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.
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.
A2

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

May 16, 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/US 93 Corridor Study, Clark County, Nevada (CEQ Number: 020063, ERP Number: IUIW-K-X10250-NV). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and sections 306 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 US 93 and improve or maintain local circulation and access within Boulder City. The western boundary of the project is the City of Henderson, and the eastern boundary of the project is coincident with the planned western end of the US 93 Hoover Dam Bypass project. The DEIS analyzes four alternatives: (A) No Action Alternative, (B) Improvements to the existing US 93 Alignment, (C) Through-Town Alignment, south of existing US 93, and (D) Southern Alignment, south of existing US 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 identifies the proposed 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 raised this document EC-3, "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 average impact to the Lake Mead National Recreation Area and to Winters of the U.S.; and Alternative D has the greatest potential to affect 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 1505.7).

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.

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 McNiere, 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 Concern)
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 elimination of none viable 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 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 impacts 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 outside of the spectrum of alternatives analyzed 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 analyzed in the draft EIS, which should be analyzed 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 339 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.

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.
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.
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.
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).
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 NDOE 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.
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.
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.
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).
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.
Response to Comment A5-2.19
The consultation process had progressed as far as appropriate through May 23, 2002 (the date of this comment letter). The process was reinitiated upon the identification of Alternative D as the preferred alternative and is addressed as part of this FEIS and will continue through preliminary and final design of the approved alternative.

Response to Comment A5-2.20
On May 14, 2002, USDI NPS LMNRA was provided with a diskette by CH2M HILL containing an electronic file copy of preliminary information assembled to facilitate NPS preparation of that agency’s impairment analysis. NPS’s impairment analysis was received at CH2M HILL on July 29, 2002. The impairment analysis is presented in Appendix D of Volume I of this FEIS.

With the inclusion of Appendix D, the particular opinions and findings of NPS have been included.
Until more 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 at (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
1565 South Stewart Street
Carson City, Nevada 89712
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.
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.
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

Enclosures (1)
Boulder City/US 93 Corridor Study Improvement Analysis

cc: John Price, Administrator, Federal Highways Administration
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