U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BARSTOW FIELD OFFICE

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SALE OF PUBLIC LANDS
EA Number CA-680-2009-0001

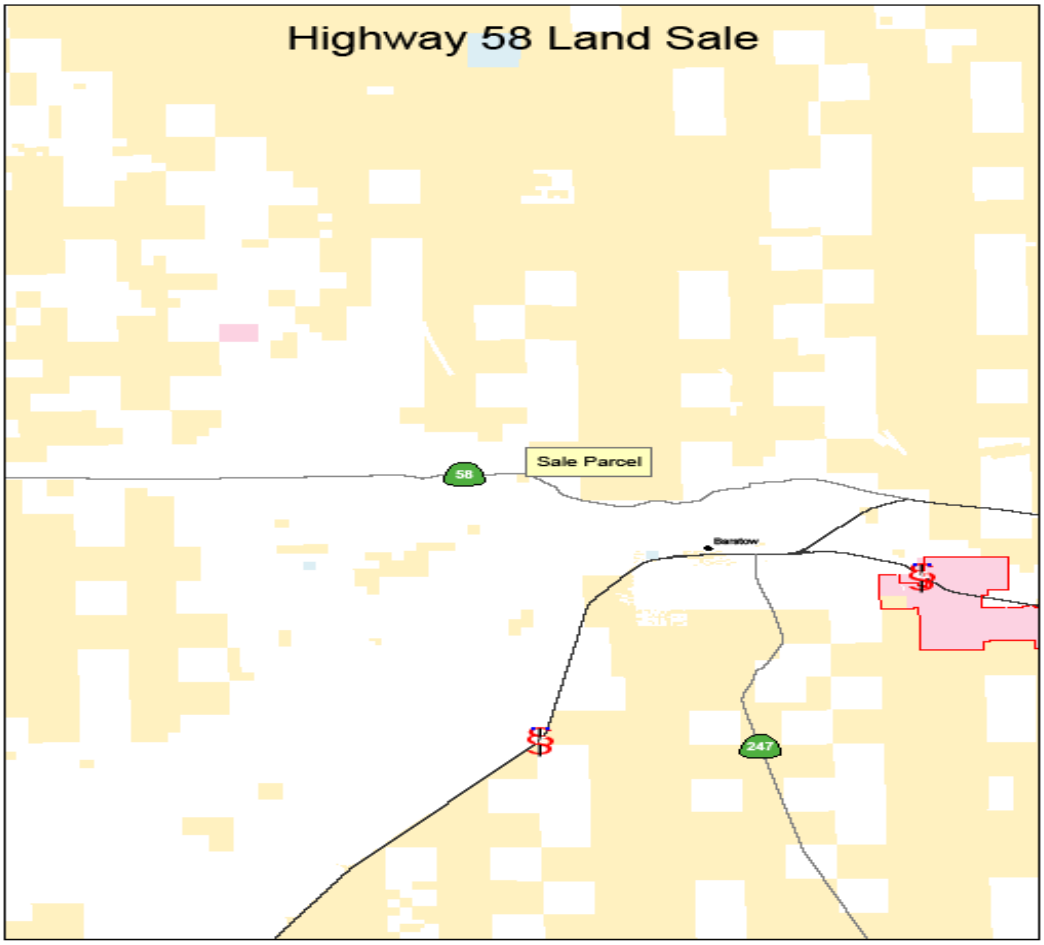
DATE:	**2008**
TITLE / PROJECT TYPE:	**Old Highway 58 Land Sale**
CASE FILE / PROJECT NO:	**CACA 50075**
FUNDING CODE:	**CA680-5874**
PROGRAM ELEMENT:	**EU**
BLM OFFICE:	**Barstow Field Office**
APPLICANT / PROPONENT:	**BUREAU OF LAND MANAGEMENT (BLM)**
LOCATION OF PROPOSED ACTION:	**Old Highway 58, San Bernardino County, CA, T.10N., R.2W., sec. 32, NE1/4NE1/4**
PROJECT ACREAGE:	**40 acres of public lands**

1. INTRODUCTION

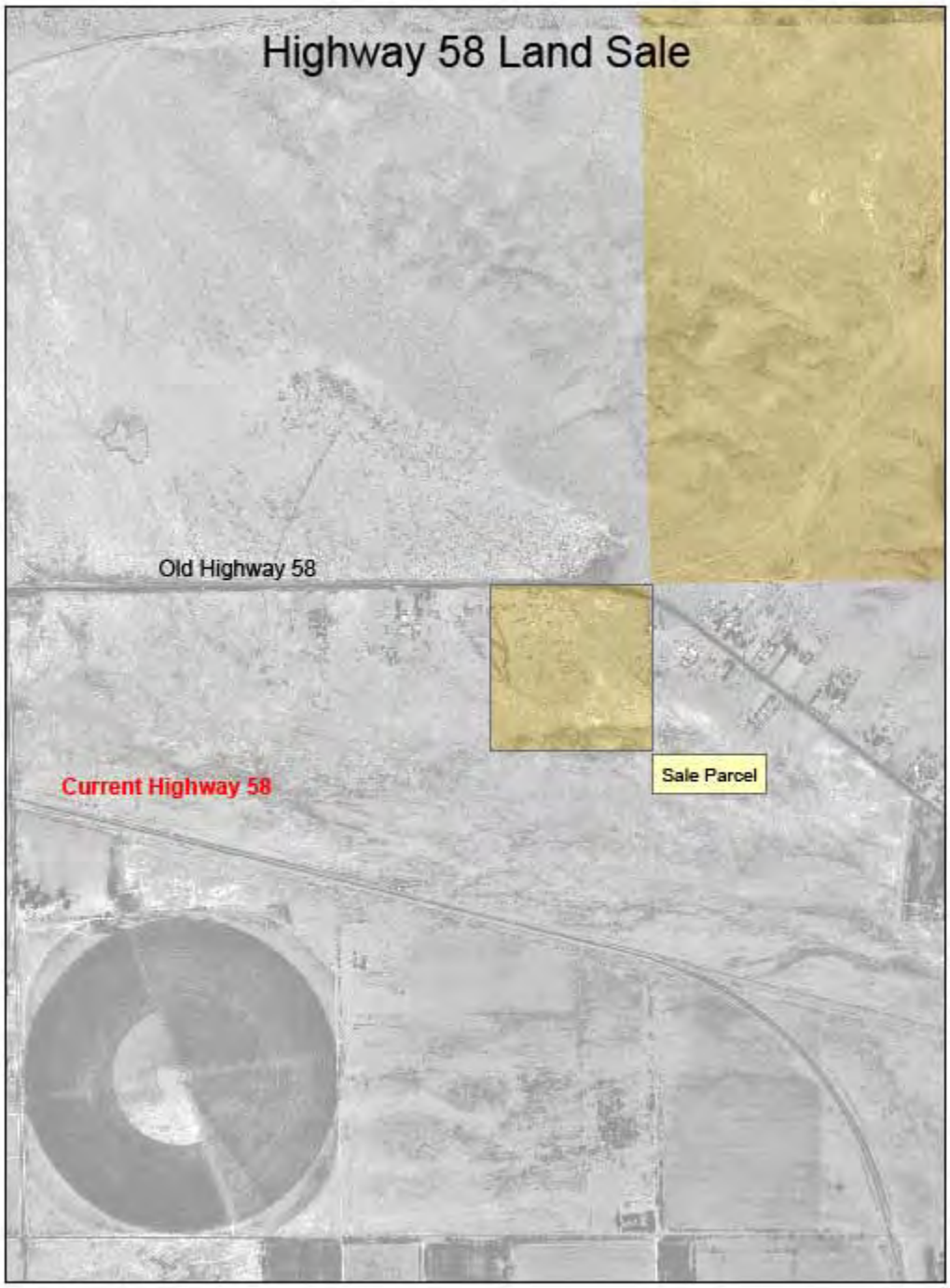
In 1980, the BLM completed the California Desert Conservation Area (CDCA) Plan. In the plan, approximately 300,000 acres of scattered, isolated parcels of public land were not placed within a multiple use class and were identified as unclassified lands. Under the CDCA Plan, unclassified parcels not containing sensitive resources found to be better used for development purposes were to be considered for transfer out of federal ownership.

Under the Federal Land Transaction Facilitation Act (FLTFA), which became law in 2000, funds from the sale of public lands identified for disposal as of July 25, 2000 are deposited in a land disposal account and may be used to fund future land acquisitions and sales.

This proposed sale concerns a 40-acre parcel of public land immediately south of old State Highway 58, approximately 5 miles west of the city of Barstow, in San Bernardino County. The location of the parcel is shown on the following maps.



Note: In the map shown above, public lands under BLM's jurisdiction are shaded light tan, private lands are white, state lands are blue and military lands are purple. The map also does not show that Highway 58 has been realigned to the south. The new alignment is shown on the following map.


Highway 58 Land Sale
Old Highway 58
Current Highway 58
Sale Parcel

Purpose and Need for Action.
The purpose of the proposed action is to transfer a 40-acre parcel of public lands into private ownership and to generate funds pursuant to FLTFA. The proposed sale is needed because the lands are difficult and uneconomic to manage as part of the public lands due its small size and isolation from other BLM lands. Also, funds from the sale are needed to purchase lands, which have been nominated for acquisition pursuant to the FLTFA.

Decision to be made.
BLM's decision is to approve or not approve offering a 40-acre parcel of public land for competitive sale.

Scoping, Public Involvement and Issues.
The public lands being considered for sale were initially identified as suitable for transfer out of federal ownership in 1980 when BLM approved the CDCA Plan. In 1991, BLM approved the Western Mojave Land Tenure Adjustment (WMLTA) Project, which amended the CDCA Plan and established zones where public lands would be consolidated, retained or disposed through a series of future voluntary land exchanges. The proposed sale parcel is in a disposal zone established in the WMLTA Project

The most recent CDCA Plan amendment occurred in March 2006, when BLM approved the West Mojave Plan. Under the West Mojave Plan, the public lands proposed for sale continue to be identified as suitable for transfer out of federal ownership.

BLM did not conduct external scoping for this environmental assessment to identify possible issues of concern because the public lands proposed for sale have been consistently identified as suitable for transfer out of federal ownership in BLM's land use plans since 1980. All these land use plans were developed with public participation under BLM's planning regulations (43 CFR 1600) and the NEPA process. During that time no specific issues have come to BLM's attention regarding the transfer of these public lands out of federal ownership.

In October of 2008, the proposed sale was listed as an action for which BLM was preparing an EA on the Barstow National Environmental Policy Act webpage. A Notice of Realty Action (NORA) describing the proposed sale and soliciting public comments was published in the Federal Register on December 15, 2008. The NORA was also published in the Desert Dispatch on January 7, 14 and 21, 2009 and sent to interested parties of record, including right of way holders, San Bernardino County and members of Congress. Two non-governmental entities, the Center for Biological Diversity and the Western Lands Project, who had previously expressed interest in BLM land sales in the California Desert District were also sent copies of the NORA.

In response to the Federal Register Notice, BLM received one email comment requesting BLM abandon or delay the sale pending a change in administration and appointment of a new BLM Director. No other comments were received.

Once public lands have been identified as suitable for transfer out of federal ownership through BLM's land use planning process, the decision to sell the lands requires consideration of site-specific environmental effects. Internal scoping of the proposed sale did not identify any specific issues or environmental concerns.

2. PROPOSED ACTION AND ALTERNATIVES

Proposed Action
The proposed action is a competitive bid sale of an approximately 40 acre public land parcel described as the NE1/4 of the NE1/4 of section 32, T.10 N., R. 2 W., San Bernardino Meridian.

Funds from the sale would be deposited into the Federal Land Disposal Account pursuant to the FLTFA. The land identified for sale has no known mineral value and the proposed sale would include the conveyance of both the surface and mineral interests of the United States.

The sale would be conducted through the General Services Administration's internet auction beginning in March 2009 and continuing for approximately two months or until the lands are sold. The minimum acceptable bid would be the fair market value of the parcel based on an approved appraisal.

There are three existing rights of way (ROW) on the parcel, which would be replaced with permanent ROWs or easements prior to conveyance of the lands if the ROW holders submit timely applications for that change.

A short segment of a designated route of travel runs across the parcel, and the proposed action includes reserving a ROW to the United States (U.S.) for public use and administrative access. The route of travel to be reserved to the U.S. is approximately 25 feet long, 60 feet wide and is located on the north side of old Highway 58, in the extreme northeast corner of the parcel.

No Action Alternative
Under the no action alternative, the proposed sale would not occur and the parcel would be retained in federal ownership for the foreseeable future. Funds would not be generated from the sale for the Federal Land Disposal Account pursuant to the FLTFA. Since isolated parcels of public lands are likely to be subject to minor encroachments, the costs of managing the lands would increase over time as the intermixed private lands are developed. Since this alternative would not be consistent with the FLTFA, this alternative will not be discussed further in this document.

Alternatives considered but not analyzed in detail.
BLM considered other public lands in San Bernardino County for possible sale. In evaluating other public lands for possible sale, the BLM considered such factors as conformance with the CDCA Plan, expected land values, market interest, physical and legal access, existing resource issues and information and management efficiencies. Ultimately the public lands BLM is proposing for sale at this time were selected for the following reasons: 1) the lands were identified for disposal in the CDCA Plan and remain available for sale under the CDCA Plan as amended, 2) existing resource information indicated the lands had no important resource values, 3) the lands had physical and legal access, and 4) the lands appeared well suited for regional industrial use under San Bernardino County's General Plan. BLM may in the future consider other public lands for sale that were not considered in detail in this environmental assessment.

BLM also considered exchanging this parcel as part of a previously proposed exchange

implementing WMLTA. This exchange was ultimately not completed because of a very large difference in the value between the public lands and the private lands involved in the exchange. At this time, BLM believes a land sale is the best way to achieve BLM's management objectives and, based on the lack of public interest, BLM does not believe exchanging the public lands is a reasonable or feasible alternative requiring further consideration.

Land Use Plan Conformance
The proposed action is in conformance with BLM's CDCA Plan, as amended. The parcel proposed for sale was originally unclassified (not within a multiple use class) and remain unclassified under the CDCA Plan, as amended. Under the CDCA Plan, lands that are unclassified or classified for moderate use are available for transfer out of federal ownership.

3. AFFECTED ENVIRONMENT

General description of the regional environment.
This parcel is in the high desert region in San Bernardino County. A general description of the regional environment is contained in the 2007 final Environmental Impact Report (EIR) for San Bernardino County's General Plan Program. The EIR may be viewed from San Bernardino County's website at: http://www.sbcounty.gov/sbcountygeneralplan/env_process.html

Because there are no reasonably foreseeable projects proposed on the land the sale will not affect air quality, aesthetics, water resources, traffic and noise, a brief description of these components of the regional environment are summarized below from the Chapter IV of the county's general plan EIR.

The parcel is within the Mojave Desert Air Basin. The pollutants of primary concern in this portion of San Bernardino County are ozone and particulate matter less than 10 microns in size. Prior to 2007, the amount of these pollutants exceeded ambient air quality standards.

This parcel can be seen from State Highway 58, which was listed as a potentially eligible state scenic route in the EIR, but was not designated as a scenic highway in the General Plan.

The parcel is within the Centro subarea of the Mojave Basin groundwater aquifer, the primary source of domestic water for people and businesses in the area. When the Mojave Basin was adjudicated in 1996, water production in each of the five subareas was found to be exceeding natural recharge. The Mojave Water Agency (MWA) is the water master for the Mojave Basin, ensuring that water production is consistent with the court-approved adjudication of water rights in the basin. The MWA has access to the California Water Project to provide supplemental water to the Mojave Basin.

The Federal Emergency Management Agency's Flood Insurance Rate Map for this area shows the public lands are in Zone D. The Zone D designation is used for areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards has been conducted by FEMA. According to FEMA, flood insurance is optional and available, and the flood insurance rates for properties in Zone D are commensurate with the uncertainty of the flood risk.

Access from the parcel to Barstow and the regional transportation system (rail and highway) is by way of old Highway 58, an arterial route under the General Plan. Old Highway 58 is not considered congested at this time.

Generally, because the area is not heavily developed, noise in and around the public lands is primarily generated by traffic on Old Highway 58 to the north and relocated Highway 58 to the south.

In addition to general regional information summarized from the EIR, BLM has compiled the following site-specific information on biological, cultural and mineral resources and existing land uses.

Biological Resources
The parcel proposed for sale is within a saltbush scrub plant community, with a very low perennial plant diversity dominated by allscale (*Atriplex polycarpa*) and bush seepweed (*Suaeda moquinii*). The soils are very silty and portions of the area probably hold standing water for some time after significant storm events and a well-established channel generally bisects the parcel from the northwest to the southeast. Common wildlife in the area includes coyotes (*Canis latrans)*, western whiptail lizards (*Cnemidophorus tigris*), and zebra-tailed lizards (*Callisaurus draconoides*).

Based on the California Natural Diversity Database (CNDB), the following species of concern may occur in the general area of the parcel; the desert tortoise (*Gopherus agassizii*), a listed species under the federal and state Endangered Species Acts, the Mohave ground squirrel (*Spermophius mohavensis*), a threatened species under the California Endangered Species Act, and the Barstow Wooly Sunflower (*Eriophyllum mohavense*) which is a BLM sensitive plant species. Field visits in 2007 and 2008 did not find any of these species to be present and the condition and type of habitat on the parcel is not likely to be suitable for these species. However, designated critical habitat for the desert tortoise lies adjacent to the northern boundary of the parcel. Therefore, the parcel may occasionally be utilized by individuals wandering on site from adjacent suitable habitat. Also, according to the CNDB, Mohave ground squirrels have been detected approximately one mile southwest of the parcel, so this species could potentially be on site and more detailed surveys would be required to provide definitive information regarding the status of the species on site.

Cultural Resources
After completing a records search, literature review and pedestrian/foot survey of the parcel proposed for sale, BLM staff found no cultural resources on the parcel proposed for sale.

Mineral potential
Based on a mineral potential report for the WMLTA completed in 1998, the parcel has low potential for the occurrence of locatable or saleable minerals, is not near an area having potential for geothermal resources, and is not within an area classified as prospectively valuable for oil and gas.

The parcel is within an area previously classified as prospectively valuable for sodium resources. However, subsequent sampling of groundwater in the area indicates the sodium content to be far

below the minimum concentration required to classify the parcel as prospectively valuable. The potential for sodium resources is therefore considered to be low.

Existing Land Uses and Authorizations
The parcel proposed for sale is encumbered by the following authorizations:

1. A right of way (ROW) for an access road issued to Golden State Holdings, LLC serial number CACA 15388.
2. A ROW for a fiber optic cable issued to Sprint Communications Co. under serial number CACA 20105.
3. A ROW for a federal aid highway issued to the California Department of Transportation under serial number CALA 0120058, for old Highway 58.

Highway 58 has been relocated to the south, and the County of San Bernardino now maintains Old Highway 58 as a county road.

A field inspection of the parcel completed on January 28, 2009, identified three (3) utility lines located within the federal aid highway ROW for old Highway 58. Southern California Edison operates a 12.5KV electric distribution line providing service to residents and businesses in the area. Verizon operates a buried telephone cable providing phone service to residents and businesses in the area. Southwest Gas Company operates a natural gas pipeline providing service to residents and businesses in the area.

The three utility lines follow old Highway 58 for several miles on adjacent private lands and were almost certainly authorized under encroachments permits issued by the California Department of Transportation. Prior to 1974, these types of utilities did not require a separate authorization from BLM when they were located within federal aid highway ROWs and were considered to be authorized under the federal aid highway ROW.

Under a 1982 Memorandum of Understanding between BLM and the Federal Highway Administration, BLM retained the authority to grant ROWs for non transportation purposes within areas appropriated for federal aid highway ROWs. Under California Streets and Highways Code, Highway ROWs are assumed to include the right to use for utility purposes.

Recreational Resources
Little or no public recreational use occurs on the parcel proposed for sale. However, a short segment of a designated route of travel crosses over the parcel on the north side of old Highway 58. This route of travel is commonly described as Desert Trails Road, which starts on the north side of old Highway 58 and runs across approx 25 feet of the parcel, before entering private lands and continuing to the public lands to the north.

Regional Land Use from the San Bernardino County General Plan. In 2007, San Bernardino County approved an update to its General Plan governing development of private lands. Because the General Plan considers public lands to be non-jurisdictional lands (not subject to county planning and zoning authority), the parcel proposed for sale has not been designated for any particular land use. However, the parcel proposed for sale is generally surrounded by private lands designated for regional industrial use. BLM believes that it is reasonable to assume that if

the lands are transferred into private ownership, the land would eventually be developed for regional industrial use as described in the General Plan.

4. ENVIRONMENTAL EFFECTS

Statutory Conformance

The following issues are subject to requirements specified in statute, regulation, or executive order in addition to NEPA considerations, and must be addressed in all EAs and EISs, or a determination made that they are not relevant to the proposal under consideration. If the resource is not present or is not affected by the proposed action or alternatives, this will be documented in the EA or EIS as a negative declaration.

Issue	Relevant Authority	Relevance
Adverse Energy Impacts	E.O. 13211, as amended, 5/22/01 Energy Policy Act of 2005 (42 USC 13201)	Not relevant because project does not affect energy availability
Air Quality	The Clean Air Act as amended (42 USC 7401 et seq.); See MS 7000 and Conformity Rules in Areas of Non-Attainment	Not relevant because action does not generate impacts to air quality.
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.); See MS 1617 and applicable LUP measures	Not relevant because ACECs are not present.
Cultural Resources	National Historic Preservation Act as amended (16 USC 470); See MS 8100 and pertinent Programmatic Agreement measures	Not relevant, no reasonably foreseeable impacts to cultural resources and pedestrian survey did not reveal cultural resources..
Environmental Justice	E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 2/11/94	Not relevant, no reasonably foreseeable impacts to minority or low income populations.
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.)	Not relevant, no reasonably foreseeable impacts to mining.
Floodplains	E.O. 11988, as amended, Floodplain Management, 5/24/77; See MS 7260	Not relevant, no reasonably foreseeable impacts to floodplains.
Invasive, Nonnative Species	Lacey Act, as amended Fed'l Noxious Weed Act of 1974, as amended Endangered Species Act of 1973, as amended	Not relevant, no reasonably foreseeable impacts to noxious weeds.

	E.O. 13112, Invasive Species, 2/3/99 See MS 1745, 6840, 9011, 9014, and 9015	
Migratory Birds	Executive Order 13186, 1/10/01	Not relevant, no reasonably foreseeable impacts to migratory birds.
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC 1996); See MS 8100	Not relevant, no reasonably foreseeable impacts Native American religious concerns.
Threatened or Endangered Species	Endangered Species Act of 1973, as amended; See MS 6840	Not relevant, no reasonably foreseeable impacts threatened or endangered species.
Wastes, Hazardous or Solid	Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 USC 9615); See MS 9180, 9183	Not relevant, no reasonably foreseeable impacts to wastes.
Water Quality Drinking/Ground	Clean Water Act of 1987 Safe Drinking Water Act Amends of 1996 E.O. 12088, Federal Compliance with Pollution Control Standards (Amended by E.O. 12580, Superfund Implementation), 10/13/78, 2/23/87 E.O. 12372, Intergovernmental Review of Federal Programs, 7/14/82; See MS 7240	Not relevant, no reasonably foreseeable impacts to water quality.
Wetlands/Riparian Zones	E.O. l1990, Protection of Wetlands, 5/24/77; See MS 1737	Not relevant, no reasonably foreseeable impacts to wetlands or riparian zones.
Wild and Scenic Rivers	Wild and Scenic Rivers Act as amended (16 USC 1271); See MS 8351	Not relevant, because wild and scenic rivers are not present.
Wilderness	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.) Wilderness Act of 1964 (16 USC 1131 et seq.); See MS 8500	Not relevant, because wilderness is not present.

Discussion of Impacts

Direct Effects: Sales of public lands have little direct impact on the human environment. The primary direct impact of transferring public lands into private ownership would be to increase the total value of private property assessed for taxes. The estimated value of the parcel proposed for sale is approximately $300,000. Since property taxes are assessed at 1% of value, if the parcel was sold, assessed taxes in San Bernardino County would increase by approx. $3,000. As improvements are constructed, assessed taxes would increase based on the value of the improvements.

Indirect Effects: For purposes of considering indirect effects, , if sold, the parcel may be developed for regional industrial use consistent with San Bernardino County's General Plan. Development for industrial use, which could range from warehousing to light manufacturing, would have short-term impacts, as construction occurs, and long-term impacts, from ongoing use and habitat type conversion from saltbrush scrub to developed. There are no reasonably foreseeable projects that would result in indirect effects.

Mitigation Measures

Relative to sensitive species potentially utilizing the site, any site development would need to be approved consistent with any applicable local, state and/or federal regulation, including, but not limited to, state and federal endangered species act regulations. San Bernardino County's General Plan identifies a number of mitigating measures, which would be applied to private development. A summary of these mitigating measures is found in the executive summary section of Chapter I of the EIR for the general plan.

Residual Effects

Although the application of mitigating measures would be the responsibility of the local jurisdiction and property owner, for purposes of considering residual impacts BLM assumes they would be fully implemented. After mitigation, the residual effects to aesthetics/visual resources and transportation/traffic are considered to be essentially unchanged.

Cumulative Effects

Cumulative effects are generally defined as the impacts on the environment resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future Federal and non-Federal actions. In analyzing cumulative impacts, BLM considered existing environmental information as a relevant baseline for considering future impacts and has not attempted to list past actions in the area. This baseline information (in section 3) is considered sufficient for determining the significance of cumulative effects and for making a reasoned choice between alternatives.

BLM has also not attempted to exhaustively list all present and reasonably foreseeable private actions, but has considered a summary of planned development from the 2007 final Environmental Impact Report (EIR) for San Bernardino County's General Plan Program. The parcel proposed for sale is in the Desert Region of the County's General Plan and the impacts of the proposed sale are primarily relevant or important only within this region. According to the General Plan, there are approximately 1.8 million acres of private land in the Desert Region, with approximately 16,493 acres designated for regional industrial use.

The EIR concluded that future development under the General Plan would result in significant impacts to aesthetics, air quality, biology and traffic, while impacts to noise and water resources could be mitigated to levels that would be less than significant. It is important to note that the definition of significant effects in the EIR was based on California Environmental Quality Act (CEQA). For purposes of the National Environmental Policy Act (NEPA), s**ignificance** is defined as effects of sufficient context and intensity that an environmental impact statement is required.

The appropriate geographic area for considering cumulative effects is based on whether the incremental impacts of the proposed sale would be felt locally, regionally or nationally. For air quality, the incremental negative impacts of the proposed action would be felt both locally and regionally, within the Mojave Desert Air Basin. Incremental negative impacts to ground water quality are likely to be limited to the Centro subarea of the Mojave Basin groundwater aquifer. The incremental impact of increased water usage, although difficult to quantify, would also most likely be limited to the Centro subarea. Incremental impacts to biological resources would be local. Incremental impacts on traffic would generally be localized to old Highway 58, but could extend to Interstate Highways depending on the type of industrial use permitted. The incremental impacts of the proposed sale on aesthetics/visual resources and noise would be limited to the immediate vicinity of the public land.

Within the Desert Region, there are several Federal and one non-federal project, which warrant additional discussion because of their relative importance in considering cumulative impacts. The final EIR (2007) for the expansion of Barstow sanitary landfill anticipates that project would have significant effects on air quality locally and regionally.

In terms of federal projects, the BLM is currently processing a number of renewable energy projects (solar and wind energy) in the region. Although it is not possible at this time to predict which and how many of these projects will ultimately be approved, it is probably reasonable to assume that some renewable energy projects will be constructed. In the short term, construction activities would adversely affect air quality in the area.

5. TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

BLM initiated consultation with the following tribal governments of Chemehuevi, Timbisha Shoshone, San Manuel Band of Mission Indians, and the Morongo Band of Mission Indians.

BLM also provided notice of the proposed sale to interested parties of record, including San Bernardino County, the Center for Biological Diversity and the Western Lands Project.

FREEDOM OF INFORMATION ACT CONSIDERATIONS:

Public comments submitted for this environmental assessment, including names and street addresses of respondents, will be available for public review at the Barstow Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot

guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

6. LIST OF PREPARERS/CONTRIBUTORS

Chris Otahal, Wildlife Biologist, Bureau of Land Management, Barstow, CA
Thomas Gey, Realty Specialist, Bureau of Land Management, Moreno Valley, CA
Jim Shearer, Archaeologist, Bureau of Land Management, Barstow, CA
Brian Croft, Natural Resource Specialist, Bureau of Land Management, Barstow, CA
Ken Schulte, Geologist, Bureau of Land Management, Barstow, CA
Richard Rotte, Realty Specialist, Bureau of Land Management, Barstow, CA