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Railroad Operations

*P. yllalac*

DATE: April 9, 2002

TO: Mr. Daryl James, P.E., Chief  
Environmental Services Division, NDOT

FROM: Greg Corbin, Museum Director, *GC*  
Nevada State Railroad Museum/Boulder City

RE: Public Comment Form  
Boulder City/U.S. 93 Corridor Study, April 4, 2002

After reviewing the Draft Environmental Impact Statement and attending the Public Hearing/Open House for the Boulder City U.S. Corridor Study, I offer the following comments:

A1-1.1 > I prefer Alternative D (the most southern route). Alt. D has this least amount of impact to existing homes, businesses, other facilities and the most of all, the state owned Boulder Branch Railroad line between Railroad Pass and Boulder City. Plans for on and off ramps to Boulder City from the new bypass (in the area of Railroad Pass) are sufficient and should provide good uncongested traffic flow for tourist and visitors.

> It is still the position of the Department of Cultural Affairs and the Division of Museums and History to see railroad service reestablished to the rest of the Boulder Branch Line in Henderson and Las Vegas, by reopening the railroad crossing at Railroad Pass.

> After reviewing the D.E.I.S. I am satisfied with the information provided in regards to NDOT's plans to separate the existing railroad tracks (at Railroad Pass) from the new highway grade by constructing a new railroad overpass. Plans and information provided during the open house in regards to the grade separation and Railroad Bridge were very informative and beneficial as well. CH2M Hill provided some excellent visual affects of the railroad bridge and by-pass project.

A1-3.1 > However, what the D.E.I.S. and the Public Hearing did not address, are what NDOT intends to do in reference to the existing railroad crossing at Hwy 93/95, Railroad Pass (discussion with Mr. Michael Lasko, CH2M HILL). After reviewing plans and information provided during the open house, all indications are that the existing highway (93/95) will become a two-lane road connecting with the Boulder Highway in Henderson. To successfully re-establish the state (Division of Museums and History) owned railroad to the rest of the Boulder Branch Line in Henderson/Las Vegas, it will be

Page 1 of 2 Prepared 04/09/02

### Response to Comment A1-1.1

FEIS Section 4.11, Economic Impacts, states that according to current engineering development, Alternative B would displace five businesses and could partially displace seven businesses along existing U.S. 93. Alternative C would not displace any businesses but would impact the planned Boulder Ridge Golf Course. Alternative D would have the least amount of direct impacts to existing homes and businesses in Boulder City.

The Preliminary Engineering Report indicates that traffic modeling predicts an LOS of B at the Railroad Pass interchange, an improvement from a predicted LOS F for Alternative A (No Build).

The Purpose and Need (FEIS Chapter 1) for the project states as a purpose to "extend freeway status to the U.S. 93/95 interchange," which would require a grade separation of the railroad tracks.

### Response to Comment A1-3.1

All build alternatives, including Alternative D (the preferred alternative), propose a railroad bridge (EX01) at the proposed U.S. 93/95 crossing of the Nevada State Division of Museums and Historic Railroad. Improvements and safety measures on the existing highway will require further consideration by NDOT and during final design.

necessary to remove the existing asphalt. Also, modifications will need to be addressed to the existing automatic warning (currently, not in use) devices to meet required safety protection for the new two-lane road between Railroad Pass and Henderson. I would request that this issue be addressed in the final version of the E.I.S. for the Boulder City Corridor Study. Note: Of course this would not be an issue should NDOT decide to dead end the current highway at the Railroad Pass Hotel Casino. Therefore, I would request NDOT not create a frontage road connecting to Henderson. This would eliminate a major safety issue for both agencies.

A1-6.1

➤ It has recently been brought to my attention that NDOT plans to widen Interstate 15 in Las Vegas near Russell Road and that there are plans to replace the current Union Pacific Railroad's Boulder Branch Bridge near Russell Road. I brought this matter to the attention of Mr. Scott Rawlins, NDOT Project Manager during the Public Hearing and asked if there was any possibility of using the bridge for the referenced project. Mr. Rawlins explained the geometrical differences between the UPRR Bridge and the bridge to be designed for the Boulder City project. Still, I would request that you give the matter some consideration as a possible alternative before deciding to send the bridge to northern Nevada.

CC: Scott Sisco, Interim Director  
Department of Cultural Affairs

### Response to Comment A1-6.1

Comment noted. The preliminary geometry required for the bridge as part of the Boulder City/U.S. 93 Corridor project does not accommodate the geometry required for the UPRR bridge near Russell Road.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105-3901

May 10, 2002

Daryl James, Chief, Environmental Services Division  
 Nevada Department of Transportation  
 1263 South Stewart Street  
 Carson City, NV 89712

Dear Mr. James:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Boulder City/U.S. 93 Corridor Study, Clark County, Nevada (CEQ Number: 020093, ERP Number: FHW-K40250-NV). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. This letter provides a summary of EPA's concerns. Our detailed comments are enclosed.

The Federal Highway Administration (FHWA) and the Nevada Department of Transportation (NDOT) propose a highway project to reduce traffic congestion, improve safety, and enhance regional mobility along U.S. 93 and improve or maintain local circulation and access within Boulder City. The western boundary of the project is in the City of Henderson, and the eastern boundary of the project is coincident with the planned western end of the U.S. 93 Hoover Dam Bypass project. The DEIS analyzes four alternatives: (A) No Action Alternative, (B) Improvements to the Existing U.S. 93 Alignment, (C) Through-Town Alignment, north of existing U.S. 93, and (D) Southern Alignment, south of existing U.S. 93. A Preferred Alternative has not been identified.

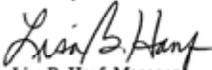
In 2001, EPA reviewed and provided comments on several of the draft technical reports developed in support of this DEIS. We note that the majority of the issues we raised in our early review have been addressed in the DEIS. Overall, the DEIS is a well prepared document that clearly describes the projected impacts of the proposed project. We have, however, identified environmental impacts of concern that should be more thoroughly described and mitigated in the Final Environmental Impact Statement (FEIS). Specifically, EPA is concerned about direct project impacts to water resources, as well as indirect impacts associated with Alternative D. Because of the location of this alignment, Alternative D has the potential to influence both the timing and location of development in south Boulder City, resulting in indirect project impacts. Based on our review, we have rated this document *EC-2, Environmental Concerns-Insufficient Information*. Please refer to the attached "Summary of Rating Definitions" for further details on EPA's rating system.

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While each of the alternatives has environmental impacts, EPA notes that Alternative D, cumulatively, has the greatest environmental impacts of all of the alternatives considered. When compared to Alternatives B and C, Alternative D has the greatest potential to impact threatened and endangered species through native habitat disturbance and fragmentation; has the most extensive roadway cuts and fill and, therefore, the highest potential for erosion; has the largest acreage impacts to the Lake Mead National Recreation Area and to Waters of the U.S., and Alternative D has the greatest potential to effect long-term water quality and the timing and location of future development. For these reasons, it is EPA's position that Alternative D is not the environmentally preferred alternative. If Alternative D is selected as the Preferred Alternative, the Record of Decision (ROD) will need to state that the environmentally preferred alternative was not chosen as the Preferred Alternative (40 CFR §1505.2).

EPA appreciates the opportunity to comment on the DEIS. Please send two copies of the Final Environmental Impact Statement to the address above (Mail Code: CMD-2) when it is filed with EPA's Washington, D.C. office. If you have any questions, please feel free to contact me or Nova Blazej, the point of contact for this project. Nova Blazej can be reached at 415-972-3846 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,

  
Lisa B. Hanf, Manager  
Federal Activities Office

Attached: Summary of EPA Rating Definitions  
Detailed Comments

cc: Ted Bendure, Federal Highway Administration-Nevada Division  
Shelly Carter, Army Corps of Engineers-Reno  
Grady McNure, Army Corps of Engineers-St. George

## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

**U.S. EPA DETAILED COMMENTS  
BOULDER CITY/U.S. 93 CORRIDOR STUDY DEIS**

The following recommendations are made for inclusion in the Final Environmental Impact Statement (FEIS) unless otherwise noted.

**Water Resources**

**Clean Water Act Section 404 Permit Requirements**

The Draft EIS states that the project may qualify for either a Nationwide Permit or an Individual Permit (Clean Water Act Section 404) from the Army Corps of Engineers for discharge of fill into Waters of the U.S. (p.4-47). Because of the cumulative project impacts to Waters of the U.S., it is EPA's position that this project warrants an Individual Permit. Nationwide Permits for linear transportation projects are limited to those projects with 0.5 acre of impacts or less (33 CFR §330B14(a)(1)). Since all of the Build alternatives impact greater than 0.5 acres of Waters of the U.S., an Individual Permit is expected to be required for this project.

The DEIS correctly notes that Clean Water Act Section 404(b)(1) Guidelines require that the permit applicant (Federal Highway Administration and the Nevada Department of Transportation) demonstrate that the permitted project represents the least environmentally damaging practicable alternative (LEDPA) and that the permit application would require EPA's review and concurrence (p.4-48). EPA is interested in working with the Federal Highway Administration (FHWA), the Nevada Department of Transportation (NDOT), the Army Corps of Engineers (ACOE), and the U.S. Fish and Wildlife Service (USFWS) to ensure that the Preferred Alternative identified under the National Environmental Policy Act (NEPA) is the LEDPA under the Clean Water Act Section 404(b)(1) Guidelines. In EPA's November 1, 2001 memo on the Wetlands Impacts Technical Study, we recommended that FHWA and NDOT involve EPA, ACOE, and USFWS early in the process of identifying the LEDPA. EPA did not receive a response from either FHWA or NDOT.

**Recommendation:**

- EPA continues to recommend that FHWA and NDOT engage the Resource Agencies in the identification of the LEDPA before the publication of the FEIS, as outlined in the NEPA/Clean Water Act Section 404 Integration Process for Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU). This early coordination can work to streamline the proposed project and avoid delays in the permitting process.

**Impacts Minimization & Mitigation**

The DEIS quantifies impacts to Waters of the U.S. (Table 4-16, p.4-46). It would be appropriate and useful for the DEIS to also include a description of the steps that have been taken with each of the alternatives to avoid and minimize impacts to water resources. In areas where impacts cannot be avoided, compensatory mitigation will likely be required. EPA is willing and available to work with FHWA, NDOT, and ACOE to determine the appropriate scope of that mitigation.

**Response to Comment A2-2.1**

Section 4.6 of the FEIS (Volume I) has been updated to reflect the results of consultations with the USACE and the EPA. It also provides a description of the evaluations that contributed to the identification of Alternative D as the LEDPA. Continuing consultation with the USFWS will take place as part of the development of the Biological Assessment for implementation of the preferred Alternative D. It is anticipated that the USFWS' Biological Opinion will include additional mitigation measures to minimize impacts to sensitive resources (see Section 4.4.3) that will be incorporated into this project. Consultations with the EPA on the development of the Conceptual Mitigation Plan also continue.

Request and recommendation for EPA and Resource Agencies' direct involvement in project noted.

In response to EPA comments, FHWA and NDOT conducted a project site reconnaissance with USACE, as well as working sessions with EPA and USACE on the following dates:

- May 23, 2002 (meeting with USACE)
- June 11, 2002 (site visit involving USACE)
- June 12, 2002 (teleconference involving EPA, USACE, FHWA, and NDOT)

Based on the field review, a review of the information provided in the DEIS, and pursuant to the above-noted meetings, USACE provided comments and recommendations in a letter dated June 26, 2002, and included in the volume (see page A-18). USACE concurred with the delineation of waters of the U.S. presented in this FEIS. It also recommended examination of the conditions of nationwide general permit number 14. Subsequent to the completion of detailed engineering design, and in order to continue to comply with provisions of the Clean Water Act, as well as other applicable regulations, the appropriate permit application will be submitted to USACE prior to the initiation of construction.

**Response to Comment A2-2.2**

FEIS Sections 4.5 and 4.6 describe the measures to be taken that would avoid and minimize impacts to water resources. Recommendation for EPA and USACE involvement and coordination has been actioned. Refer to response to Comment A2-2.1.

A2-2.1

A2-2.2

May 10, 2002

**Recommendation:**

- Include a description of the steps that have been taken with each of the alternatives to avoid and minimize impacts to water resources.
- As part of the coordinated process listed above to identify the LEDPA, EPA recommends that FHWA and NDOT work with EPA and ACOE to develop a conceptual mitigation plan for impacts to water resources, as outlined in the NEPA/404 MOU.

**Best Management Practices Monitoring Program**

The DEIS states that a program will be implemented to monitor the effectiveness of the Best Management Practices (BMPs) utilized in this project (p.4-33).

A2-2.3

**Recommendation:**

- Because mitigation monitoring tends to be a weak area in environmental protection, please describe the BMP monitoring program that will be implemented for this project.

**Indirect Effects**

Indirect effects are "caused by the action and are later in time and farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.8). EPA is particularly concerned about the potential indirect effects of Alternative D.

EPA notes that the DEIS discusses the restrictive growth control and zoning ordinances of Boulder City (p.3-88, p.6-20). However, the Alternative D alignment has the potential to effect both the timing and location of future development in Boulder City. Land uses adjacent to Alternative D include "undesignated land uses" (p.3-88). In addition, Buchanan Boulevard, a major north-south arterial, intersects with Alternative D in an undeveloped area south of Boulder City. A major new freeway bisecting this undeveloped area with an opportunity for an interchange at an existing arterial road sets up conditions that can influence both the timing and location of development, even in a growth control community.

A2-2.4

**Recommendations:**

- Describe the potential for Alternative D to accelerate the timing and influence the location of development in Boulder City, especially in light of the fact that areas in south Boulder City are currently unplanned.
- Describe the potential for a future interchange at Buchanan Boulevard.
- If indirect effects are anticipated from development associated with Alternative D, describe the environmental impacts of that development.

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**Response to Comment A2-2.3**

As noted in FEIS Section 4.5.2, the State of Nevada's Handbook of BMPs will be utilized as guidance in implementing BMPs and monitoring. The South Valley Area 208 Water Quality Management Plan will also be consulted. FEIS Section 4.5.2 briefly describes pertinent guidance from these reference documents, and mitigation measures. The detailed BMP monitoring program will be developed as part of the project design efforts and would be completed prior to construction.

**Response to Comment A2-2.4**

Alternative D, the Southern Alternative, has been selected as the preferred alternative. Sections 2.4 through 2.6 of the FEIS discusses the screening and evaluation processes that led to this decision.

Alternative D would only provide interchanges at the eastern and western project limits. Only emergency vehicular access at Buchanan Boulevard is planned as part of Alternative D. See letter from City of Boulder City dated May 23, 2002, on page A-15 of this document (Volume II of the FEIS).

Alternative D would traverse predominantly undeveloped open space owned by Boulder City since its incorporation in 1958. The sale of City-owned open space lands greater than 1 acre in size requires approval by the City electorate. Since 1979, the City's growth-control ordinance (adopted by referendum) has limited development, resulting in annual growth of about three percent. The 1995 adopted land use plan limits future development of open space to areas west of Buchanan Boulevard, north of the airport, and south of existing development near Adams Boulevard. Based on the City's statutory controls on disposal of public lands and land development, it is reasonable to conclude the project alternatives would not have growth-inducing effects and other effects related to induced changes in land use, population density, and the rate of population growth, and the associated effects on natural resources.

The updated Boulder City Master Plan was adopted in December 2003. Of the build alternatives, only Alternative D would avoid substantive conflicts with planned land use presented in the Master Plan.

- An update of the Boulder City Master Plan is scheduled for mid to late 2002. Include this updated information in the FEIS if available.
- The DEIS states that Alternative C would provide increased accessibility to Hemenway Wash (p.4-66). Similar to the discussion of indirect effects related to Alternative D, clarify whether this "increased accessibility" will effect the timing and location of development in Hemenway Wash. If so, describe the associated environmental impacts of this development.

Cumulative Impacts

The DEIS thoroughly discusses past, present, and reasonably foreseeable future actions in the project study area. The DEIS also identifies potential cumulative impacts, such as impacts to biological resources, air quality, and water resources. Although these cumulative impacts are identified, the DEIS does not propose possible mitigation or responsible entities.

A2-2.5

The Council on Environmental Quality's *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, states that it is appropriate to identify all relevant and reasonable mitigation measures, even if they are outside the jurisdiction of the lead agency. This will serve to alert agencies or officials who can implement these extra measures, and will encourage them to do so (*Forty Most Asked Questions*, 19b.).

Recommendation:

- When cumulative impacts occur, mitigation should be proposed. Clearly state the lead agency's mitigation responsibilities and the mitigation responsibilities of other entities. The FEIS should include all relevant, reasonable mitigation measures, even if they are outside the jurisdiction of the lead agency or cooperating agencies.

Air Quality – Construction Impacts

The DEIS lists a number of excellent construction mitigation measures for air quality. However, given the negative health effects of particulate matter less than 10 microns (PM10), and the magnitude of this project, we recommend including the following mitigation measures, as appropriate.

A2-2.6

Recommendations:

- Identify sensitive receptor locations in the project area, such as schools, hospitals, parks, and athletic centers. Schedule construction to avoid and minimize impact to sensitive receptor populations, including children, the elderly, infirm, and athletes.

**Response to Comment A2-2.5**

FEIS Section 6.6 describes the relevant, reasonable mitigation measures to address cumulative impacts, and identifies the responsibilities of the lead agency and other entities.

**Response to Comment A2-2.6**

Recommendation for additional air quality mitigation measures noted. Mitigation during construction activity is detailed in the FEIS, Section 4.2, and will conform to the purposes of the Federal Clean Air Act and follow the Clark County Department of Air Quality Management Best Management Practice manual for construction activities.

May 10, 2002

- Reduce the use of diesel-powered equipment. Include mitigation measures that detail how diesel emissions will be minimized for each phase of project construction, especially in sensitive receptor locations. For example, require contractors to keep the equipment fine-tuned, avoid idling, and use alternative fueled vehicles when feasible.

**Recycled Materials, Materials Reuse, and Recycling**

The Resource Conservation & Recovery Act (RCRA) Section 6002 requires federal, state, local agencies, and their contractors, that use appropriated federal funds to purchase EPA-designated recycled materials, including EPA-designated transportation, construction, and landscaping products. In addition, EPA supports deconstruction and materials reuse in projects where existing structures are removed.

A2-2.7

- Commit to materials reuse, where appropriate and feasible, and include a commitment to the Buy-Recycled requirements. For further details, please see EPA's web site at <http://www.epa.gov/cpg>.
- Commit to materials reuse, deconstruction, and construction and demolition debris recycling.

**Invasive Species**

Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. To the extent that this project will entail new landscaping, the EIS should describe how the project will meet the requirements of Executive Order 13112 by using native species.

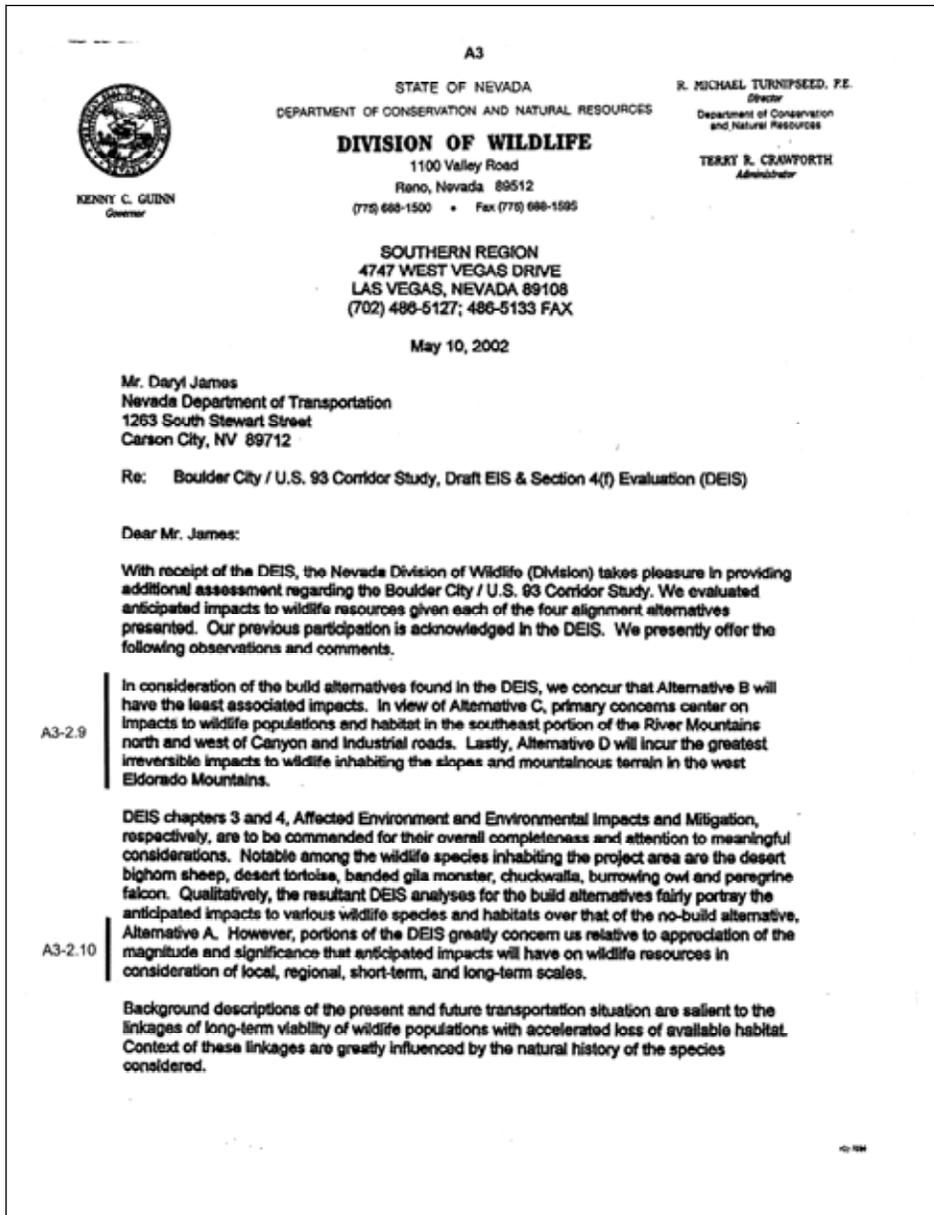
A2-2.8

**Response to Comment A2-2.7**

Recommendation for materials reuse noted. As part of the preliminary and final design phases of this project, specifications for materials use will be developed and included in the specifications to the contractor.

**Response to Comment A2-2.8**

As noted in FEIS Section 4.10.3, NDOT has developed and circulated, in June 2002, a landscape policy that will outline a treatment methodology. The policy will describe a landscaping minimum. Compliance with EO 13112 provisions will be included as part of this policy.



**Response to Comment A3-2.9**

Comments noted, with particular attention to NDOW's concerns regarding the wildlife resources within the project area and the anticipated impacts associated with the build alternatives. The FEIS has been updated to include additional data pertaining to wildlife impacts that would result from the build alternatives, and to address cumulative impacts including the effect of the current roadway on bighorn movement between local mountain ranges.

**Response to Comment A3-2.10**

Comments noted. Mitigation measures identified in this document are preliminary and subject to refinement as additional engineering is completed for the selected alternative. Consultation with state and federal wildlife agencies during the development of the Biological Assessment (BA) will result in the refinement of mitigation measures that will be included in the Biological Opinion, and implemented as part of this project (see Section 4.4.3).

James, Daryl (NDOT)

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May 10, 2002

**DESERT BIGHORN SHEEP**

Bighorn sheep are intensively managed in Nevada. Bighorn conservation is difficult in large part because the species requires large areas, and is susceptible to disease-induced die-offs. A confounding factor is that regional population sizes are generally small, <100 individuals. The present estimate of desert bighorn in Nevada is 5,300. In view of the many small herds, a meaningful safeguard the Division has adopted in overall efforts to conserve bighorn is to maintain the few remaining large populations. Periodic population surveys are used to monitor population trend. Efforts to repatriate historic bighorn habitat were largely successful in the latter-half of the 1900's using strategically placed water developments often followed-up by trapping and transplant operations. These efforts were successful only when sufficient land base was available and land-use conflicts were negligible for self-sustaining populations. Hence, recommendations concerning bighorn habitat have been and are at the core of conservation discussions.

During the mid-1980's, Clark County supported the only three bighorn populations exceeding 300 individuals in Nevada, one of which was the Eldorado Mountains herd. Another three populations numbered in the range of 200-300. Today, only the Muddy Mountains herd in Clark County numbers more than 300 individuals in the state. Since 1985, the Eldorado Mountains herd has declined from an estimated 370 adults to the present number of 220 adults.

A3-2.11

Concern for persistence of the Eldorado Mountains bighorn population stems from an already unacceptable level of mortality attributable to collisions with vehicles on U.S. 93. The Eldorado Mountains bighorn population has been on a downward trend since the latter-half of the 1990's; roadway mortality involving ewes and lambs is the principal causative factor. The Division anticipates that augmentation of transportation routes in the project area will exacerbate an already serious situation.

We expect that the direct impacts consequential to any of the DEIS's build alternatives coupled with the highly-interrelated Hoover Dam Bypass project and existing U.S. 93 (Hacienda Hotel to Hoover Dam segment) will accelerate the existing threat to long-term viability of the bighorn sheep population inhabiting the Eldorado Mountains.

The continued viability of the Eldorado Mountains bighorn population is crucial in a broader context. Elsewhere in Clark County, historic bighorn movement corridors have become formidable barriers and hazards. For example, we previously commented on the situation at Railroad Pass precluding bighorn movement between the McCullough Range and River Mountains. Coincident to regional improvements in transportation routes have been changing patterns of localized and regional land uses. These fast-paced, landscape level changes in Clark County continue to challenge the Division's ability to assure self-sustaining bighorn persistence in Clark County. An escalation in roadway mortalities and further habitat degradation and fragmentation as a result of the DEIS's build alternatives and the Hoover Dam Bypass would pose irreversible impacts to the Eldorado population. Time frames for the Eldorado bighorn herd to reach its critical population threshold would be influenced by which alternatives were selected as final project designs for each of the respective transportation projects.

**Response to Comment A3-2.11**

FEIS Section 4.4 has been updated to address the bighorn-vehicle collisions that would occur from any of the alternatives, including the no-action alternative (continued use of the current roadway). FEIS Chapter 6 has been updated to address the cumulative impacts of continued development in the region on bighorn populations. Also, mitigation measures presented in FEIS Section 4.4.3 have been clarified. These specific mitigation measures, such as fencing and wildlife crossings, will be brought forward in the final design process in consultation with NDOW and federal resource agencies, to minimize the probability of direct mortalities. The mitigation in the FEIS has been developed to establish potential locations for bighorn sheep crossings.

James, Daryl (NDOT)

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**DESERT TORTOISE**

In addition to protection afforded under the federal Endangered Species Act (ESA) and conservation concern stated in the DEIS, the desert tortoise is a State protected reptile and further classified as threatened per NRS 501.110 and Nevada Administrative Codes 503.080, 503.090, and 503.093. Collection, transportation or killing is prohibited without prior written authorization from the Division.

The process outlined in the DEIS relating to section 7 ESA consultation with the Service is adequate to meet Division needs. Regardless of findings in the BA or Biological Opinion, written authorization will be required from the state in addition to any other federal authorization should collection, removal, translocation, or similar activity be appropriate consequential to one of the build alternatives moving forward.

**BANDED GILA MONSTER**

This species is rarely observed relative to other species and is the primary reason for its Protected classification by the State of Nevada. The USDI Bureau of Land Management has recognized this lizard as a sensitive species since 1978. The lizard is considered a species of concern by the U.S. Fish & Wildlife Service (Service). Most recently, the Gila monster was designated as an Evaluation species under Clark County's Multiple Species Habitat Conservation Plan (MSHCP). The designation was warranted because inadequate information exists to determine if mitigation facilitated by the MSHCP would demonstrably cover conservation actions necessary to insure the species' persistence without protective intervention as provided under the federal ESA.

Found mainly below 5,000 feet elevation, its geographic distribution in Nevada approximates that of the desert tortoise. Habitat requirements center on desert wash, spring and riparian habitats that interdigitate primarily with complex rocky landscapes of upland desert scrub. Hence, Gila monster habitat bridges and overlaps that of both the desert tortoise and chuckwalla. Gila monsters are secretive and difficult to locate, spending >90% of their lives underground. They make use of deep crevices and caves of primarily rocky slopes for winter and summer refugia. When active they frequent animal burrows and other shallow refugia on more gentle slopes. Foraging Gila monsters seek nestlings of ground or low-shrub nesting birds (e.g. doves, quail), rodents (e.g. mice, kangaroo rats), and legomorphs (e.g. cottontail) which are found in highest concentration in higher productivity areas, such as along well-vegetated wash courses of bajadas.

Scant information exists for this lizard's distribution and relative abundance in Nevada. The Division is investigating the species' status and distribution, hence additional distribution, habitat, and biological information is of utmost interest. Recently compiled site localities further validate the species presence in the project area, e.g. the habitat delineation depicted in the DEIS's Figure 3-3 is accurate for the transportation corridor evaluation.

Should a project alternative move forward, then Division requests the project proponent to assist in gathering additional information about gila monsters in Nevada, i.e. at minimum the

**Response to Comment A3-2.12**

FEIS Section 3.4.2 has been modified to acknowledge the state-protected status of the desert tortoise pursuant to Nevada Revised Statute (NRS) 501.110 and Nevada Administrative Codes (NACs) 503.080, 503.090, and 503.093; and revisions to Section 4.4.4 note that state authorizations will be required should desert tortoise collection, removal, translocation, or similar activity be consequential to Alternative D.

**Response to Comment A3-2.13**

Comments noted.

Alternative D, the Southern Alternative, has been selected as the preferred alternative. Section 2.6 of the FEIS discusses the rationale for this decision. Section 4.4.4 identifies NDOW as a reviewing and permitting agency for the project and, as a result, would have the opportunity to request specific mitigation measures to address any impacts of concern during the development of the Biological Opinion by USFWS.

	James, Daryl (NDOT)	4	May 10, 2002
	Division will be notified whenever a gila monster is encountered during construction activities. We can provide protocol detailing the documentation procedure.		
	<b>CHUCKWALLA, BURROWING OWL, AND PEREGRINE FALCON</b>		
A3-2.14	The considerations outlined in the DEIS for minimizing and mitigating impacts should be adequate. Should the project move forward, we should be consulted in addition to the Service regarding additional considerations for migratory birds and raptors.		
	<b>SPECIES NOTED AND THEIR RELATIONSHIP TO CLARK COUNTY MSHCP</b>		
A3-2.15	To our understanding, the Clark County MSHCP provides for incidental take of species where conservation actions for the same occurring in Clark County offset the need for protection under the federal ESA, even should such a listing be warranted elsewhere. Species for which adequate information and conservation measures are in place to allow incidental take are known as covered species. The MSHCP is an insurance policy against future listing under the federal ESA. It does not usurp other regulatory authority. Of the species in the DEIS provided special consideration, only the desert tortoise, chuckwalla, peregrine falcon, long-legged myotis, long-eared myotis, and silver-haired bat are covered species in the Clark County MSHCP. The DEIS could benefit by providing the list of species covered under the Clark County MSHCP and clarifying the benefits of the Clark County MSHCP, if any, have to the BC/ U.S. 93 Corridor Study. Because the desert bighorn sheep and banded gila monster are not covered and are under the authority of the Division, we foresee the need to discuss additional mitigation for these species.		
	<b>ALTERNATIVE D: HIGHWAY CROSSING STRUCTURES AND FENCE</b>		
A3-2.16	Further study of the Boulder City/U.S. 93 Corridor in preparation for completion of the Final Environmental Impact Statement must involve close coordination with the Division and other knowledgeable entities. A thorough analysis of Alternative D should include highway crossing structures for bighorn sheep and other wildlife. Crossing structures from the onset should be included in project design. Minimizing roadway mortalities and facilitating use of highway crossing structures will necessarily involve fencing the alignment. Input from the Division relative to fence placement and design specifications will aid in designing structure systems benefiting wildlife. Costs should be reflected in the total cost of the project, and not considered an add-on cost to be held at a minimum in the post-design phase. In accommodating bighorn sheep movements, the Federal Highway Administration (FHWA) and Nevada Department of Transportation (NDOT) should be prepared to design, construct, and put in place various types of structures including but not limited to bridges, underpasses, overpasses, culverts and cattle guards to minimize impacts.		
	<b>ALTERNATIVES B &amp; C: HIGHWAY CROSSING STRUCTURES AND FENCE</b>		
A3-2.17	Bighorn sheep movements between the River Mountains and the Eldorado Mountains need to be considered in Alternatives B and C. The alignments should be fenced from Hemeryway Valley/Wash to the east end of the project area. Design and placement of bighorn sheep		

**Response to Comment A3-2.14**

Comments noted. Refer to response to Comment A3-2.13.

**Response to Comment A3-2.15**

FEIS Section 3.4.2 has been modified to include a description of the Clark County MSHCP and a list of covered species that occur within the project area. FEIS Section 4.4.4 identifies NDOW as a reviewing and permitting agency for the project and, accordingly, will be consulted during final design regarding specific mitigation for species not covered under the MSHCP (i.e., desert bighorn sheep and banded Gila monster).

**Response to Comment A3-2.16**

Prior to project implementation a BA will be prepared in consultation with NDOW, USFWS, and other responsible agencies. During this process engineering design will include the development of crossings and other forms of mitigation; both bridges and oversize culverts will be considered for use. Please refer also to response to Comments A3-2.10 and A3-2.11.

**Response to Comment A3-2.17**

Sections 3.4 and 4.4 of the FEIS have been updated to include more detailed data provided by NDOW on bighorn occurrences in the project area, including in the vicinity of the Alternative A, B, and C corridors. Mitigation measures for the Alternatives are presented as well.

James, Daryl (NDOT)

5

May 10, 2002

crossing structures should be coordinated with the Division. In the Hemerway Valley/Wash area, FHWA and NDOT should be prepared to design and construct various types of structures including bridges, underpasses, overpasses, culverts and cattle guards. Crossing structures and fencing should be reflected in the total costs of the projects.

#### ACREAGE ASSOCIATED WITH CONSTRUCTION IMPACTS

Impacts are estimated between 327 and 679 acres depending on which of the build alternatives is selected. With respect to wildlife and habitat we respectfully disagree. The DEIS is correct in pointing out that raised rights-of-way will result in alteration of sheet flow hydrology consequential to precipitation. Culverts, water bars, and the roadway berm will redirect water from historical natural routes. The significance of this outcome is best exemplified in Alternative D. Vegetation downstream of the proposed route will be starved of water over the long term. Studies elsewhere have shown that local vegetative community productivity and diversity are likely to change over the long term. We anticipate that most wildlife associated with these impacted communities will not benefit, hence, lowering the area's overall habitat value and perhaps viability. It may be worthwhile to re-evaluate the downstream impacts and include such analyses in overall acreage estimates.

At this juncture, we look forward to working with the FHWA, NDOT, the Service and other entities in contributing to the Final EIS as outlined in the section, *Next Steps in Corridor Process* (page ES-39, 4-21) should the proposed project move forward. Thank you for this opportunity to provide review and comment. Should there be any questions please contact this office.

Sincerely,



D. Bradford Hardenbrook  
Supervisory Biologist - Habitat

PJGRBH:dbh

cc: Administrator, NDOW  
Nevada State Clearinghouse  
FHWA, Hoover Dam Bypass  
USFWS, Las Vegas  
NPS, Lake Mead NRA

### Response to Comment A3-2.18

As noted in FEIS Section 3.5.1, the desert washes within the project area convey runoff from winter and summer storms. These stormwater flows are of a temporary nature. Bridges, culverts, and other engineered features will be designed to minimize impacts to ephemeral flows (Sections 4.5, 4.6).

A3-2.18



A4

City of Boulder City  
401 CALIFORNIA AVENUE  
BOULDER CITY, NEVADA 89005  
Mailing Address  
P.O. BOX 61350  
BOULDER CITY, NEVADA 89006-1350

May 23, 2002

State of Nevada  
Department of Transportation  
Environmental Division  
Mr. Daryl James  
1263 South Stewart Street  
Carson City, NV 89712

RE: Draft Environmental US Route No. 93 Corridor Study

Dear Mr. James:

At their regularly scheduled Council meeting of May 14, 2002, the City Council passed a resolution recommending that Alternative "D" be selected as the preferred alternative for the Boulder City / US Route No. 93 Corridor Study. Council does understand that for Alternative "D" there would be an interchange in the vicinity of Railroad Pass Hotel and Casino with the current designated Route No. 93 roadway, interchange at Route No. 95 and an interchange in the vicinity of the Hacienda Hotel and Casino or connection to the Hoover Dam Bypass project.

Our City Council does understand that an interchange is not proposed on Alternative "D" for the Buchanan Boulevard extension and currently the City has no interest or plan for requesting a proposed interchange at this location.

A4-3.2

The City does believe that it is desirable to provide a means for emergency access to the Alternative "D" alignment in the vicinity of the Buchanan Boulevard extension. Emergency access for police and other emergency response personnel would improve response time by an estimated ten (10) minutes to the southern portion of Alternative "D" alignment. The City would also agree that emergency response should include Western Area Power Administration (WAPA) personnel. Not only is the Mead substation a significant regional power facility but is also the City's primary source of power. Access to the Mead substation was not possible during and after the storm of 1997. It is an estimated eleven (11) miles of roadway between the planned interchange with Route No. 95 and planned interchange with the Hoover Dam Bypass project.

If you have any questions concerning the information enclosed, please contact me at 293-9202, Monday through Thursday from 7:00AM to 6:00PM.

Yours truly,

John Sullard  
City Manager

cc: Michael Lesko, Project Manager, CH2M-Hill  
Phillip T. Henry, P.E., Director of Public Works  
file (2)

JS:mc

PTH JS NDOT (Daryl James) Alternative D Buchanan Boulevard

"Clean Green Boulder City"

### Response to Comment A4-3.2

The action taken by the Boulder City Council on May 14, 2002, is noted.

An interchange at Buchanan Boulevard as a point of vehicle access is not proposed as an aspect of Alternative D, the preferred alternative. The FEIS notes that emergency access to the Alternative D alignment at the Buchanan Boulevard extension crossing has been incorporated into the preferred alternative development.



Until these activities are completed, we cannot conclude our determination as to which alternative may be preferred, nor that all prudent and reasonable measures to minimize harm to Section 4(f) resources have been employed. Should you require additional information, please contact Superintendent Bill Dickinson, Lake Mead NRA on (702) 293-8920.

We appreciate the opportunity to provide these comments.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

cc:

Mr. Bill Dickinson  
Lake Mead National Recreation Area  
National Park Service  
601 Nevada Highway  
Boulder City, Nevada 89005

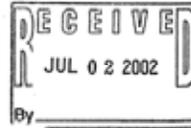
Mr. Daryl James  
Chief, Environmental Services Division  
Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, Nevada 89712

A6

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

June 26, 2002



Regulatory Branch (200250139)

Mr. Michael S. Lasko, P.E.  
CH2M Hill  
2000 East Flamingo Road  
Las Vegas, Nevada 89119-5163

Dear Mr. Lasko:

This concerns the Boulder City/U.S. 93 Corridor Study, Clark County, Nevada and the extent of jurisdictional waters of the U.S. under Section 404 of the Clean Water Act. This study centers on three build alternatives designated B, C and D that will cross and impact waters of the U.S. protected by Section 404 of the Clean Water Act. We reviewed your report dated July 2001 entitled "Wetlands Impacts Technical Study."

Some of the ephemeral washes affected by the project are waters of the U.S. because they are tributaries to "Navigable waters of the U.S." and interstate waters (Lake Mead and the Colorado River). These jurisdictional waters generally originate near Boulder City and flow northeast to Lake Mead or originate east of Boulder City and flow east to the Colorado River.

A number of affected ephemeral washes are isolated and intrastate waters. They generally originate west and south of Boulder City and flow in a southwesterly direction into Eldorado Valley (as identified in the USGS quadrangle) with termination at a dry lake. The affected washes do not have any wetlands as defined by the Corps of Engineers.

Two, virtually parallel, strips of isolated wetlands exist immediately south of the Boulder City wastewater treatment plant. The "hydrology" supporting these wetlands results from discharges of treated effluent. The wetlands are essentially used and maintained as a final stage of treatment.

In light of the SWANCC decision, the isolated, intrastate, ephemeral drainages flowing to Eldorado Valley and the isolated wetlands maintained by the treatment plant effluent (primarily crossed by Alternative D) are not waters of the U.S. because they are not: (1) "Navigable Waters of the U.S.," (2) interstate waters; (3) part of a tributary system to (1) or (2); (4) wetlands adjacent to any of the preceding; and (5) impoundments of any of the preceding. There is not any evidence of practical navigation or any evidence of an interstate commerce nexus for these drainages and wetlands. Migratory birds may use the

A6-2.21

### Response to Comment A6-2.21

Impacts to drainages within the Eldorado Valley watershed will not be considered in subsequent application to USACE for a permit pursuant to Section 404 of the Clean water Act. They will be mitigated through conformance with appropriate design and construction criteria provided by guidelines of the Clark County Regional Flood Control District and NDOT.

2

isolated wetlands below the treatment plant but this actual or potential use alone is insufficient for making a positive jurisdictional determination. Moreover, these isolated wetlands are part of the waste treatment system and are not waters of the U.S. based on 33 CFR 328.3(a)(7).

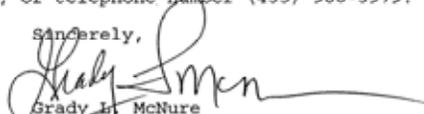
A6-2.22 We concur with your delineation of waters of the U.S. affected by the project except as noted above. These areas are regulated by this office under Section 404 of the Clean Water Act. Activities involving discharges of dredged and fill material below the ordinary high water marks of these jurisdictional waters will require a Department of the Army permit. We suggest careful scrutiny of nationwide general permit number 14 and our Nevada Letter of Permission Procedures (copy of each enclosed) for applicability to your project.

A6-2.23

This verification is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date. I am also enclosing a notice of appeal options.

We assigned number 200250139 to this case. Please refer to this number in any future correspondence with this office. If you have any questions, please contact me at e-mail address, Grady.McNure@usace.army.mil, or telephone number (435) 986-3979.

Sincerely,



Grady L. McNure  
Chief, St. George Regulatory Office  
321 North Mall Drive, Suite L-101  
St. George, Utah 84790-7310

Enclosures

Copies Furnished:

Ms. Kathy Dadey, U.S. Environmental Protection Agency, Region IX,  
75 Hawthorne Street, San Francisco, California 94105-3901  
Mr. Ted Bendure, Environmental Program Manager, Federal Highway  
Administration, 705 North Plaza Street, Suite 220, Carson City,  
Nevada 89701  
Mr. Daryl James, Chief, Environmental Services Division, Nevada  
Department of Transportation, 1263 South Stewart Street, Carson  
City, Nevada 89712

### Response to Comment A6-2.22

Impacts to drainages within the Lake Mead/Colorado River watershed will be quantified subsequent to the completion of initial engineering design work pursuant to implementation of Alternative D and addressed in the project-specific application to USACE for permit in compliance with Section 404 of the Clean Water Act.

### Response to Comment A6-2.23

Prior to submittal of a project-specific application to USACE for permit in compliance with Section 404 of the Clean Water Act, determination will be made regarding whether a nationwide general permit No. 14 would be appropriate for this project.

A7

SPF-099-1(010)

United States Department of the Interior



NATIONAL PARK SERVICE

LAKE MEAD NATIONAL RECREATION AREA  
401 NEVADA WAY  
BOULDER CITY, NEVADA 89005-2426

JUL 23 02

IN REPLY REFER TO:

D18

July 22, 2002

Mr. Daryl James  
State of Nevada Department of Transportation  
1263 South Stewart Street  
Carson City, Nevada 89702

RE: Boulder City/U.S.93 Corridor Study

Dear Mr. James:

The National Park Service (NPS) has participated as a member of the Project Management Team (PMT) in the Boulder City/US 93 Corridor Study and most recently in the selection of a preferred alternative for inclusion in the Final Environmental Impact Statement. The PMT recommended Alternative D be identified as the preferred alternative. We understand this recommendation will be forwarded to the State of Nevada and the Federal Highways Administration.

✓	FHWA NEVADA	hucy
	DA	
	ADA	
	Div Sec'y	
	FIN MGR	
	Comp Spec	
	Fin Tech	
	P&R ENGR	
	R/W	
✓	Env	PS
	OPS ENGR	
	ITS & Safety	
	Prod Dev	
	Const & Br	
	Print & Mails	
	CMC	

A7-2.24

To participate in the process of identifying a preferred alternative, the National Park Service (NPS) conducted an internal evaluation using the draft EIS and staff specialists to determine whether or not the build alternatives would result in "impairment" to park resources. The analysis did not identify resource categories where development would result in impairment to park resources, however it did identify four resource categories where the anticipated impacts of Alternative D are considered "major" within Lake Mead National Recreation Area (Lake Mead NRA). These resource categories include: land use, wildlife (bighorn sheep and desert tortoise), soundscape and air quality.

A7-2.25

It is important the NPS position concerning these resources be documented in the administrative record as areas where the NPS will pursue "all reasonable steps to minimize the harm" in compliance with Section 4(f) of the Department of Transportation Act of 1966. We anticipate the Nevada Department of Transportation and the Federal Highways Administration will work collaboratively with the National Park Service and other PMT agencies to see the resource values of Lake Mead NRA are properly protected.

RECEIVED

JUL 24 2002

Project Management  
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**Response to Comment A7-2.24**

The NPS impairment analysis is included in this FEIS as Appendix D, Volume I. The results of this analysis, as well as those from resource-specific analyses (e.g., the Biological Assessment, the assessment of effects to historic properties) along with agency consultations, will be used to refine and to develop additional mitigation measures appropriate to reduce impacts resulting from implementation of the preferred alternative. These measures would then be implemented prior to the beginning of construction, during the construction phase, and/or those meant to reduce operational impacts.

**Response to Comment A7-2.25**

Collaboration and consultation with NPS will continue to be integral components of the environmental and engineering planning efforts by NDOT and FHWA pursuant to the implementation of Alternative D.

We appreciate the opportunity for Lake Mead NRA to be represented on the PMT. Should you have questions or require additional information, please contact me at (702) 293-8920.

Sincerely,



William K. Dickinson  
Superintendent

Enclosure (1)

Boulder City/U.S.93 Corridor Study Impairment Analysis

cc: John Price, Administrator, Federal Highways Administration

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