



FINDING OF NO SIGNIFICANT IMPACT

SCOTTY'S CASTLE WATERLINE REPLACEMENT SCOTTY'S CASTLE COMPLEX DEATH VALLEY NATIONAL PARK, CALIFORNIA and NEVADA July 2011

The National Park Service (NPS) proposes to replace the existing waterline at the Death Valley Scotty Historic District, Death Valley National Park, California.

This action is needed because the existing waterline is original to Scotty's Castle, in poor condition and continuing to deteriorate. Several short sections of the waterline have been replaced over past years due to breakage. The NPS needs to continue providing water to Scotty's Castle for visitors, residents, and fire suppression; therefore, it is proposed that the entire waterline be replaced to avoid a major break that may temporarily shut off water to the site.

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

SELECTED ALTERNATIVE

The NPS has selected Alternative Two: Trenching to be implemented. No changes were made to this alternative based on public comments. The selected alternative consists of the entire waterline that serves the Castle along the Spring Access Road by trenching and replacing the pipe in-kind.

As described below, the approved project will replace the approximately 5,330 foot long water main from the storage tanks to the Death Valley Scotty Historic District with a new 8-inch waterline to protect employees, visitors, and Park resources. The project would follow an existing, sporadically used two-track maintenance road, hereafter referred to as the Spring Access Road, along the pipeline with a trench approximately three feet deep and two feet wide. The original pipeline would be removed and replaced in-kind. The new pipe would connect both storage tanks where their out-flow lines join together and at Scotty's Castle near the Stables. The newly laid pipe would be reburied.

This alternative will require the use of excavators and machines capable of removing vegetation along the entire waterline corridor; excavating a trench wide enough to ensure the pipe is laid safely; and removing the old pipe. It is expected that this corridor will be approximately 25-30 feet wide along the entire waterline and will require removal of most or all vegetation along the corridor. There will be a maximum of approximately 115,356 square feet of surface disturbance related to vegetation removal and trenching activities.

OTHER ALTERNATIVES CONSIDERED

The environmental assessment prepared for this project also analyzed two other alternatives: Alternative One: No Action and Alternative Three: Pipe-Bursting. The No Action Alternative would be the continuation of existing conditions of the waterline at Scotty's Castle. Should the No-Action Alternative have been selected, the National Park Service would continue to respond to future needs and conditions associated with the waterline at Scotty's Castle in the Park without major actions or changes in the present course. The existing waterline may fail at sometime in the future. If the line were to fail water would not be available for staff, residents and visitors or for fire suppression. Short-term, minor repair or improvement activities considered part of routine maintenance for functional operation of the waterline would have continued under this alternative.

Alternative Three proposed to replace the waterline using the pipe-bursting method. The original waterline would be burst, left in place, and new piping inserted into the void. Large trenches would be excavated approximately four feet deep and twenty feet wide. Minimally, these trenches would occur every 200 feet, at every elbow joint, and wherever power max couplers or valves are found. Two power max couplers are installed every 600 feet along the existing pipeline.

The new pipe would connect both storage tanks where their out-flow lines join together and at Scotty's Castle near the Stables. Wherever trenches were excavated, the new pipe would be buried. This alternative could require a more limited use of trenching than Alternative Two. However, the power max coupler positions were not located using GIS technology. It is possible, given unknown locations of the couplers, that trenching would be necessary considerably more often than every 200 feet.

Vegetation removal would occur along the entire waterline corridor in patches, at trench locations and locations necessary to maneuver equipment. If trenches are only required every 200 feet the surface disturbance would be approximately 2,240 square feet. The 2,240 square feet would not include disturbance necessary to move equipment in place to lay the pipe (i.e. vegetation removal, surface disruption from the equipment's blade, tires, or tracks). If power max couplers were found frequently along the existing lines or other barriers are located it is possible that the disturbance corridor would be 25-30 feet wide over the entire waterline with a maximum amount of surface disturbance of 115,356 square feet.

ALTERNATIVES CONSIDERED BUT DISMISSED

The first alternative dismissed was that of using an alternate source for potable water by drilling a well. This option is economically unfeasible and would not be consistent with the cultural landscape. It would require additional resources to construct and maintain the

proposed well and pipeline infrastructure, removal of the current system's spring box, and would still require removal and replacement of the existing pipeline.

The second alternative dismissed was that of replacing the pipeline in-kind above ground. This option was dismissed because it would be inconsistent with the cultural landscape.

The third alternative considered and dismissed was that of placing a new, larger holding tank upslope from the current tanks. This tank would be situated at an appropriate location so that water could reach pressures necessary for fire suppression. This alternative was dismissed because it is outside of the scope of the purpose and need and is not appropriate for the cultural landscape.

The fourth alternative dismissed was routing the pipeline underneath Bonnie Clare Road. The waterline would have to be routed under an active spring-brook in addition to the road. This action would result in a disturbance of approximately 1,600 cubic yards material directly in the spring-brook and a loss of 25,800 square feet of surface vegetation along the proposed route. This route would also disturb 0.68 miles of the Bonnie Clare Road. Maintenance of this line would involve excavating and repairing the road. This alternative would potentially disturb Indian Camp, a historically significant site, which is currently being added to the Death Valley Scotty Historic District. Due to elevation changes and curves in the road, the proposed route may reduce the flow (pressure) and possibly require an in-line pump. This alternative was dismissed because it would adversely impact hydrologic functioning of the Grapevine Springs complex, result in habitat loss for endemic macro-invertebrates in this spring complex, and cause maintenance of the waterline to more difficult and costly.

The fifth alternative discussed was combining Alternative Two: Trenching and routing the pipeline underneath Bonnie Clare Road until it reached the area where the Spring Access Road was at its closest; then the pipeline would be routed under the Spring Access Road where it is currently located. This option was dismissed as it would result in new areas of disturbance and would increase maintenance costs.

The sixth alternative discussed was not having potable water at Scotty's Castle. This option would create health and safety hazards for staff, residents and visitors. Fire suppression could not occur in a timely manner which would be inconsistent with the *General Management Plan*. Visitors, staff, and residents would have to transport water for consumption and personal hygiene. This alternative was dismissed because it would not be compatible with the *General Management Plan* as it would threaten personal health and safety.

RATIONALE FOR SELECTED ALTERNATIVE

Alternative Two: Trenching is the selected alternative because the cost is considerably lower and the resource impacts were generally the same as under Alternative Three: Pipe-Bursting. Alternative Three may have reduced impacts, but there was potential for the disturbance to be the same as under Alternative Two and therefore the resource benefits do not warrant the increased costs.

Under the No Action Alternative there would be a risk of major failure of the waterline that could result in no water being available at the Castle for visitors, residents, staff or fire

suppression. In the event of a fire the Castle may be left indefensible, an impact that the Park determined is unacceptable.

Environmentally Preferred Alternative

In accordance with Director's Order 12, the National Park Service is required to identify the "environmentally preferred alternative" in all environmental documents, including environmental assessments. The environmentally preferred alternative is determined by applying the criteria suggested in NEPA, which is guided by the Council on Environmental Quality. The Council on Environmental Quality provides direction that "[t]he environmentally preferred alternative is the alternative that would promote the national environmental policy as expressed in section 101 of NEPA, which considers:

- fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations
- assuring for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings
- attaining the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences
- preserving important historic, cultural, and natural aspects of our national heritage and maintaining, wherever possible, an environment that supports diversity and variety of individual choice
- achieving a balance between population and resource use that would permit high standards of living and a wide sharing of life's amenities
- enhancing the quality of renewable resources and approaching the maximum attainable recycling of depletable resources" (NEPA, section 101)"

The environmentally preferred alternative for this project is the No-Action Alternative. This alternative would protect, preserve, and enhance historic, cultural, and natural resources. Under this alternative there would be damage to natural and cultural resources over time as routine maintenance occurs and breaks in the waterline are repaired. Vegetation and habitat loss may occur and archaeological sites may be disturbed. However, damage to resources would occur intermittently and in small patches allowing for time for natural resources to recover. Cultural resources would not be damaged or removed in the short-term; however, a major break in the waterline may result in the inability to suppress a fire at Scotty's Castle.

MITIGATION MEASURES

Mitigation measures are common to both action alternatives and have been developed to lessen any adverse effects that may occur as a result of Alternative Two and Alternative Three.

General Measures	Responsible Party
Ensure that the project remains confined within the parameters established in the compliance documents and that mitigation measures are properly implemented.	Park Facility Management Division
Ensures that the work area boundaries are conspicuously	Park Facility Management

staked, flagged, or marked to minimize surface disturbance to the surrounding habitat. Machinery storage and vehicle parking will only be permitted in designated areas (i.e. existing roadways, parking lots, or access routes).	Division
All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the work area boundaries. This does not exclude necessary temporary structures such as erosion control fencing.	Park Facility Management Division
All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed from the project work limits upon project completion. Any asphalt surfaces damaged due to work on the project will be repaired to original condition. Construction debris will be immediately hauled off from the Park or placed in a roll-off container and then taken to an appropriate disposal location.	Park Facility Management Division
All construction equipment (i.e., mufflers) will be required to be properly maintained to minimize noise from use of the equipment. All equipment on the project will be maintained in a clean and well-functioning state to avoid or minimize contamination from automotive fluids. All equipment will be checked daily.	Park Facility Management Division
A hazardous spill plan will be in place, stating what actions will be taken in the case of a spill, notification measures, and preventive measures to be implemented, such as the placement of refueling facilities, storage, and handling of hazardous materials, etc.	Park Facility Management Division, Park Safety Officer
Erosion control measures will be implemented to minimize minor and short-term impacts to water quality. Use of best management practices in the project area for drainage area protection will include all or some of the following actions, depending on site-specific requirements:	Park Facility Management Division, Park Hydrologist
<ul style="list-style-type: none"> • keeping disturbed areas as small as practical to minimize exposed soil and the potential for erosion; 	Park Facility Management Division
<ul style="list-style-type: none"> • locating waste and excess excavated materials outside of drainages to avoid sedimentation; 	Park Facility Management Division
<ul style="list-style-type: none"> • installing silt fences, temporary earthen berms, temporary water bars, sediment traps, stone check dams, or other equivalent measures (including installing erosion-control measures around the perimeter of stockpiled fill material) prior to construction; 	Park Facility Management Division
<ul style="list-style-type: none"> • conducting regular site inspections during the construction period to ensure that erosion-control measures were properly installed and are functioning effectively; and 	Park Facility Management Division
<ul style="list-style-type: none"> • storing, using, and disposing of chemicals, fuels, and other toxic materials in accordance with Federal, state 	Park Facility Management Division

and local regulation.	
Soils	Responsible Party
Erosion and sediment control will be required (see “General Measures”).	Park Hydrologist or Park Facility Management Division
Disturbed areas will be raked perpendicular to the slope. Native vegetative material which was removed during construction will be laid lengthwise across the disturbed areas (perpendicular to the slope).	Park Hydrologist
Vegetation	Responsible Party
Disturbed areas, along the pipeline will be allowed to return to natural conditions with minor treatments.	Park Botanist
Ground surface treatment will include grading to natural contours and vertical mulching to promote natural seeding.	Park Botanist or Park Hydrologist
Undesirable plant species will be controlled in high-priority areas and other undesirable species will be monitored and controlled, as necessary. To prevent the introduction and minimize the spread of non-native vegetation and noxious weeds, the following measures will be implemented during construction (NPS 2010c).	Park Botanist
<ul style="list-style-type: none"> Mapping and pretreatment of noxious weeds (as recognized by the county and/or the state) in addition to the removal and destruction of all standing non-native vegetation that contains propagules will take place prior to construction and will be limited to the designated areas of construction. 	Park Botanist, Park Exotic Plant Specialist
<ul style="list-style-type: none"> Pressure wash and/or steam clean all construction equipment to ensure that all equipment, machinery, rocks, gravel, or other materials are cleaned and weed free before entering the Park and the project area. 	Park Facility Management Division
<ul style="list-style-type: none"> All construction equipment transporting material outside the construction limits shall be brushed down after every drive. 	Park Facility Management Division or Park Botanist
<ul style="list-style-type: none"> Containment of soil with non-native propagules with the use of impenetrable weed mats and gravel in consultation with the State Historic Preservation Office to maintain the appearance of the cultural landscape or the use of pre-emergent herbicide in consultation with Pacific West Region Integrated Pest Management to control the invasive plant seedbank. 	Park Botanist, Park Facility Management Division, Park Exotic Plant Specialist
<ul style="list-style-type: none"> Monitor disturbed areas for at least 5 years (until the disturbance has subsided) following construction to identify growth of noxious weeds or non-native 	Park Botanist

vegetation. Treatment of non-native vegetation will be completed in accordance with Directors Order–13, <i>Integrated Pest Management Guidelines</i> .	
Wildlife / Special-Status Species	Responsible Party
All construction and vegetation removal activities will occur between August 16 and March 14 in order to avoid the nesting season for least Bell’s vireo and willow flycatcher.	Park Wildlife Biologist
Riparian vegetation adjacent to stream channels will be restored to pre-disturbance conditions. Photographic documentation will be implemented to obtain this goal.	Park Botanist, Park Aquatic Ecologist
All portions of the stream will be allowed to recover to pre-construction conditions. This may include bank restoration and channel reconstruction.	Park Aquatic Ecologist, Park Wildlife Biologist, Park Hydrologist, Park Botanist
Air Quality	Responsible Party
Fugitive dust plumes will be reduced to the extent possible by water sprinkling the soil during earth-disturbing activities. Water used during construction will be taken from Scotty’s Castle or the Grapevine housing area under limited use guidance.	Park Facility Management Division
Cultural Resources	Responsible Party
An archeologist will be present onsite, monitoring all work in the area of the waterlines corridor to ensure that activities occur within the area of potential effect defined for the project and that no important information is lost.	Park Archaeological Monitor
Should unknown archeological resources be uncovered during construction, work will be halted in the discovery area, the site secured, and the Park will consult according to 36CFR 800.13.	Park Archaeological Monitor
In compliance with the Native American Graves Protection and Repatriation Act of 1990, the National Park Service will also notify and consult representatives of American Indian tribes likely to be culturally affiliated for the proper treatment of human remains, funerary, and sacred objects should these be discovered during the project.	Park Archaeological Monitor
Paleontological remains and archeological specimens found within the construction area will be removed only by the National Park Service or their designated representatives.	Park Archaeological Monitor
Collect artifacts on the surface and catalog them. Depending upon subsurface deposits partial or complete excavation will occur with collection and analysis of artifacts and features.	Park Archaeological Monitor

Visitor Experience	Responsible Party
Water outages of 4 hours or more will require a secondary water source to provide potable water to visitors and residents.	Park Facility Management Division
Health and Safety	Responsible Party
Construction will take place during the cool months to avoid excessively high summer temperatures.	Park Facility Management Division
One of the following options will be instigated for fire suppression during construction:	Park Fire Safety Officer
<ul style="list-style-type: none"> Maintain a waterline from the storage tanks to the main buildings and tie into the existing waterlines in the area of the Stables. This water line must be capable of maintaining minimum flow of 1,000 GPM (gallons per minute). 	Park Facility Management Division
<ul style="list-style-type: none"> Install an temporary above ground storage tank on the grounds of Scotty's Castle and staff a Type 1 fire engine with a fully qualified crew (with a 4 minute response time) while the water supply from the permanent storage tank is shut off. A fully qualified crew consists of a Fire Officer, an Engineer and 2 firefighters. 	Park Facility Management Division
<ul style="list-style-type: none"> Shut off all propane and electricity to the entire Scotty's Castle area and prohibit all sources of heat and flame. Any accidental fire will be suppressed by hand held extinguishers. 	Park Facility Management Division

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

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

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

No major adverse or beneficial impacts were identified during preparation of the environmental assessment that would require analysis in an environmental impact statement.

Cultural Landscapes

The selected alternative will have minor, beneficial, short and long-term impacts to the cultural landscape. Removal of vegetation will have a short-term benefit to the cultural landscape by bringing the setting more into line with the conditions during the period of historic significance. Vegetation is expected to recover within one-year, so benefits will be short lived.

The waterline was initially designed and built by Albert Johnson to supply water to the Death Valley Scotty's Historic District. Its functionality is an important part of the cultural landscape for the district. Therefore, replacing the waterline to ensure a continued supply of water to the Death Valley Scotty Historic District would have a minor long-term benefit on the cultural landscape.

Archaeological Resources and Historic Structures

The selected alternative will have moderate, long-term beneficial impact to historic structures as a result of improved ability to provide water for fire suppression. As the known archeological resources in the project area have been identified and recommended "Not Eligible" for listing on the National Register of Historic Places, there will be minor to moderate, direct effects on archeological resources as a result of trenching the length of the pipeline, including through areas that are covered with vegetation and where undiscovered archeological resources may still be present. Impacts to archeological resources would be mitigated through the use of the previously described Mitigation Measures.

Ethnographic Resources

The selected alternative will impact ethnographic resources through clearing of vegetation, redirection of water, and the impacts to the archeological resources in the area. The grapevine, reeds and wildlife that were drawn to the vegetation and springs are all resources were invaluable to prehistoric and historic peoples who occupied the area, and are still held sacred to native peoples of the Timbisha-Shoshone. Trenching will require removal of vegetation along the waterline corridor, adversely impacting ethnographic resources. Vegetation is anticipated to recover within one-year, resulting in short-term, moderate impacts.

Special-Status Species (Threatened and Endangered Species and Species of Special Concern)

The selected alternative will have localized, short-term, minor, adverse impacts to special status species as a result of vegetation removal. This alternative will result in a short-term loss of approximately 6% of the site's habitat for resident special status species, including the least Bell's vireo and the Southwestern willow flycatcher. Vegetation will be allowed to grow back once the pipeline is replaced and is anticipated to recover within one year of project implementation. Use of seasonal restrictions, as described in the Mitigation Measures, will avoid disturbance to special status species during their nesting season.

Park Operations

The selected alternative will have moderate, long-term, beneficial impacts on park operations as a result of decreased need for emergency maintenance and the continued ability to provide water to the Death Valley Scotty Historic District. Replacement of the waterline will improve the Park's ability to consistently supply the Scotty's Castle Complex with potable water for consumption and water for fire suppression. There will also be improvements in park operations due to reducing the amount of time Park staff spend repairing the waterline and better allowing the Park to schedule out work activities.

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

The selected alternative is specifically designed to provide for public health and safety by ensuring that potable water and water for fire suppression continue to be provided to the

Death Valley Scotty Historic District. Water shut-offs during construction will be mitigated by providing alternate sources of water, as described in the Mitigation Measures. The waterline replacement is expected to result in safety improvements.

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

The selected alternative will not affect ecologically critical areas, wild and scenic rivers, and prime and unique farmlands. Effects to historic and cultural resources will be negligible to minor as a result of mitigation measures employed to minimize adverse impacts to these resources. The selected alternative will also result in short-term improvements to the cultural landscape as a result of vegetation removal and long-term benefits to historic structures as a result of improved ability to continue providing water for fire suppression.

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

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

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The selected alternative neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Waterline replacement is a routine and ongoing undertaking within the National Park Service.

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

Cumulative impacts were determined by combining the impacts of the selected alternative (preferred alternative) with other past, present, and reasonably foreseeable future actions. Several projects were identified that would have negligible to minor contributions to cumulative impacts of the selected alternative. These projects include site rehabilitation projects within the Death Valley Scotty Historic District and road and other projects that may impact habitat for special status species. No projects were identified that when considered with the impacts of the selected alternative would have greater than minor impacts.

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

The project is located within the Death Valley Scotty Historic District. Mitigation Measures described above minimize impacts to no greater than moderate. The selected alternative will not result in loss or destruction of significant cultural or historic properties and will in fact improve the ability of the park to defend the District in the event of a fire.

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

The selected alternative will remove vegetation result in short-term loss of nearly 6% of the site's habitat for resident special status species, including the least Bell's vireo and the

Southwestern willow flycatcher. However, vegetation will be allowed to grow back once the pipeline is replaced and is anticipated to recover within one year of project implementation. Use of seasonal restrictions, as described in the Mitigation Measures, will avoid disturbance to special status species during their nesting season. Impacts will be localized, short-term, and minor.

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

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

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

A press release initiating public scoping and describing the proposed action was issued on June 29, 2010. The announcement was e-mailed to all park employees. A letter initiating scoping was mailed or emailed to a total of 39 recipients or viewing locations. One comment was received during the scoping period on the proposed project, and it was supportive of the park writing an EA, and of conducting full analysis of potential impacts to natural and cultural resources.

The undertakings described in this document are subject to section 106 of the National Historic Preservation Act, as amended in 1992 (16 USC 470 *et seq.*). The National Park Service conducted an archaeological survey in the waterline area of potential effect in March and April 2010, and conducted archeological site testing in December 2010 and January 2011. Consultations with the California State Historic Preservation Office (SHPO) and the Timbisha Shoshone Tribal Historic Preservation Officer (THPO) were initiated on June 29, 2010. A copy of the archaeological testing plan was provided to the THPO on December 14, 2010.

The park has continued to discuss the project with the THPO and Timbisha Shoshone Tribal Historic Preservation Committee (HPC). The Park Archeologist and Cultural Resources Manager met with the THPO and HPC on February 9, 2011, and discussed the project and the condition of the archeological sites. The THPO agreed that the disturbance to the sites had been in the past, and that the future work, while it would continue to disturb the sites in the historical area of disturbance, they did not believe it would be an adverse effect. The HPC recommended that Grapevine Canyon and associated sites be documented as a resource in order to better protect the area, and provide NPS and Tribal members with a better knowledge of the area and its importance. The park will be working on this documentation with the HPC in order to better document this important resource.

The results of the archaeological testing project were sent to the SHPO and THPO on March 25, 2011. The park received a response from the SHPO on May 17, 2011, concurring with the park's recommendations that sites in the area of potential effect were not eligible for the National Register of Historic Places, and the park's No Adverse Effect finding. The SHPO noted that further consultation would be necessary in the event of an unanticipated discovery or change in project description. A copy of the environmental assessment was sent to the SHPO and THPO on June 15, 2011. The EA discussion and impacts were identical to previous correspondence and recommendations. A representative from the SHPO called the Park Archeologist on July 22, 2011, reiterated their concurrence, and closed the project. A response was not received from the THPO.

In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*), it is the responsibility of the Federal agency proposing the action (in this case the National Park Service) to determine whether the proposed action would adversely affect any listed species or designated critical habitat. The park initiated consultation with the U.S. Fish and Wildlife Service (USFW) on June 29, 2010. The park prepared a Biological Assessment, and sent USFW a letter on April 8, 2011, requesting concurrence that the project was not likely to adversely affect the federally endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*). On July 8, 2011, USFW responded, concurring with the park's determination that the vegetation was likely to recover in a 2 to 5 year period, the project would occur outside of breeding season, and that proposed project would not alter the amount of water present that is supporting the riparian habitat. The USFW requested that they be contacted if the proposed project changes in a way that could affect endangered species in a manner that has not been considered in this EA, and in that event then the agencies would determine if additional consultation is necessary.

The environmental assessment was made available for public review and comment during a 30-day period ending July 5, 2011. An electronic copy of the environmental assessment was placed on the NPS Park, Planning and Public Comment website (www.parkplanning.nps.gov). The public was invited to direct comments or concerns related to this project on the website and directly to Superintendent Craighead by postal mail. Additionally, the press release was e-mailed to park employees and the announcement placed on the park web page.

The environmental assessment was issued on June 2, 2011. Letters were sent to individuals and organizations on the project mailing list, directing them to view the environmental assessment on the NPS Park, Planning and Public Comment website. Hard copies were sent to regulatory and affected agencies, including the U. S. Fish and Wildlife Service and the California Department of Fish and Game, the California State Historic Preservation Office and the Timbisha Shoshone Tribe. Due to the relatively low level of controversy relative to this project, no public meetings were held.

During the 30-day public comment period, the National Park Service received two comments from individuals via the NPS Park, Planning and Public Comment website. Both comments were supportive of the proposed project, one encouraging the park to fix the waterline, and the other supporting Alternative 2.

IMPAIRMENT OF PRESERVE RESOURCES OR VALUES

The National Park Service has determined that the implementation of the selected alternative will not constitute impairment to the resources or values of Death Valley National Park. This conclusion is based on a thorough analysis of the environmental impacts described in the Scotty's Castle Waterline Replacement environmental assessment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies (2006). As described in the environmental assessment, implementation of the selected alternative will not result in major adverse impacts on a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Death Valley National Park; (2) key to the natural or cultural

integrity of the Park; or (3) identified as a goal in the Park's General Management Plan or other relevant National Park Service planning documents.

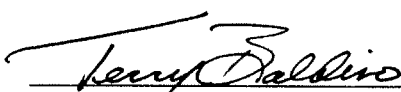
CONCLUSION

The National Park Service has selected the abovementioned Alternative Two: Trenching, for implementation. The impacts that will result from the selected alternative will not impair any Park resources or values necessary to fulfill specific purposes identified in the enabling legislation for Death Valley National Park.

Based on the analysis in the EA, the capability of the incorporated mitigations to reduce or avoid potential impacts, and with due consideration for the minor nature of scoping and EA review comments, the NPS has determined that the selected alternative does not constitute an action that would normally require preparation of an environmental impact statement. The selected alternative will not have a significant impact on the human environment. Negative environmental impacts that could occur are no greater than minor in intensity. There are no significant impacts on public health, safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental law.

Based on the foregoing, it has been determined that an environmental impact statement is not required for this action and thus will not be prepared, and the approved water line replacement will begin as soon as practicable.


Recommended:


for Sarah Craighead
Superintendent
Death Valley National Park

8-2-2011

Date

Approved:


Christine S. Lehnertz
Regional Director
Pacific West Region

08/04/11

Date