



FINDING OF NO SIGNIFICANT IMPACT

LOWER WILDROSE ROAD REHABILITATION PROJECT DEATH VALLEY NATIONAL PARK, CALIFORNIA and NEVADA

March 2012

The National Park Service (Service or NPS) proposes to rehabilitate 4.8 miles of the Emigrant Canyon Road, commonly referred to as Lower Wildrose Road within Death Valley National Park (DVNP or the Park). The section of road proposed for rehabilitation starts at the junction with Emigrant Canyon Road and Charcoal Kilns Road and ends at the pipe gate at the old National Monument boundary, approximately 1 mile east of the current National Park boundary.

PURPOSE AND NEED FOR FEDERAL ACTION

This section of Lower Wildrose Road has deteriorated over the years due to flash flooding and presents a hazard to vehicular travel in the Park. The existing road surface is in poor condition—in many sections, the road surface is a combination of broken worn pavement and dirt roadbed. In its current state, Lower Wildrose Road presents visitor safety and resource impact concerns. Left unaddressed, the roadway will continue to degrade, perpetuate safety hazards, present roadway maintenance challenges, divert maintenance resources to respond to unpredictable emergency maintenance and repair concerns, and threaten adjacent natural and cultural resources. There is a need to bring the roadway to a safe condition for Park visitors and to protect natural and cultural resources to the greatest extent possible. The purpose of this Project is to address safety concerns, while providing access for Park visitors traveling along the Lower Wildrose Road and ensuring the maximum possible protection for natural and cultural resources.

SELECTED ALTERNATIVE

Based on the environmental impact analysis documented in the Environmental Assessment (EA), and with consideration for public scoping comments as well as responses received following release of the EA, the National Park Service has selected Alternative 4 for implementation – Repave and Widen Lower Wildrose Road, Provide Drainage Features and Road Reinforcement at Drainage Crossings, and Provide Turn-Out Parking Area for Observing Panamint Daisy Blooming Area. There are no changes from what was presented in the EA as the preferred alternative. Alternative 4 will maintain the current road alignment, but will install drainage features (e.g., culverts, Arizona crossings) and road reinforcements (e.g., gabion baskets, buried k-rails, concrete subbase) to allow drainage of water from the roadway and to support the

roadway during rain events. Minor roadside drainage improvements will also be implemented, including but not limited to French drains. (A French drain is a trench covered with gravel, rock, or some other permeable surface that redirects surface and groundwater away from an area.) The entire length of the roadway between the junction with Emigrant Canyon Road and Charcoal Kilns Road and the pipe gate at the old National Monument boundary will also be repaved. The road cross-section will be 3-inch asphalt concrete (AC) over 6-8-inch aggregate base (AB) and be a hot-mix application.

The new road will be two lanes, with each lane measuring 9-feet wide. A 1-foot wide gravel shoulder will be constructed on both sides of the road for a total road width of 20 feet. The road does not currently meet the 20-foot minimum width at one location along the alignment of the proposed action—this location is just northeast of the old Wildrose Station and Resort site, where a rock outcropping and a drainage channel limit the road width to 18 feet. At this location the rock will be chipped back to allow for a 20-foot road width.

This alternative will also include construction of a vehicle turn-out area at the location of the Panamint Daisy population to facilitate public observation of this protected wildflower, which is visible in a small area in Wildrose Canyon. The paved vehicle turn-out area will consist of a turn-out up to 10 feet wide and approximately 60 feet long, which will be long enough to allow parallel parking for up to 3 (three) passenger vehicles. In consideration of comments received during internal scoping and public scoping, DVNP will not install a road sign identifying the Panamint Daisy or its habitat. This mitigation will enable the Park to provide a safe place for visitors to explore and self-discover Panamint Daisy habitat without adversely impacting an established population of this rare plant. Directional signage and road features will be implemented in accordance with local and federal requirements. As a protective measure to avoid calling attention to specimens of the rare and endemic Panamint Daisy, road signs or interpretive media regarding this rare plant will be excluded from this project.

OTHER ALTERNATIVES CONSIDERED

Three other alternatives were considered in the EA in addition to the selected alternative.

Alternative 1, the No Action Alternative, would consist of maintaining the roadway in its current condition. The existing road was once paved, but several flooding episodes have caused major damage to the road. There are several sections of the road where there is limited to no pavement present. Minimal repairs and rehabilitation has occurred on the road, therefore it continues to degrade. Under this alternative, no comprehensive measures would be taken to repair or rehabilitate Lower Wildrose Road. No roadside drainage improvements would be contemplated or implemented to protect road surface. The roadway would continue to deteriorate over time until it eventually would be passable only by four-wheel-drive vehicles, forcing visitors in two-wheel-drive vehicles coming from the Ridgecrest, CA, area to drive north to Hwy 190 to access the Park. The berms erected along the roadway would continue to be maintained on an

emergency basis under this alternative, as would the gabions placed at irregular intervals along the roadway.

Alternative 2, Repave Lower Wildrose Road and Widen Existing Road Near Wildrose Station, would maintain the current road alignment and repave the entire length of the roadway between the junction with Emigrant Canyon Road and Charcoal Kilns Road and the pipe gate at the old National Monument boundary. Minor roadside drainage improvements would also be implemented, including but not limited to French drains. The rehabilitated road would be two lanes, with each lane measuring 9-feet wide. A 1-foot wide gravel shoulder would be constructed on both sides of the road for a total road width of 20 feet. The one location where the road does not meet the 20-foot minimum width is located approximately 400 feet northeast of the old Wildrose Station and Resort site, where a rock outcropping and a drainage channel limit the road width to 18 feet. At this location the rock outcropping would be chipped-back to allow for a 20-foot road width. The road cross-section would be 3" asphalt concrete (AC) over 6-8" aggregate base (AB) and be a hot-mix application.

Alternative 3, Repave and Widen Lower Wildrose Road, and Provide Drainage Features and Road Reinforcement at Drainage Crossings, would maintain the current road alignment and modify the road in several locations to improve drainage. In these locations, road reinforcement will also be provided to support the road during rain events. The entire length of the roadway between the junction with Emigrant Canyon Road and Charcoal Kilns Road and the pipe gate at the old National Monument boundary would also be repaved. Minor roadside drainage improvements would also be implemented, including but not limited to French drains. The new road would be two lanes, with each lane measuring 9-feet wide. A 1-foot wide gravel shoulder would be constructed on both sides of the road for a total road width of 20 feet. The one location where the road does not meet the 20-foot minimum width is just northeast of the old Wildrose Station and Resort site, where a rock outcropping and a drainage channel limit the road width to 18 feet. At this location the rock would be chipped-back to allow for a 20-foot road width. The road cross-section would be 3" AC over 6-8" AB and be a hot-mix application.

ALTERNATIVES CONSIDERED BUT DISMISSED

The following alternatives were considered during the project scoping phase and were subsequently dismissed from further consideration.

Permanent Road Closure: Permanently closing Lower Wildrose Road was discussed as an alternative. Permanently closing the road would protect natural and cultural resources in the area and ensure visitor safety by denying visitor access to the area. However, assuring the ability of Park visitors to experience the unique resources of the Wildrose Area of the Park is a primary objective of the Park, which would be prevented by this alternative. Therefore, this alternative would not fully meet the purpose and need of the Project, and was dismissed.

Gravel Road: Resurfacing Lower Wildrose Road with gravel was discussed as an alternative. This alternative would ensure uniformity of road surface throughout the project area. Closures related to construction would be minimized, and visitors would be able to access the unique natural and cultural resources of the Wildrose Area of the Park. However, vehicular travel along the roadway would be significantly slowed, which would discourage road use by Park visitors. Also, a gravel roadway would require more maintenance resources, as gravel would have to be reapplied regularly to ensure uniformity of surface throughout the project area. Over time, the additional maintenance efforts would be more costly to the Park than repaving the roadway. Therefore, this alternative was dismissed.

Realignment and raising the roadbed above the flood plain: This alternative would provide the highest level of protection for the roadway, and the highest level of safety for Park visitors traversing the new roadway. However, construction of a raised, realigned roadway would destroy the existing alignment of Lower Wildrose Road (which is historic), and thus has the potential to severely impact cultural resources within Wildrose Canyon. In addition, the cost for construction of such a roadway would be prohibitively high. High cost and the potential for severe impact to the historic roadway alignment that the Park is mandated to protect and preserve caused this alternative to be dismissed.

RATIONALE FOR SELECTED ALTERNATIVE

Lower Wildrose Road provides visitors accessing the Park from the southwest with the most direct route to the Wildrose area of the Park and its associated destinations (including but not limited to Charcoal Kilns and Telescope Peak). The route through Wildrose Canyon is itself historic, having been used by mule team drivers and, before the advent of European settling of the region, as a pathway by Native Americans through the area.

An examination of environmental impact topics found that all three action alternatives could potentially cause negligible to moderate impacts (adverse and beneficial) to Park resources; however, all adverse impacts could be mitigated to a negligible level. Given that the Park's primary purpose is to protect "significant desert features that provide world class scenic, scientific, and educational opportunities to visitors and academics to explore and study," both the environmentally preferable alternative and the Park's operationally preferred alternative is Alternative 4. Implementation of this selected alternative would reestablish the roadway as a safe means for vehicular traffic to enter and exit the Park while taking reasonable and prudent steps towards safeguarding the roadway from future storm-related damage. In this way, Alternative 4 will also prevent, to the extent practicable, unpredictable impacts to natural and cultural resources associated with unplanned and emergency road maintenance. Implementing Alternative 4 will provide the maximum protection for natural and cultural resources in the vicinity of the Wildrose Road, by preventing people from inadvertently driving or parking vehicles on sensitive habitat or cultural resources. Constructing a pullout for visitors who wish to view blooming Panamint Daisies, but not actively marking the pullout with any road sign, will

resolve any potential conflict between visitor enjoyment of this spectacular flowering plant species and this rare species' protection. The turn-out will provide safe visitor parking for viewing the Panamint Daisy during blooming season and allow for self-discovery of this endemic plant.

Environmentally Preferred Alternative

As documented in the EA, Alternative 4 – Repave and Widen Lower Wildrose Road, Provide Drainage Features and Road Reinforcement at Drainage Crossings, and Provide Turn-Out Parking Area for Observing Panamint Daisy Blooming Area - is the “environmentally preferable alternative.” This alternative causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources associated with Wildrose Canyon. Therefore, Alternative 4 is the Park’s Environmentally Preferred Alternative. This environmentally preferable alternative is the alternative that will promote the national environmental policy expressed in NEPA [Sec. 101(b)], and specifically:

- **fulfills the responsibilities of each generation as trustee of the environment for succeeding generations.** Implementation of Alternative 4 would ensure that NPS has fulfilled this responsibility as trustee for the Park. Rehabilitation of the roadway, including installation of drainage features and roadway reinforcements, would provide a safe alternative access to DVNP for motorists attempting to visit the Park from the Ridgecrest area, and a safe roadway upon which to visit the resources unique to the Wildrose Area of the Park. Construction of the Panamint Daisy viewing area would provide visitors seeking to view the blooming Panamint Daisy a specified area in which to park their vehicles without either blocking the roadway (creating a hazard for themselves and other visitors), parking on the shoulder (creating a potential hazard for themselves and other visitors), or venturing off the shoulder (creating a situation where natural resources might inadvertently be negatively impacted).
- **ensures for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.** Implementation of Alternative 4 would provide safe access to the resources unique to the Wildrose Area of the Park for all visitors. These resources include Wildrose Station, Wildrose Ranger Station/Campground, and the greater Wildrose/Charcoal Kilns/Thorndike/Mahogany Flat area.
- **attains the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.** Implementation of Alternative 4 would provide safe visitor access to the Wildrose Area of the Park, and through it, access to the remainder of the resources available at DVNP. Alternative 4 provides for construction of an off-road visitor parking area in the Panamint Daisy viewing area. Construction of the Panamint Daisy viewing area would provide visitors seeking to view the blooming Panamint Daisy a specified area in which to park their vehicles without either blocking the roadway (which creates a hazard for themselves and other visitors), parking on the shoulder (which creates a potential hazard for themselves and other visitors), or venturing off the shoulder (which creates a situation

where natural resources might inadvertently be negatively impacted, which would be an undesirable consequence).

- **preserves important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.** Implementation of Alternative 4 would allow safe access to the Wildrose Area of the Park, in which can be found several important historic, cultural, and natural aspects of our national heritage. These include Wildrose Station, Wildrose Ranger Station/Campground, and the greater Wildrose/Charcoal Kilns/Thorndike/Mahogany Flat area. The Wildrose Area also supports the remains of a CCC camp which was established in 1935 and was the summer headquarters for NPS personnel. The site has been determined eligible for the National Register of Historic Places in consultation with the California SHPO. The roadway also served as a stagecoach road in the early 1900s, and the Wildrose Station served as a stage station and later as a gasoline station and small resort catering to Park visitors until it was closed in the 1970s. The Wildrose Area is also the historic homeland of the Timbisha Shoshone Tribe (members of the Tribe use the area seasonally to this day). Rehabilitation of the existing Wildrose Road will ensure safe access to and traversing through this area of unique historic, cultural, and natural resources for Park visitors.
- **achieves a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.** Implementation of Alternative 4 would allow a greater number of Park visitors to more easily traverse Wildrose Road to visit and enjoy the resources unique to the Wildrose Area of the Park. Rehabilitation of the roadway and construction of the Panamint Daisy parking area would also serve to more closely define the boundaries of safe vehicular travel, making less likely the possibility of a motorist venturing outside of the roadway alignment during travel and potentially adversely impacting a natural or cultural resource or injuring themselves.
- **enhances the quality of renewable resources and approaches the maximum attainable recycling of depletable resources.** None of the alternatives presents an opportunity for enhancing the quality of renewable resources or helping to maximize attainable recycling of depletable resources.

MITIGATION MEASURES

Table 1 itemizes the required mitigation for the project. Measures are provided by category, and listed in the approximate order of their timing for implementation (prior to construction, during construction, and post-construction).

Table 1. Mitigation Measures to be Implemented

Resource Topic	Mitigation Measure	Responsibility
General Measures	A construction work schedule shall be prepared by the Construction Contractor for the project that minimizes effects on wildlife in adjacent habitats, peaks in visitation, and noise levels near the Wildrose campground and volunteer trailer areas. The work schedule shall be submitted for park review and approval prior to construction.	Park Facilities Management Division
	Supervisory construction personnel shall attend an Environmental Protection briefing provided by the park prior to working on site. This briefing is designed to familiarize workers with statutory and contractual environmental requirements and the recognition of and protection measures for archeological sites, sensitive habitats, water resources, and wildlife habitats.	Park Facilities Management Division and Environmental Protection Specialist
	Construction waste shall be separated into recyclable materials, green waste, and other debris that shall be placed in refuse containers daily and disposed of weekly. Recycled, toxic-free, and environmentally sensitive materials, equipment, and products shall be utilized whenever possible. Burning or burying of waste is strictly prohibited	Park Facility Management Division
	Wastewater contaminated with silt, grout, or other by-products from construction activities shall be contained in a holding or settling tank to prevent contaminated material from entering watercourses or wetlands.	Park Facility Management Division
	Hazardous or flammable chemicals shall be prohibited from storage in the staging area, except for those substances identified in the Oil and Hazardous Materials Spill Prevention, Control, and Countermeasure Plan. Hazardous waste materials shall be immediately removed from project site in approved containers.	Park Facility Management Division and Park Safety Officer
	Machinery and equipment shall be parked over containment pads designed to trap any leaking oil, fuel or hydraulic fluids and inspected daily.	Park Facilities Management Division
	Secondary containment shall be required for all fuel storage. Routine oiling, lubrication, and refueling shall be conducted with secondary containment and	Park Facilities Management Division

Resource Topic	Mitigation Measure	Responsibility
General Measures	is prohibited in the River Protection Overlay, water courses or wetlands at any time.	
	Spill response materials including absorbent pads, booms, and other materials to contain hazardous material spills shall be maintained on the project site to ensure rapid response to spills.	Park Facilities Management Division and Park Safety Officer
	The Park Project Manager shall be immediately notified of all spills or releases of hazardous materials. Any spill release shall be digitally photographed or videotaped as part of response activities.	Park Facilities Management Division and Park Safety Officer
	No pets are allowed within the project site.	Park Facilities Management Division
	A Construction Contractor representative shall be designated to monitor the worksite daily for proper disposal of waste, wrappers, and food packaging.	Park Facilities Management Division
	All tools, equipment, barricades, signs, surplus materials, debris, and rubbish shall be removed by the Construction Contractor from the project work limits upon project completion.	Park Facilities Management Division
Vegetation and Habitat Types	In areas of riparian habitats, construction staging and activities shall be confined to the roadway and a two-foot wide strip on either side of the roadway. Outside of the riparian habitat areas, construction staging and activities shall be confined to the roadway and a 10-foot wide strip on either side of the roadway. Protective barriers shall be placed around areas adjacent to the project area that require special attention as identified by the park, such as specified staging areas, trees, plants, root zones, river edges, aquatic habitats, wetlands, sensitive wildlife habitats, cultural resource features, and infrastructure. Barriers shall be installed prior to construction and field inspected by natural and cultural resource personnel to verify proper placement.	Park Resources Management Division, including Park Hydrologist, Botanist, Wildlife Biologist, and Archeologist
	The Construction Contractor shall implement and comply with the Exotic Species Management Plan prepared by the park for the project.	Park Facilities Management Division and Park Botanist
	All construction tools and equipment entering the park shall be cleaned by means of pressure washing and/or steam cleaning to arrive on-site free of mud	Park Facilities Management Division and Park Botanist

Resource Topic	Mitigation Measure	Responsibility
Vegetation and Habitat Types	or seed-bearing material. Each piece of equipment shall undergo inspections immediately prior to entry of the park.	
	Clearing of vegetation and ground disturbance shall be minimized to the greatest extent possible.	Park Resources Management Division and Environmental Protection Specialist
	Vegetation salvage, seed collection and revegetation shall be implemented to the extent possible in accordance with recommendations of the Park Botanist.	Park Botanist
	Topsoil shall be salvaged, segregated during storage, and reused in the proper location and depth. Wetland soils shall be salvaged and reused as fill in wetland areas. Stockpiles of soils infected with fungal pathogens (root rot) must not be moved and reused in non-infected areas of the park. Equipment buckets, tires and hand tools used in areas containing root rot shall be cleaned prior to removal.	Park Resources Management Division and Environmental Protection Specialist
	The Park shall monitor the success of revegetation efforts. Plant materials used for revegetation shall remain alive and in a healthy, vigorous condition for a period of one year after final acceptance of planting. The project site shall be monitored by the Park Botanist. All plants determined to be in unhealthy condition shall be replaced.	Park Botanist
	The Park will monitor and remove invasive species from the project area for a period of four years post construction in accordance with recommendation of the Park Botanist.	Park Resources Management Division and Park Botanist
	During internal and public scoping, concern was raised regarding the potential for resource damage to occur from drawing additional attention to the rare Panamint Daisy. A mitigation of the preferred alternative shall avoid the installation of any road sign identifying the Panamint Daisy or its habitat. This mitigation would enable Alternative 4 to provide a safe place for visitors to explore and self-discover Panamint Daisy habitat with negligible impact to an established population of this rare plant.	Park Facilities Management Division and Environmental Protection Specialist

Resource Topic	Mitigation Measure	Responsibility
Wildlife	Clearing of vegetation and ground disturbance shall be minimized to the greatest extent possible.	Park Resources Management Division and Environmental Protection Specialist
	Excavation sites shall be monitored or covered to avoid trapping wildlife and routes of escape shall be maintained. The construction site shall be inspected daily for appropriate covering and flagging of excavation sites. Each morning the project area shall be inspected for wildlife trapped in excavation pits. A qualified biologist will be available to inspect all excavations before refilling occurs.	Park Resources Management Division and Wildlife Biologist
Threatened, Endangered and Sensitive Species	<p>The NPS will review and approve an employee education program prior to the initiation of work. The program may consist of a class or video presented by a qualified biologist. All employees will participate in the desert tortoise education program prior to initiation of activities. New employees will participate in the education program prior to working on-site. The program will cover the following topics at a minimum:</p> <ul style="list-style-type: none"> • distribution of the desert tortoise, • general behavior and ecology of the desert tortoise, • sensitivity to human activities, • legal protection, • penalties for violations of State or Federal laws, • reporting requirements, and • project protective measures. 	Park Resources Management Division and Wildlife Biologist
	A preconstruction survey for the desert tortoise shall be performed in potential habitat by an approved biologist/monitor. If burrows are found, the qualified biologist will mark and fence off the area. The contractor will be directed to avoid the fenced site. Other desert tortoise sign that is encountered would be marked and the contractor asked to avoid marked sites. Contractor staff will be required to report any desert tortoise sightings daily.	Park Wildlife Biologist
	Clearing of vegetation and ground disturbance shall be minimized to the greatest extent possible.	Park Resources Management Division and Environmental

Resource Topic	Mitigation Measure	Responsibility
Threatened, Endangered and Sensitive Species		Protection Specialist
	Except on paved roads, vehicle speed will not exceed 15 miles per hour through desert tortoise habitat.	Park Protection Division and Wildlife Biologist
	If a desert tortoise is discovered on the road, traffic shall be stopped until the desert tortoise moves off the roadway of its own volition.	Park Protection Division and Wildlife Biologist
	In desert tortoise habitat, workers will inspect for desert tortoises under the vehicle prior to moving the vehicle. If a desert tortoise is under the vehicle, the vehicle must not be moved until the animal leaves of its own volition. The worker will not handle the desert tortoise.	Park Resources Management Division and Wildlife Biologist
	All trash and food items will be promptly contained within closed, raven-proof containers. These containers will be removed at the end of the work day from the project site to reduce the attractiveness of the area to common ravens (<i>Corvus corax</i>) and other desert tortoise predators.	Park Facilities Management Division and Wildlife Biologist
	The area of disturbance will be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. Work area boundaries will be delimited with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as burrows and drinking sites, will be avoided to the extent possible. To the extent possible, previously disturbed areas adjacent to the site will be used.	Park Facilities Management Division, Environmental Protection Specialist, and Wildlife Biologist
	Construction will occur outside of migratory bird breeding and rearing season, which is March 15 to August 15.	Park Facility Management Division and Environmental Protection Specialist
Watershed Processes and Springs	The Construction Contractor shall implement and comply with all operational compliance required by the Storm Water Pollution Prevention Plan (SWPPP) issued for the project.	Park Facility Management Division and Environmental Protection Specialist
	Two permanent signs, one at each entrance to Wildrose Canyon, shall be erected warning Park visitors of the potential for flash flooding to occur during precipitation events.	Park Facilities Management Division

Resource Topic	Mitigation Measure	Responsibility
Transportation and Visitor Experience	Stationary noise sources shall be located as far as possible from residential housing and visitor lodging and camping areas. Construction equipment shall not be left running while standing by. All on-site work that generates noise levels above 76db at the site boundary in the vicinity of residential housing and visitor lodging and camping areas shall be done between 8am and 5pm.	Park Facilities Management Division and Environmental Protection Specialist
	Site watering and slow truck speeds shall be managed as appropriate to control dust. When hauling dry materials, truck beds will be securely covered to prevent blowing dust or loss of debris.	Park Facilities Management Division
	Appropriate signage shall be located and sequenced during construction activities to ensure safe and efficient traffic and pedestrian circulation. Information about traffic detours and recreational closures shall be provided to visitors as they enter the park at each entrance station.	Park Facilities Management Division and Environmental Protection Specialist
Cultural and Historic Resources	A cultural resources monitor will be present during construction in archeological sites to monitor ground disturbing activities taking place with construction efforts occurring at Wildrose Station. The monitor shall meet the Secretary of the Interior's Standards for archaeologists (NPS 1983).	Park Facilities Management Division and Archaeologist
	In the event that cultural resources are exposed during project implementation, the monitor/archaeologist shall be empowered to temporarily halt construction activities in the immediate vicinity of the discovery while it is evaluated for significance in consultation with an NPS or Park archaeologist.	Park Facilities Management Division and Archaeologist
	If cultural resources are discovered while the monitor/archaeologist is not present, work in the immediate area must be halted and the Park archaeologist notified immediately to evaluate the resource(s) encountered. If any cultural resources discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with an NPS or Park archaeologist.	Park Facilities Management Division and Archaeologist
	In the unlikely event of discovery of human remains, all work in the immediate vicinity of the	Park Facilities Management Division

Resource Topic	Mitigation Measure	Responsibility
Cultural and Historic Resources	discovery shall cease, and any necessary steps to insure the integrity of the immediate area shall be taken. The NPS archaeologist would be immediately notified. The NPS, as managing agency, shall be responsible for compliance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) NPS shall initiate consultation with the State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (THPO) to resolve potential adverse effects as per the Park's Inadvertent Discovery Plan.	and Archaeologist

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 have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.

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

Vegetation and Habitat Types

The selected alternative will result in a direct, temporary, adverse impact to 12.96 acres of plant communities adjacent to the roadway. Construction activities will take place within a the confines of the existing roadway and a two-foot wide staging area on either side of the roadway in riparian areas and a ten-foot wide staging area on outside of riparian areas. Areas of disturbed vegetation will be restored following completion of construction. With restoration the selected alternative is anticipated to have an overall beneficial impact to vegetation along the roadway.

Wildlife

The selected alternative will have a minor impact to wildlife directly related to construction activities, particularly noise, dust, and vibration. Once construction activities have concluded, it is anticipated that wildlife will benefit from the following stability of Lower Wildrose Road and the minimized need for continual emergency road repairs. There will be no cumulative loss of native habitat. There will be no cumulative impact related to other ongoing resource planning activities or currently planned projects. Implementation of the selected alternative is anticipated to be an overall benefit in the long-term.

Threatened, Endangered and Sensitive Species

No plant species were identified as threatened, endangered, or sensitive (TES) pursuant to the federal Endangered Species Act for the project area and so none are analyzed for this project.

Four wildlife species listed as TES were identified by literature review and informal consultation between the Park and US Fish and Wildlife Service (USFWS) as having a potential to be present in the project area. These species include:

- desert tortoise (*Gopherus agassizii*)
- least Bell's vireo (*Vireo bellii pusillus*)
- southwestern willow flycatcher (*Empidonax traillii extimus*)
- yellow-billed cuckoo (*Coccyzus americanus occidentalis*)

A Biological Assessment (BA) was prepared to evaluate the potential occurrence of these species and mitigation measures necessary to avoid adverse effects. Southwestern willow flycatcher and yellow-billed cuckoo were determined to not be present in the project area. For the other species, mitigation measures are reflected in Table 1 of this document. For desert tortoise, mitigations include pre-construction surveys for desert tortoise burrows and other sign by an approved tortoise biologist, protective fencing around any tortoise burrows or tortoise sign that may be discovered during the surveys, and a comprehensive training for the contractor regarding protocols for working in tortoise habitat, facilitated by an approved tortoise biologist. The mitigation for least Bell's vireo is to limit all construction work to the period between August 15 and March 15, to avoid breeding and nesting season for this species.

In addition, ten species protected by the federal Migratory Bird Treaty Act (MBTA) were observed during field surveys conducted in November 2009. The mitigation regarding the timing of construction activities will also protect these species:

- Mourning dove (*Zenaida macroura*)
- Common Raven (*Corvus corax*)
- Verdin (*Auriparus flaviceps*)
- Bewick's wren (*Thryomanes bewickii*)
- Rock Wren (*Salpinctes obsoletus*)
- Ruby-crowned kinglet (*Regulus calendula*)
- Swainson's thrush (*Catharus ustulatus*)
- Yellow-rumped warbler (*Dendroica coronata*)
- Song Sparrow (*Melospiza melodia*)
- House finch (*Carpodacus mexicanus*)

With the implementation of all mitigation measures described in Table 1, the selected alternative will have site-specific, direct, short-term, negligible, adverse construction-related impacts to all threatened, endangered, and sensitive species along the immediate Lower Wildrose Road Project corridor. Short-term temporary impacts include disturbance from noise, removal of habitat, and

potential disruption of normal life behaviors. Road repair activities will take place within a delineated area, and impacts will be minimized with the application of best management practices and appropriate mitigation measures. No long-term impacts to threatened, endangered, and sensitive species are anticipated in association with the selected alternative.

Watershed Processes and Springs

While the canyon morphology is overwhelmingly dominated by natural processes, construction and maintenance of the roadway has altered the natural hydrology of the canyon. Due to the narrow canyon wash morphology, the canyon (and the roadway within it) can become inundated with flood water during precipitation events, resulting in the potential for erosion of the roadway and associated sedimentation. The selected alternative will assist in stabilizing the roadway during low precipitation events, but would not obviate the need for maintenance including clearing of flood debris and filling of eroded areas during low-volume runoff events. With the implementation of mitigation measures described in Table 1, implementation of the selected alternative will have site-specific, direct, short-term, negligible construction-related impacts to watershed processes and springs along the immediate Lower Wildrose Road Project corridor. The existence of a road in the canyon alters the natural hydrology of the canyon, and is a minor adverse long-term impact of the selected alternative, mitigated by the selected alternative's design features to allow water to flow under and over the road in order to improve floodplain function.

Transportation and Visitor Experience

The selected alternative will have a temporary, minor adverse impact on transportation and visitor experience, limited to the period when Wildrose Road will be closed for construction associated with the selected alternative. Implementation of the selected alternative will have a long-term, minor to moderate beneficial effect for many visitors who will enjoy the enhanced access and increased safety associated with the rehabilitated roadway. As suggested by the public scoping comments, the selected alternative will have a net positive cumulative effect on visitor experience in Wildrose Canyon.

Cultural and Historic Resources

With the implementation of mitigation measures described in Table 1, including archaeological monitoring, the selected alternative will have site specific construction-related impacts to cultural and historic resources, and no adverse long-term impacts to cultural and historic resources.

Degree of effect on public health or safety.

The selected alternative is specifically designed to enhance public health and safety by addressing the ongoing degradation of the Lower Wildrose Road, and by installing features to prevent washout of the road during minor to moderate flood events. Currently, the roadway is becoming increasingly unsafe for transit by park visitors.

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.

Prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas will not be affected. The selected alternative will have negligible effects on historic and cultural resources.

Degree to which effects on the quality of the human environment are likely to be highly controversial.

There were no highly controversial effects identified during the internal scoping process, the public scoping process or during the EA public comment period.

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

There were no highly uncertain, unique or unknown risks identified during either preparation of the EA or the public review period.

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. The selected alternative is consistent with the Park's adopted Transportation Management Plan.

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 or minor contributions to cumulative impacts of the selected alternative. No projects were identified that, when considered with the impacts of the selected alternative, would have greater than minor impacts.

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

The selected alternative will not adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historic resources.

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

Four protected species are known to be present (or suitable habitat is present) within the project area. With the appropriate mitigation developed in consultation with US Fish and Wildlife Service, the selected alternative will have short-term negligible to minor impacts to species or habitat, and represents a long-term benefit for species and habitat.

Whether the action threatens a violation of federal, state, or local environmental protection law.

The selected alternative will not violate any federal, state or local environmental protection laws. The Park will obtain any secondary permits (e.g., storm water discharge, air emissions) needed by state or local agencies in association with implementation of the selected alternative.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

Public Scoping

A letter describing the proposed project, alternatives to the proposed project, and requesting public scoping input to the proposed project was made available on the Park web site, sent as a press release to over a hundred news outlets and individual reporters, sent as a letter to be posted in area libraries, and sent as a letter to a park-maintained list of interested parties on March 22, 2010. NPS received responses from thirteen individuals, and one response from Inyo County's Department of Planning. All who commented were in favor of implementation of an action alternative for this project, with most expressing approval for Alternative 3 or Alternative 4. Two individuals specifically supported the idea of a safe, paved parking area for observing Panamint Daisies, and two individuals were concerned that calling additional attention to these rare plants could adversely affect their population. These diverse comments, along with input from the Park Botanist, led to the mitigation measure of avoiding the installation of any road sign calling attention to the Panamint Daisy or its habitat. This mitigation will enable Alternative 4, the Park's preferred alternative, to provide a safe place for visitors to explore and self-discover Panamint Daisy habitat with negligible impact to an established population of this rare plant. Issues and concerns generated through public scoping that were not within the scope of this project, and thereby were not addressed in the environmental assessment, include the following item:

- Creation of a paved bicycle path along the right-of-way of all paved Park roadways

All comments received during the public scoping period have been duly considered and are now part of the administrative record for this project.

Agency Consultation

NPS contacted the US Fish and Wildlife Service's (USFWS) Ventura Field Office on November 10, 2009 via electronic mail asking for the USFWS's input regarding federally listed species that may be affected by the project. The USFWS provided a letter of response via electronic mail on December 31, 2009. The letter stated that the USFWS requested analysis of three federally listed

species (least Bell's vireo, southwestern willow flycatcher, and yellow-billed cuckoo) and the project's potential effect on migratory birds be addressed.

The NPS sent a letter to the USFWS Ventura Field Office on September 10, 2010, confirming that potential impacts to the three federally listed species (least Bell's vireo, southwestern willow flycatcher, and yellow-billed cuckoo) were being analyzed and that potential impacts to the desert tortoise were also being analyzed. The September 10, 2010 letter 1) requested USFWS confirmation that the four species are those which USFWS desired to see included in the project analysis, 2) invited USFWS to amend the species list, and 3) requested USFWS confirmation that NPS, as federal Lead Agency for the proposed project, was fulfilling its responsibility to review the proposed project and determine whether any listed species may be affected. The USFWS Ventura Field Office replied by letter October 12, 2010, 1) confirming that potential impacts to the four species should be analyzed, 2) that no other federally listed, proposed or candidate species, or critical habitat are known to occur in the project vicinity, and 3) recommending that potential impacts to migratory birds also be analyzed. NPS has analyzed potential impacts to least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, desert tortoise and migratory birds in the Biological Assessment and the Environmental Assessment, developing mitigations common to all alternatives to insure that no adverse effect was likely to result from any of the proposed actions.

The NPS sent the Biological Assessment (BA) to the USFWS on October 20, 2011, asking for concurrence with the NPS determination of "may affect, not likely to adversely affect" regarding the listed species. The USFWS replied with a memorandum dated January 30, 2012, concurring with the determination.

The NPS contacted the US Army Corps of Engineers in December of 2009 concerning the jurisdiction of Wildrose Wash. The Corps requested a memorandum documenting the drainage path and characterizing the nature of Wildrose Wash. NPS sent such a memo in April 23, 2010 to the US Army Corps, which is included as an appendix to the EA. DVNP consulted internally with the NPS Water Resources Division in September 2011 regarding the project's location in a floodplain. NPS Water Resources Division advised preparation of a draft Floodplain Statement of Findings to accompany the EA, and reviewed the draft Floodplain Statement of Findings before its inclusion in the EA as an appendix.

The NPS sent a letter to the California State Historic Preservation Officer (SHPO) on September 10, 2010, outlining the proposed project and to notify the Office of Historic Preservation that the project is being contemplated, that NPS is reviewing the project for impacts to cultural resources, and that NPS intends to fulfill its obligations under the pertinent resource protection laws and regulations, including the National Historic Preservation Act (NHPA), Section 106. A response was not received. The NPS discussed the project directly with the California SHPO office on February 8, 2011, and discussed the prospect of going forward with the no adverse effect finding.

The NPS sent the final environmental assessment to the California SHPO on October 20, 2011, along with a letter requesting that the SHPO review the archaeological report accompanying the environmental assessment, as well as the park's request to assume that two sites within the project's Area of Potential Effect (APE) are eligible for the National Register of Historic Places, and the park's analysis that the selected alternative will have No Adverse Effect on cultural resources in the APE. The SHPO sent the NPS a letter on December 23, 2011 concurring with the NPS assumption of eligibility and determination of No Adverse Effect.

The NPS sent a letter to the Timbisha-Shoshone Tribe's Tribal Historic Preservation Officer (THPO) on September 10, 2010, outlining the proposed project and to notify the Tribe that the project is being contemplated, that NPS is reviewing the project for impacts to cultural resources, and that NPS intends to fulfill its obligations under all pertinent resource protection laws and regulations, including the NHPA, Section 106. While the NPS has not received a formal response, NPS' archaeological contractor has received an email from the THPO stating that while the area is sacred, the THPO has no concerns with the project as described in the selected alternative. The NPS sent the final environmental assessment to the Timbisha Shoshone Tribal Chairman and the Timbisha Shoshone THPO on October 20, 2011, along with a letter requesting that the Tribe and the THPO review the archaeological report accompanying the environmental assessment, as well as the park's request to assume that two sites within the project's Area of Potential Effect (APE) are eligible for the National Register of Historic Places, and the park's analysis that the selected alternative will have No Adverse Effect on cultural resources in the APE. The Timbisha Shoshone Tribe has not formally concurred, and no longer has a designated THPO. NPS staff from Death Valley National Park met directly with the Timbisha Shoshone Tribal Chairman, Vice Chairman, and Tribal Administrator on January 13, 2012 to discuss the Lower Wildrose Environmental Assessment and identify any concerns the Tribe might have. During this meeting and a follow-up meeting on January 24, 2012, the Tribe did not identify any concerns with the Environmental Assessment or the proposed project.

Public Review of EA


The EA was released for a 30-day public review period on October 20, 2012. The document was made available on the Park's Public Planning website, and information about its availability was sent as a press release to over a hundred news outlets and individual reporters. A letter from the Park Superintendent notifying the public of the EA's availability, and how to access the document, was sent to a park-maintained list of interested parties. Nineteen hard copies were sent directly to interested members of the public who requested hard copies during public scoping or during the EA comment period. Hard copies were also distributed to five area libraries at the beginning of the comment period to enhance availability of the document. The NPS received responses from thirteen individuals, and one response from Inyo County's Department of Planning. All comments were in favor of the Park taking action to rehabilitate the road, except for one individual who expressed an opinion that federal money would be better

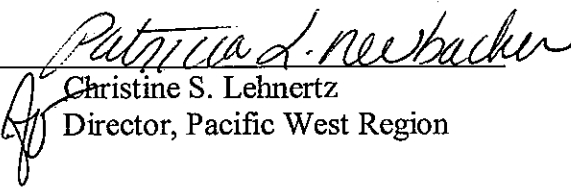
spent to install a gas station at Scotty's Castle. One individual supported rehabilitation of the road utilizing Arizona crossings, but not culverts. Seven commenters specifically supported the Park's Preferred Alternative. Inyo County Planning Department's letter, dated November 21, 2011, stated that Alternative 4 best enhances access to recreational and tourism activities, provides opportunities to view natural resources in a safe manner, and provides adequate drainage to alleviate the need for future road work. The letter encouraged the Park to consider road rehabilitation activities during the off-season in order to minimize traffic impacts.

The NPS has taken all public and agency comments in due consideration while preparing this Finding of No Significant Impact, and these comments are now part of the administrative record for this project.

CONCLUSION

The National Park Service has selected Alternative 4: Repave and Widen Lower Wildrose Road, Provide Drainage Features and Road Reinforcement at Drainage Crossings, and Provide Turn-Out Parking Area for Observing Panamint Daisy Blooming Area for implementation. 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 public scoping and EA review comments, the NPS has determined that the selected alternative does not constitute an action that would normally require the preparation of an environmental impact statement. The selected alternative will not have 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 by this action and thus will not be prepared, and implementation of the approved roadway improvements will be initiated as soon as practicable.

Recommended:  3/1/2012
Sarah Craighead Date
Superintendent, Death Valley National Park

Approved:  3/6/12
Christine S. Lehnertz Date
Director, Pacific West Region