed. To mitigate impacts from habitat loss, the NPS will provide habitat restoration in disturbed areas outside the roadway, including alleviating soil compaction; revegetating with native seed, native, nursery-grown plants and plants salvaged prior to construction; and adding rocks and woody debris to a disturbed area.

Although a considerable amount of habitat will be permanently lost, this habitat consists mainly of long, narrow strips of previously disturbed land along either side of the roadway that does not offer high-quality habitat for the desert tortoise. However, resource protection measures, as outlined in appendix B of the EA, such as the implementation of wildlife crossing structures, exclusionary fencing, and recessed vertical barriers will offset long-term impacts, as well as provide long-term, beneficial impacts to the critical habitat by improving connectivity and reducing mortality. Due to the impacts associated with the selected alternative, the NPS conducted consultation with the US Fish and Wildlife Service (USFWS) under section 7 of the Endangered Species Act. The NPS determined the selected alternative will fall

under the programmatic biological opinion for the Preserve. By letter dated March 27, 2025, the USFWS concurred with the NPS determination, noting the selected alternative is not likely to jeopardize the continued existence of the desert tortoise. This concurrence concluded the consultation process.

Therefore, implementation of the selected alternative will not result in impairment of vegetation, terrestrial wildlife, or threatened and endangered species.

Geological Resources

The protection of “Exposed geologic features and landforms” is identified as an element of the FRV in the foundation document (NPS 2013). Demolition and roadway construction under the selected alternative will have short- and long-term, adverse impacts on the surficial soils, geologic features, and subsurface materials. The short-term impacts will occur from the preconstruction and construction activities; however, the long-term impacts will occur as a result of the proposed roadway realignment, pullouts, parking area at Granite Pass, communications tower at Cima Junction, low-water crossing structures, recessed vertical barriers, wildlife exclusion fencing, and other proposed permanent features.

Impacts will be mitigated by minimizing soil disturbance; implementing erosion control measures; and siting staging and storage areas for construction vehicles, equipment, materials, and soils in previously disturbed or paved areas, as outlined in appendix B of the EA. Impacts to soils, geology, and subsurface materials will not create any perceptible changes in these resources, and their functioning will remain unchanged over the long term. Therefore, implementation of the selected alternative will not result in impairment of geological resources.

Cultural Resources

The protection of “Exemplary relics, sites, stories, and other resources” are identified as elements of the FRV in the foundation document (NPS 2013). Implementation of the selected alternative will not constitute a long-term, adverse effect to known historic or archeological resources, including the Kelso Historic District and Kelso Depot, Vulcan Mine Historic District, Rock Springs Land and Cattle Company Historic District, and the Union Pacific Railroad because demolition and construction-related activities will be mostly limited to the existing roadway prism and previously disturbed areas. In areas where the proposed improvements will alter the contributing resources, it will not be in a way that will compromise the resource’s eligibility for the National Register of Historic Places. Therefore, the proposed improvements under the selected alternative will not diminish the integrity of design, association, or location of these resources. As discussed in appendix B of the EA, any inadvertent impacts will be mitigated by adhering to the resource protection measures, including designating areas as high-sensitivity areas during constructions and providing additional monitoring.

Implementation of the selected alternative will not constitute an adverse effect to the Southern California Edison Lugo-Mohave Transmission Line, Old Mojave Trail, or the former corral area. During pedestrian surveys and site inventory, no elements associated with the Southern California Edison Lugo-Mohave Transmission Line were observed within the area of potential effects (APE), no evidence of the historic trail was observed within the APE, the selected alternative will not require removal or alteration of any of the extant corral structures, and ground disturbance will be limited at the former corral area. At the Cima Railroad Hamlet, the selected alternative will require moving the intersection toward the railroad wye and relocating the existing at-grade crossing of the wye. However, this change will not alter the alignment or function of the wye and its relation to other parts of the site. Additionally, any inadvertent impacts will be mitigated by adhering to the resource protection measures listed in appendix B of the EA, including designating areas as high-sensitivity areas during constructions and providing additional monitoring.

The NPS conducted consultation with the California State Historic Preservation Office (SHPO) under section 106 of the National Historic Preservation Act. On May 13, 2025, the California SHPO concurred with the finding of no adverse effects and the recommendations of the Assessment of Effect documentation prepared by the NPS. Furthermore, the NPS is working with the Federal Highway

Administration to finalize the design plans to effectively avoid or minimize impacts to the known cultural resources in the project area. An archeological monitor and a Tribal monitor will also be present on-site in areas of medium- and high-cultural sensitivity during any ground-disturbing activities if any inadvertent discoveries are found during construction. Therefore, implementation of the selected alternative will not result in impairment of cultural resources on NPS lands.

Water Resources

The protection of water resources, as it relates to maintaining a “Full range of biological diversity of native species representative of the eastern Mojave Desert,” is identified as an element of the FRV in the foundation document (NPS 2013). The selected alternative will have short-term, adverse impacts on floodplains during construction as a result of surface disturbance and vegetation removal, as well as temporary impacts on surface waters and groundwater due to surface disturbances and vegetation removal.

However, resource protection measures (see appendix B of the EA) such as revegetating disturbed areas with native plant species that reflect surrounding native vegetation; complying with all relevant Clean Water Act requirements, including management of stormwater-related nonpoint source pollutants including sediment; implementing best management practices for drainage and sediment control; limiting construction or vegetation clearing activities to the greatest extent possible; and avoiding, as practicable, any construction work within water resources during periods of potential surface flow, will avoid or minimize negative impacts, which will support the Preserve’s FRV in protecting water resources. Therefore, implementation of the selected alternative will not result in impairment of water resources.

Summary

The NPS has determined that the implementation of the selected alternative will not constitute impairment of the resources of the Preserve. This conclusion is based on consideration of the Preserve’s purpose, significance, FRVs, and a thorough analysis of the environmental impact described in the EA; comments provided by the public and other stakeholders; and the professional judgment of the decision-maker guided by the direction in NPS *Management Policies 2006*.

As documented in the EA, the selected alternative was found to have no long-term impacts on other resources such as air quality, visual resources or wilderness. See appendix A of the EA for more information. The impacts to these resources are small and insignificant, and the resources will remain available to be enjoyed by current and future generations. Therefore, those resources will not be impaired by implementation of the selected alternative.

REFERENCES

Barber J. R., K. R. Crooks, and K. M. Fristrup

- 2009 The costs of chronic noise exposure for terrestrial organisms. *Trends in Ecology and Evolution* 25: 180–189.

National Park Service (NPS)

- 2006 NPS Management Policies 2006. Washington, DC: US Department of the Interior, National Park Service.
- 2013 Foundation Document Overview. Mojave National Preserve, California. US Department of the Interior, National Park Service. <https://www.npshistory.com/publications/foundation-documents/moja-fd-2013.pdf>

Pater L. L., T. G. Grubb, and D. K. Delaney

2009 Recommendations for improved assessment of noise impacts on wildlife. *Journal of Wildlife Management* 73: 788–795.

University of Minnesota

2018 “Soil compaction: causes, effects and control.” Accessed December 5, 2024.
<https://conservancy.umn.edu/items/55a395c1-5e7f-43ed-b349-040f4165cd6b>