OPTIONAL EA, FONSI and DR FORM

EA Number: CA-190-2004-005
BLM Office: Hollister Field Office
Lease/Serial/Case File Number: N/A
Date Initiated: 12/12/03

Proposed Action Title/Type: San Benito Research Natural Area Protection Fencing

Location of Proposed Action: Clear Creek Management Area

Applicant (if any): Bureau of Land Management

Conformance with Applicable Land Use Plan:

The proposed action is subject to and in conformance with the *Hollister Resource Management Plan* of 1984 *et seq*. and the *Clear Creek Management Plan* in accordance with Title 43 Code of Federal Regulations 1610.5-3. The management plans provide for recreational use which is consistent with protection of sensitive species and habitat.

Need for Proposed Action:

Background:

The San Benito evening-primrose (*Camissonia benitensis*) is a federally listed threatened plant species which occurs on public lands in the Clear Creek Management Area (CCMA). The Endangered Species Act requires that all Federal agencies ensure that management actions do not jeopardize the continued existence of any endangered or threatened species. The only known locations of the San Benito evening-primrose are limited to serpentine-derived alluvial deposits within the vicinity of the CCMA. The Bureau of Land Management (BLM) has, as a priority, the protection of existing populations of the San Benito evening-primrose and attempting to expand its range to areas that have moderate and high potential for the species. The BLM is committed to managing the CCMA to ensure that sensitive species and communities maintain or enhance their condition.

The San Benito Research National Area (RNA) was designated as an Outstanding Natural Area in the early 1970's because of the unique vegetative communities associated with serpentine soils. 1n 1996, the area met the qualifications under the RNA designation guidelines to be designated a Research Natural Area. The San Benito Mountain RNA lies within the larger Clear Creek Serpentine ACEC (Area of Critical Environmental Concern). The ACEC was designated because of the health concerns associated with the naturally occurring asbestos within the serpentine soils and because of the unique vegetation and forest types associated with serpentine soil.

A Federal Register Notice published on February 18, 1998, closed Upper Clear Creek Canyon ("Upper Hillclimb Canyon") to all vehicle use to protect *Camissonia benitensis* and sensitive riparian habitat. The closed area is encompassed by routes R001, T124, R010, T151, and R008. The San Benito Mountain Research Natural Area has been closed to OHV use since 1972 except for R011, R010, and T158. Several *Camissonia benitensis* occurrences are located along Upper Clear Creek and San Carlos Creek within these areas. These areas are a

high priority for further protection as a result of continued damage by OHV use in sensitive species habitat. The attached map shows where these further closures will be located.

The long-term management of the occupied and potential habitat of *Camissonia benitensis* has included fencing and pipe barrier construction, and a variety of administrative controls, including visitor education, personal contacts, signing, law enforcement, and administrative closures. Monthly compliance monitoring of occupied and high and moderate potential habitat documents the level of compliance, and assists in assigning appropriate priority to repair and protective measures. While the majority of *Camissonia benitensis* habitat areas remain in compliance for protection, several sites continue to receive non-compliance.

On November 26, 2003, the BLM issued a notice to serve as a warning that further damage to the habitat of the San Benito evening-primrose may result in partial or total closure of the Clear Creek Management Area by the Bureau of Land Management (BLM) under the authority of 43 Code of Federal Regulations Part 8341.2 until the likelihood of further damage is reduced to a level mutually agreeable to the U.S. Fish and Wildlife Service and BLM.

This notice is being issued pursuant to the BLM's Implementation Plan for the Biological Opinion of the Fish and Wildlife Service (1-8-96-F-20) for the Clear Creek Management Area/Resource Management Plan Amendment and Final Environmental Impact Statement. The BLM's Implementation Plan requires that such notice of warning be issued when 10 incidents of damage occur to known protected BLM-managed occurrences the San Benito evening-primrose; 15 incidents of damage to known protected occurrences is to result in closure of the area. Part of the purpose of this project is to further protect habitat for the San Benito evening-primrose in critical areas to avoid closure of the CCMA.

The purpose of this project is to improve protection of all known and potential habitat for *Camissonia benitensis* within San Benito Mountain RNA and Upper Clear Creek Canyon, and to control non-compliant OHV use and route proliferation within the existing RNA. This project has two components. The first component is to install protective fencing along authorized routes that are within the San Benito Mountain RNA to protect sensitive resources and control off-route vehicle travel. The second component is to deter vehicle trespass off roads and trails providing access into the administratively closed Upper Clear Creek Canyon for the protection of sensitive resources. These routes include R001, R010, R008, T124, and T151. Additional routes in upper clear creek requiring fencing to protect habitat and contain OHV use on roads are identified below. The route network within proximity of the RNA is popular with 4 wheel-drive community, ATVs, motorcycles, rock-hounders, outfitters and hunters from October to April.

This project also complies with 43 CFR 8341.2 which states: "(a) where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect and measures implemented to prevent recurrence.

Description of Proposed Action:

The Bureau of Land Management proposes to prevent vehicle travel off of authorized routes within the San Benito Mountain RNA and unauthorized incursions into the RNA by constructing fence along portions of R010, R011(aka Spanish Lake Road), R012, R013, T151, T158, T162, OR152, and OR160 where "hot spots" have been identified. Fencing along routes R001, R010,

R008, T124, and T151 would restrict access into the administratively closed Upper Clear Creek Canyon. The fencing project would be accomplished in several phases. Phase 1 would include the identification of fencing along R010, R011, T124, OR152, and T158. The analysis herein pertains to the installation of 1.4 miles of wire fence along R010, 5.64 miles of wire fence along route R011, .1.29 miles of wire fence along route T124, .09 miles of wire fence along route OR152, and .37 mile of wire fence along T158. Additional fencing may be installed along one or all of these routes. A separate environmental assessment and decision record would be prepared on the remaining routes requiring fencing. The proposed action would begin December 2003 and continue through September 2004. Detailed maps for each route would be attached to work requests.

Fencing Specifications:

1. The fence would be a 47" field wire "closed area" barrier fence installed 10"-12" above the ground.
2. T-post spacing would be 16' -0" center with line posts at each end.
3. Wood cross braces would be at a height of 46".
4. Fence materials would be installed by hand.
5. An ASU (all season vehicle) equipped with 2.3 psi ground pressure rubber tread tractor may be used to dig post holes.
6. Vehicles used to transport materials and equipment to each project site would use existing roads.
8. Vegetation would only be removed as necessary. Where the fence alignment would impact a plant it would be removed or partially removed. When possible only the portion of the plant that interferes with the fence line would be removed. With the exception being slight pruning of vegetation for wire clearance, foot traffic for access, and post hole digging and re-tamping there would be minimal disturbance associated with the fence construction.
9. The removed, cut or crushed material would be left on site to benefit wildlife by providing cover.

Recommended Management Actions:

There are four routes where fencing may be required at some point to further protect the RNA. Fencing for R010, R011, OR152, and T158 (Sawmill Creek Road) have been identified on the attached map, Exhibit A. Prior to installation of the pipe or wire barriers, signs, etc., along the remaining four routes would require on-site field examination by appropriate BLM specialists. A clearance survey would take place; prior to the beginning of any fencing project by the BLM botanist and archaeologist. All sensitive or unique resources would be flagged for avoidance. Installation of barriers would be installed by BLM force account, volunteers, or contract.

The following describes specific actions toward elimination of OHVs straying from established routes in the San Benito RNA that would be implemented. To reduce negative impacts to sensitive unique resources, discourage continued unauthorized vehicle straying beyond routes, to more effectively direct and control access along the RNA, and enhance the visitor experience, encourage proper behavior, and modify visitor use patterns, the following actions would be implemented:

(1) Route markers would identify, delineate and encourage use on the route. Markers would be placed in areas or "hot spots" where the terrain has invited users to go beyond the route and where the weather has changed the direction or course of the

route.

(2) The amount of fencing installed along the remaining routes would be determined at a later date.

(3) A kiosk or wayside exhibit may be constructed at major entry locations. They would explain travel opportunities, trail etiquette and restrictions. The messages would provide visitors with information on the area, rules, and non-destructive travel habits.

(4) Informational web pages regarding trail etiquette tread lightly, and Leave No Trace would be designed.

Reclamation:

Soil excavated from post holes would be used for backfill. Cross-country tracks made to access areas where no roads exist would be reclaimed.

Monitoring:

Increased efforts on signing and patrol would be accomplished along the RNA boundary to further control unauthorized OHV entry into the RNA.

Hazardous and Solid Wastes:

Common construction practices to minimize the potential for a release of hazardous substances to the environment would be employed. Prior to mobilization on the site, all equipment would be inspected to be sure it is operating correctly and free of leaks. Equipment would be inspected daily to ensure that there are no discharges. Equipment maintenance activities would not be conducted on the site. All fuels and other materials used would be contained within the equipment or stored in appropriate containers. All materials would be removed from the site upon completion of construction activities.

Safety:

1. All activities would be conducted in compliance with Federal, State and County regulations, including the Occupational Safety and Health Act (OSHA).
2. All field actions of the project would follow the BLM Hollister Field Office Hazardous Asbestos Area Health & Safety Plan.

Environmental Impacts:

Critical Element	**Impacts**		**Impact Critical Element**	**Impacts**	
	Yes	**No**		**Yes**	**No**
Air Quality	X		T & E Species	X	
ACEC		X	Wastes, Hazardous/Solid		X
Cultural Resources		X	Water Quality		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Floodplains		X	Wild & Scenic Rivers		X
Native American Concerns		X	Wilderness		X

Soil, Air and Water:

About three-fifths of the Clear Creek Management Area overlies an asbestos-rich body of serpentine. Surrounding this serpentine body are marine sandstones, shales and conglomerate interlayered with basaltic lavas and associated lenses of chert. Soils developing on serpentine tend to be relatively thin and nutrient poor. In some areas, large expanses of these soils are unvegetated, and are known as “barrens”. If undisturbed, some barren slopes can become revegetated over long periods of time, while others will not. Barrens develop a gravel lag which exhibits little gullying. If the lag surface is continually disturbed and broken, soil erosion rates exceed soil formation rates by a large enough amount to result in the complete stripping of the soil profile. In addition, many hundreds of miles of roads were constructed in this area over the past 150 years, to provide access to mining claims, to provide hauling or prospecting access, or to support timber harvest operations. Many of these roads were for temporary use and poorly constructed, and because of their width and number, have been identified as the largest contributor to human-caused erosion in the Clear Creek area.

Currently, most of the road use in this area is related to OHV recreation and hillclimbing on barren slopes has also become popular. In order to mitigate for the potential of increased soil erosion both from barren slopes and poor original road design, the BLM has been installing corrective and preventative road fixes over the main road network, closing some highly eroding trails, and closing or restricting access to main roads during wet weather. In the future, as the BLM continues implementation of the Clear Creek Resource Management Plan Amendment and Record of Decision, two-thirds of the barren slopes will be closed to OHV use, at least one-third of the available routes will be closed, and several abandoned mine sites will be closed to vehicle use. The goal is to reduce the number of stream crossings, and to channel vehicle use away from erosive areas, waterways and sensitive resources.

Waterways in the Clear Creek area have elevated concentrations of heavy metals. In some waterways this is a result of natural conditions, and in others this is a result of mining disturbance and ore processing. In 1998 the BLM conducted a water quality study within the Clear Creek Management Area to determine the magnitude of metals being released into streams from abandoned mercury mines. Baseline samples were collected from areas which were considered to reflect natural conditions, and then additional samples were taken at 15 mines, both on-site and downstream. Tests for a suite of heavy metals were conducted, using standard EPA testing methods. Five mines were closed to vehicle use and more are slated for closure based upon the results of this study, which showed that at certain mines, exhibited metal concentrations exceeded the ingestion and inhalation screening levels. Ph levels appear to be high enough to preclude cumulative increasing concentrations of heavy metals downstream, but reduction of direct delivery of metal-laden sediments from vehicle disturbance is a BLM priority.

Air-borne emissions of asbestos fibers can be a problem in the Clear Creek Management Area. The BLM has an extensive health and safety plan for employee operations in this area, and either utilizes personal protective gear when dusty conditions prevail or avoids the area until measurable precipitation occurs to reduce dust hazards. While the operation standards cannot be enforced for the public, the BLM encourages the public to minimize exposure to dust by publishing air sample readings and fact sheets on asbestos, by providing information on a 24-hour Clear Creek conditions number, and by signing on the ground. Any vehicle use in dusty conditions can increase asbestos inhalation exposure, and for this reason, the BLM conducts pre-event air sampling, stipulating that should conditions be too dry, the event would be rescheduled or canceled.

Cultural and Paleontological Resources:

There are no known paleontological, archeological, or historic resources within the proposed routes for these proposed fencing locations. Should any cultural paleontological resources be discovered during construction activities all work shall halt until assessment by a qualified archeologist.

Threatened and Endangered Species:

The proposed action will provide protection of the two large populations of the federally listed threatened San Benito evening-primrose (*Camissonia benitensis*) that occur within Upper Clear Creek Canyon; 121100 and 122100. Fencing along the perimeter routes described above will close OHV ingress points that lead to Upper Clear Creek Canyon, precluding further OHV trespass into this administratively closed area. Prohibiting uncontrolled OHV use along perimeter above Upper Clear Creek Canyon will also reduce erosion and sedimentation deposition on the Upper Clear Creek Canyon San Benito evening-primrose habitat. Fencing the San Benito evening-primrose populations and surrounding potential habitat will protect the populations from future unauthorized OHV use, eliminating direct OHV impacts to the threatened species in Upper Clear Creek Canyon. To ensure that no damage occurs during the fencing project the BLM botanist will be present during installation.

Protection of all CABE populations throughout the Clear Creek Management Area (CCMA) is in accordance to the Biological Opinion (USFWS, 1997) and the BLM CCMA Plan Amendment and FEIS (1995).

Vegetation:

Under the proposed action sensitive vegetation, including portions of the San Benito Mountain Forest, rare and sensitive species, and serpentine chaparral and barrens, will gain protection by deterring OHV use in sensitive habitat. Detailed descriptions of the vegetation and sensitive species found within the San Benito Mountain Research Natural Area and Upper Clear Creek Canyon are addressed in the CCMA Plan Amendment and FEIS (BLM 1995).

Recreation Resources:

No impacts to OHV recreation opportunities are expected as Upper Clear Creek Canyon is administratively closed and all vehicle travel within the existing RNA is restricted to R010, R011, and T158 (Sawmill Creek Road). No off-route or cross country travel is allowed within the RNA. This project will not close any areas open to OHV use.

No Action:

The proposed action would not be undertaken as proposed. Existing management and use would continue subject to applicable statutes, regulations, policy and land use plans.

Environmental Impacts:

Critical Element	Impacts Yes	Impacts No	Impact Critical Element	Impacts Yes	Impacts No
Air Quality		X	T & E Species	X	
ACEC		X	Wastes, Hazardous/Solid		X
Cultural Resources		X	Water Quality		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zones		X
Floodplains		X	Wild & Scenic Rivers		X
Native American Concerns		X	Wilderness		X

Description of Impacts:

Threatened and Endangered Species:

Under the no action alternative OHV access into the Upper Clear Creek Canyon will remain open, allowing uncontrolled OHV trespass on occupied and San Benito evening-primrose habitat. Direct impacts to occupied habitat will continue to add to the endangerment of this federally threatened species and could contribute to an OHV closure of the CCMA (USFWS B.O., 1997). Direct impacts include soil compaction by motorcycle use, damage to actual plants, and displacement of soil and the San Benito evening-primrose seed bank.

Vegetation
Sensitive vegetation, rare species and their habitat will continue to degrade under the no action alternative. Soil loss around shrubs and trees, which exposes roots and contributes to eventual death, will be ongoing. Sensitive and rare herbaceous plant species that occur within the SBM RNA and in the Upper Clear Creek Canyon will continue to undergo crushing, displacement and disturbance caused by uncontrolled OHV use.

Description of Mitigation Measures and Residual Impacts:

Mitigation measures have been incorporated in the proposed action and no residual impacts are foreseen as a result of the proposed activities.

Persons/Agencies Consulted:

Preparer(s):

Lesly Smith, Outdoor Recreation Planner
Robert LaFleur, Clear Creek Manager
Julie Ann Delgado, Botanist

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD
NEPA# CA-190-2004-005

DECISION: It is my decision to approve and implement the BLM-Hollister Field Office's proposal to construct fencing to protect the San Benito Mountain Research Natural Area and contain OHV use on routes and trail in upper Clear Creek, as evaluated in the attached environmental assessment. Measures mitigating project impacts are formulated into the attached conditions of approval, incorporated by reference as the decision of the Bureau of Land Management regarding this action. A copy of this Decision Record and attendant conditions shall be in the possession of the on-site operator during all undertakings approved herein.

FINDING OF NO SIGNIFICANT IMPACT: Environmental impacts associated with the proposed action have been assessed. I conclude that the proposed action will not have any significant impacts on the human environment and is not a major federal action. Preparation of an Environmental Impact Statement (EIS) pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 is not required.

RATIONALE FOR DECISION: The proposed action does not result in any unnecessary or undue environmental degradation and is in conformance with the Hollister Resource Management Plan (1984), as amended, the Clear Creek Management Plan (1986) as amended, and with other applicable law, regulation and policy. My decision is based on these findings, as documented in the attached environmental assessment and the FONSI determination above.

Reviewed by:	*Lesly Smith*	01/19/04
	Environmental Coordinator	Date
Recommended by:	*George E. Hill*	01/20/04
	Assistant Field Manager	Date
Approved by:	*Robert E. Beehler*	01/22/04
	Field Manager, Hollister Field Office	Date

CONDITIONS OF APROVAL AND ADVISORY:

CONTROL NUMBER: CA190-2004-005
PROJECT: San Benito Research Natural Area Protection Fencing

Conditions of Approval

1. Protection measures incorporated within the proposed action as related to threatened and endangered species shall be adhered to.

Advisory

1. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.

2. The San Benito Evening Primrose (*Camissonia benitensis*) was listed as a threatened species by the U.S. Fish and Wildlife Service 1985. It receives the same protection with its threatened status as it would as an endangered species.