

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
PALM SPRINGS-SOUTH COAST FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT  
EA Number CA-660-04-35**

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**DATE:** April 12, 2004

**TITLE / PROJECT TYPE:** Inca Millsite Claims/Gypsum Stockpiles Removal

**CASE FILE / PROJECT NO:** CACA 45768

**FUNDING CODE:** 1990                      **PROGRAM ELEMENT:** EX

**BLM OFFICE:** Palm Springs-South Coast Field Office  
690 W. Garnet Avenue, P.O. Box 581260  
North Palm Springs, CA 92258-1260

**APPLICANT / PROPONENT:** G.F. Gypsum, Inc.  
411 W. Lambert Rd., Ste. 406  
Brea, CA 92821

**LOCATION OF PROPOSED ACTION:** SBBM, Township 4 South, Range 21 East, Sec. 27  
Riverside County

**PROJECT ACREAGE:**                      **BLM**                      **3.4 acres**

**USGS TOPOGRAPHIC MAP:**    **Inca, CA, 7.5 minute quad**

**LAND USE PLAN CONFORMANCE and Other Regulatory Compliance:**

In accordance with Title 43 Code of Federal Regulations 1610.5-3, the proposed action and alternatives are in conformance with the California Desert Conservation Area Plan (1980 as amended). In the CDCA Plan, BLM-managed public lands were classified according to the level of multiple-use allowed. Public lands within the project site are Class M, "Moderate Use", lands. Public lands designated Class M provide for a wide variety of uses, such as mining, livestock grazing, recreation, energy, and utility development. Multiple-Use Class M is based upon a controlled balance between higher intensity use and protection of public lands; management of these lands is designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.

Two of the four goals stated in the Geology, Energy, Minerals Resources Element of the CDCA Plan are:

(1) Within the multiple use framework, assure the availability of known mineral resource land for exploration and development.

(2) Encourage the development of mineral resources in a manner which satisfies national and local needs and provides for economically and environmentally sound exploration, extraction and reclamation processes.

The 1992 Fish and Wildlife Service (FWS) Biological Opinion for Small Mining and Exploration Operations in the California Desert (1-6-92-F-28) covers potential project related impacts to the desert tortoise (*Gopherus agassizii*). This biological opinion addresses small mining operations, minor exploration, and test drill holes in which the surface disturbance or area from which desert tortoises are to be removed is less than 10 acres. Since this action is a proposal to remove existing gypsum stockpiles previously placed on a millsite that will disturb 3.4 acres (less than 10 acres), it is covered by the Biological Opinion for Small Mining and Exploration Operations. Therefore, a separate consultation with the FWS would not need to be initiated for the proposed action.

The California Surface Mining and Reclamation Act (SMARA) is a state regulation relating to the reclamation of mined lands. The project site is a millsite that is located approximately 6 miles from the gypsum mine (located on private land) that was the source of the gypsum stockpiles that are proposed for removal. Since this millsite is physically separate from the mine site, the requirements of SMARA would not apply to this project. The project proponent will, however, be conditioned to utilize SMARA-type reclamation treatments for this project.

## **NEED FOR THE PROPOSED ACTION**

Minerals: After the 1872 Mining Law, the public has the statutory right to secure claim to mineral deposits located on public lands, consistent with the Federal Land Policy and Management Act of 1976, applicable Federal and State environmental statutes, and County ordinances. The proponent has filed a plan of operations with the Bureau, conforming with Title 43 Code of Federal Regulations 3809, seeking approval to recover minerals occurring on the subject lands claimed.

## **DESCRIPTION OF THE PROPOSED ACTION and ALTERNATIVES**

### **Background**

A Plan of Operations (CACA 39526) submitted by Superior Gypsum Co. was approved for the Inca Millsite Claims in 1982. Subsequent to approval, the millsite was used as a processing, stockpiling and shipping point for gypsum that was mined at the Superior gypsum mine on private land located about 6 miles northwest of the millsite. The millsite ceased active operations about 5-10 years ago when the mine went into an inactive status. Majority of the processing equipment has been removed, other than a conveyor belt and associated debris. Four

stockpiles of gypsum remain on the millsite. These are the stockpiles that the proponent proposes to remove. The proponent, G.F. Gypsum, Inc. has indicated that they currently own the rights, title and interest to the Inca Millsite Claims along with associated stockpiles of gypsum situated on these claims.

1. Proposed Action

G.F. Gypsum, Inc. proposes to remove existing stockpiles of processed and sized gypsum placed on the Inca Millsite Claims during previous milling operations. There are four stockpiles that are proposed to be removed. The total amount of gypsum in these stockpiles is approximately 8,000 tons. The total area to be disturbed by the removal of these stockpiles is approximately 3.4 acres. The area of disturbance will include the stockpiles, loading areas, and equipment staging areas. Existing roads will be used for ingress and egress from the stockpiles.

The proponent will use a front-end loader to load the gypsum into highway trucks for removal and transportation from the site. A water truck will be used on the site for dust control, as needed. The highway trucks will hold approximately 25 tons per load. G.F. Gypsum, Inc. proposes to ship 6 truck loads per day (Monday-Friday). At this rate, the removal of the stockpiles should last for approximately 3 months. Upon complete removal of the stockpiles, the proponent will smooth all former stockpile areas to blend in with the surrounding area, remove all equipment and trash from the site, and remove the fence required for mitigation of desert tortoise habitat.

2. No Action Alternative

The Proposed Action would not be undertaken. Existing management and use of the site would continue subject to applicable statutes, regulations, policy and land use plans.

The Proposed Action would not be undertaken. Existing management and use of the site would continue subject to applicable statutes, regulations, policy and land use plans. A finding of unnecessary or undue degradation conditions the No Action Alternative decision, pursuant to Title 43 Code of Federal Regulations 3809.

## **AFFECTED ENVIRONMENT**

1. Area Description

Lands involved in this proposal are vacant desert lands located on the southeast flank of the Little Maria Mountains. A number of surface disturbances are evident, including a number of graded dirt access roads, an inactive mill site associated with the former Arlington manganese mine, open pit mines, former staging and/or stockpiling area and the Atchison Topeka and Santa Fe railroad. Public lands surround the project site on all sides. The general area involves vast expanses of open space, including the Palen McCoy Wilderness and the Big Maria Mountains Wilderness located approximately five miles to the north and six miles to the east of the site, respectively.

## Transportation and Access

The project area is accessed via Midland-Rice Road. This is a road maintained by the County of Riverside. Midland-Rice Road begins as two-lane paved road north of the City of Blythe. Arlington Mine Road is used to provide primary access to Inca, an old milling site along the Atcheson Topeka and Santa Fe Railroad. This railroad runs primarily north to south adjacent to and east of the project site. This portion of the railroad line is used by trains approximately two times per week. A railroad maintenance road exists on both sides of the railroad tracks.

## Topography, Soils and Geology

The Little Maria Mountains provide a desert mountain backdrop in the regional project area. Several desert washes come down from these mountains and the surrounding mountain ranges such as the Big Maria Mountains and the McCoy Mountains. Alluvial fans slope from all these mountain ranges throughout the entire area. The elevation in the project site is approximately 220 feet above mean sea level (msl). The local topography of the project site is relatively flat with large areas of desert pavement containing sparse vegetation, except in wash areas, where vegetation is dense. Gravelly intermediate fan terraces rise above the level of the wash areas and represent older alluvial fan surfaces.

## Surface Water

The site is relatively flat with surface, sheet-flow drainage generally trending from the north to the south. No intermittent blue-line stream channels exist on the site. Surface water flow is episodic, typically occurring during flash flood events. Average rainfall in the area is four inches. Flooding in nearby washes is sporadic and occurs about every few years. No wetlands or riparian zones were documented on the site.

## Biological Resources

### General Vegetation and Wildlife

The project area is dominated by two vegetation communities: desert pavement areas and areas that have aspects of Sonoran mixed woody and succulent scrub and desert dry wash woodland. Desert pavement areas cover the majority of the sites and support only brittlebush (*Encelia farnosa*). Braided washes throughout the sites support more diverse vegetation with aspects of Sonoran mixed woody and succulent scrub and desert dry wash woodland, such as honey mesquite (*Prosopis glandulosa*), palo verde (*Cercidium floridum* ssp. *floridum*), catclaw acacia (*Acacia greggii*), smoke tree (*Psoralea argyrea*), creosote (*Larrea tridentata*), burrobush (*Ambrosia dumosa*), beavertail cactus (*Opuntia basilaris*), barrel cactus (*Ferrocactus cylindraceus*), and cholla (*Opuntia echinocarpa*). Many of the mesquite trees in the washes have parasitic desert mistletoe (*Phoradendron californicum*).

Wildlife known to exist in the vicinity of the project sites also varied between the desert pavement areas and wash areas. In areas of desert pavement, the western whiptail (*Cnemidophorus tigris*),

zebra-tailed lizard (*Callisaurus draconoides*), desert iguana (*Dipsosaurus dorsalis*), western diamondback rattlesnake (*Crotalus atrox*), turkey vulture (*Cathartes aura*), lesser nighthawk (*Chordeiles acutipennis*), Merriam’s kangaroo rat (*Dipodomys merriamii*), antelope ground squirrel (*Ammospermophilus leucurus*), coyote (*Canis latrans*) and desert kit fox (*Vulpes macrotis*) have been detected, either by direct observation or by sign (scat, tracks, vocalizations, or burrows). In wash areas, the white-tailed kite (*Elanus caeruleus*), yellow warbler (*Dendroica petechia*), California towhee (*Pipilo crissalis*), and turkey vulture have been observed.

Threatened and/or Endangered Animal Species

One plant and two wildlife species may exist in the project area and are presented on Table 3.1 below. These are identified as special status species in the Proposed Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) and Final Environmental Impact Statement (BLM 2002b).

Table 3.1  
Sensitive Species in the Study Area

Scientific Name Common Name	Status	P F O	Habitat
<b>PLANTS</b>			
Harwood’s milk-vetch <i>Astragalus insularis</i> var. <i>harwoodii</i>	Federal: none State: none CNPS: 2	L	Desert dune habitats with sandy or gravelly soil. No habitat for this species is present on the project site.
<b>WILDLIFE</b>			
Desert tortoise <i>Gopherus agassizii</i>	Federal: T State: T	M	Desert habitats with friable soils for burrow and nest construction. Washes in the study area provide habitat for this species.
California leaf-nosed bat <i>Macrotus californicus</i>	Federal: none State: CSC	L	Desert habitats with rocky, rugged terrain with mines or caves for roosting. No habitat for this species is present on the project site.

Scientific Name Common Name	Status	P F O	Habitat
<p>Status</p> <p>Federal</p> <p>T = Federally listed; Threatened</p> <p>State</p> <p>T = State listed; Threatened</p> <p>CSC = California Species of Special Concern</p> <p>CNPS</p> <p>1B = Plants rare, threatened, or endangered in California and elsewhere</p> <p>2 = Plants rare, threatened, or endangered in California but more common elsewhere</p>	<p><u>PFO (Potential for Occurrence)</u></p> <p>L = Low - No present or historical records cite the species' occurrence in the study area, and the species habitat does not occur on or near the project sites.</p> <p>M = Moderate – Either present or historical records cite the species' occurrence in the study area, or the species habitat is found on or near the project sites.</p>		
Sources: CNDDDB 2002; CNPSEI 2002; Skinner and Pavlik 1994			

Harwood's milk-vetch. This species of plant is only found in sandy or gravelly areas of desert dunes. No habitat for this species exists on site or in immediate adjacent areas. Historical records for this species exist within five miles southwest of the project sites (CDFG).

Desert tortoise. Focused surveys conducted for previous projects for this species on the project site and surrounding zone of influence (Chambers Group, Inc. 2002 for Torque – Midland Filming Permit, CACA 44672) detected two carcasses and five burrows. No recent sign of the tortoise was observed to indicate that this species currently inhabits the project site. Habitat for the desert tortoise is found in wash areas throughout the study area. Upland areas of desert pavement do not support soils that allow tortoises to burrow, although they may use these areas to cross between washes.

California leaf-nosed bat. This species is usually found in desert canyons and mountain ranges and roosts in caves and mines during the day. There is no habitat for the species on the sites or in immediate adjacent areas.

#### Sensitive Habitats

Most of the project sites are crossed by braided washes that support the Sonoran mixed woody and succulent scrub and desert dry wash woodland communities.

Cibola National Wildlife Refuge (NWR) is located approximately 20 miles south of the project sites and along the Colorado River. This refuge houses over 288 species of birds (U.S. Fish and Wildlife Service 2001). Migratory birds may travel to and from this location passing nearby or through the vicinity of the sites, as water is intermittently present. However, since there are no permanent sources of water at or near the sites, these species should not occur frequently at the sites or for extended periods of time.

## Cultural Resources

Two prior cultural property surveys have been conducted within and around the Area of Potential Effect (APE) for this project. The results of these surveys are described in the following reports: Cotterman, Cary, et. al., "National Register of Historic Places Evaluation of Three Historic Period Resources at the Warner Brothers/Big Wheel Productions *Torque* Film Location Near Blythe, Riverside County, California," Chambers Group, Inc., Redlands, California, 2003, and; Reed, Judyth. "3809 Cultural Resources Short Form Report, CA MC No. 87254: Inca Mill Site Continuing Operations," Environmental Assessment Review No. CA-066-2-16, Bureau of Land Management, California Desert District, Riverside, California, 1982. A third cultural property survey of lands adjacent to this mill site is currently being conducted by John Stephen Alexandrowicz under BLM Field Authorization No. CA-669-04-FA04 (State Permit No. CA-02-26). BLM Heritage staff conducted field reviews for the project area on March 9 and April 30, 2004. Prior surveys and current field reviews have observed that there are no historic properties within the APE for this undertaking. These investigations all note the presence of a complex of historic features collectively known as the Inca Siding Mill Site approximately .25 miles north of the APE. These features are identified by the California Historic Resources Inventory System as Site CA-RIV-7036H (Inca Siding and associated features). Preliminary observations indicate that some of the features at the Inca Siding may be eligible for inclusion on the National Register of Historic Places. However, formal determinations have not been rendered to date. These properties are located outside the APE and will not be affected by this undertaking.

Prior surveys and current field reviews have noted the presence of gypsum stockpiles within the APE for the current undertaking. These stockpiles are the result of mining activity carried out by the Superior Gypsum Company pursuant to a Plan of Operations approved in 1982 (CACA-39526). Under that Plan of Operations, the mill site was used as a stockpiling and shipping point for gypsum. The mill site ceased active operations in the 1990s. Four stockpiles of gypsum remain and some equipment on the mill site. These features are all the result of modern milling activity and are less than fifty years old. These features are not considered historic and no determinations are required at this time. No other cultural properties have been identified within the APE. Field inspection has also noted that the land surface within the APE has been intensively impacted by the mill site processing and storage activities. As a result, the general surface integrity and context for any cultural properties within the APE has been compromised.

## Recreation Resources

The Midland Long Term Visitor Area (LTVA) is located approximately 10 miles to the

southeast of the site along Midland Road. The season for use at the Midland LTVA is November through April. Other than Midland LTVA, recreation use in the project area is dispersed, with camping generally on weekends and involving typical desert recreation activities (desert touring, wildlife viewing, firearms shooting, rock collecting, hiking, etc.).

### Air Quality

The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over the project area. The region is in non-attainment for PM-10 (particulate matter with a diameter equal to or less than 10 microns). There are numerous sources of PM-10. One source for PM-10 is vehicular use of dirt roads and road grading.

### Visual Resources

The scenic environment in the proposed project area is generally characteristic of the Mojave Desert. The main viewpoint of the project area would be from Midland-Rice Road, which lies level. The terrain rises slightly towards the Big Maria Mountains to the north and east, which provide a distinct desert mountain backdrop of high mountains and peaks. Vegetation at the project site and surrounding area is primarily creosote bush, burro bush, cheesebush, brittlebush, mesquite, and palo verde. Desert pavement is prominent in this area with vegetation that is sparse and low in profile, except in the wash areas where palo verde, mesquite, and ironwood have high profiles. Various natural drainage ways intersect the project area.

The BLM uses a system of Visual Resource Management (VRM) to identify, set, and meet objectives for maintaining scenic values and visual quality. The inventory/evaluation process consists of three steps: assessment of the visual quality of the landscape, the sensitivity of the people to changes in the landscape, and the viewing distance. Based on the inventory/evaluation, VRM classes are assigned to BLM-administered lands. These management classes describe the different degrees of modification allowed to the basic elements of the landscape. To evaluate specific proposed projects, a Contrast Rating System is used to measure the degree of contrast between the proposed activity and the existing landscape. Through the Contrast Rating System, it is determined whether mitigation is required to reduce visual impacts.

Based on an assessment of visual quality (“Class C” in which the features are fairly common to the physiographic region), sensitivity levels (“medium” indicating expected public concern about changes in scenic quality), and distance zone (“foreground/midleground”), the proposed project site is assigned an interim VRM Class of 4. In Class 4 areas, any contrast may attract attention and be a dominant feature of the landscape in terms of scale, but should repeat the form, line, color, and texture of the characteristic landscape.

These four gypsum stockpiles, amounting approximately 8,000 tons over 3.4 acres, are visible from the Midland Road and other local areas frequented by the public. These white or light-colored gypsum stockpiles contrast with their surroundings, in terms of color, form and general texture, and impact the overall naturalness of the area.

## Open Space/Wilderness

The 270,629 acre Palen /McCoy Wilderness Area is located approximately 5 miles north of the proposed project area. The Big Maria Mountains Wilderness Area is located about 6 miles to the east of the site. These areas are high quality open space for habitat purposes that will be preserved in perpetuity as wilderness. Lands to the south, west and east involve expanses of multi-purpose open space with very scattered impacts such as roads, trails and previous mining activities.

### B. Land Status

1. Land Use Classification: The CDCA Multiple Use Classification for this site is M (Moderate Use).
1. Valid Existing Rights: There are no private lands or rights-of-way affected by this proposal.
2. Mining Claims: There are six Mill Site claims that are located at the Inca railroad siding. The claim numbers are:
  - CAMC 276615 Incams-1;
  - CAMC 276616 Incams-2;
  - CAMC 277558 Standard Gypsum #1;
  - CAMC 277559 Standard Gypsum #2;
  - CAMC 277560 Standard Gypsum #3;
  - CAMC 277561 Standard Gypsum #4.

Mill Site claims, up to 5 acres each, may be located in connection with a placer or lode claim for mining and milling purposes, or as an independent/custom mill site that is independent of a mining claim. This Plan of Operation is associated with the Standard Gypsum #1 – 4 millsite claims.

## ENVIRONMENTAL CONSEQUENCES

### A. Critical Elements

The following table summarizes potential impacts to various elements of the human environment, including the "critical elements" listed in BLM Manual H-1790-1, Appendix 5, as amended. Elements for which there are no impacts will not be discussed further in this document.



Environmental Element	Proposed Action	No Action Alternative
Air Quality	Potential impact	No impact
ACECs	No impact	No impact
Cultural Resources	No effect	No effect
Native American Concerns	N/A	N/A
Farmlands	N/A	N/A
Floodplains	N/A	N/A
Energy (E.O. 13212)	N/A	N/A
Minerals	No impact	No impact
T&E Animal Species	May affect, no likely to adversely affect	No impact
T&E Plant Species	No impact	No impact
Invasive, Nonnative Species	Potential impact	No impact
Wastes (hazardous/solid)	Potential impact	No impact
Water Quality (surface and ground)	No impact	No impact
Wetlands/Riparian Zones	No impact	No impact
Wild and Scenic Rivers	N/A	N/A
Wilderness	No impact	No impact
Environmental Justice	No impact	No impact
Health and Safety Risks to Children	No impact	No impact
Visual Resource Mgmt.		No impact

B. Discussion of Impacts

1. Proposed Action:

Air Quality

Grading, removal of the gypsum stockpiles, and disturbance of soils would result in the loss of protective vegetation, soil crusts and desert pavement. As soils are disturbed and become susceptible to wind erosion, there would be an increase in fugitive dust levels in the vicinity of this site. Vehicle and mining equipment (front end loaders and haul trucks) use would further increase these airborne dust (PM-10) levels. During high wind events, wind erosion of soils could substantially impact down wind areas up to ¼ to ½ mile from the site.

The generation of fugitive dust would be at levels greater than levels in the area by everyday use. Overall, these fugitive dust emissions would slightly contribute to overall PM-10 levels in the general vicinity of this project. As the regional air quality district is already in non-attainment status for fugitive dust (PM-10), the additional generation would contribute slightly to air quality issues in this area.

### Cultural Resources

There are no historic properties located within the Area of Potential Effect. BLM has found that there will be *no historic properties affected* by this undertaking.

### Biological Resources

#### Vegetation Communities

Under the Proposed Action, activities associated with the removal of the gypsum stockpiles would crush or directly remove vegetation from the portions of the project area designated for equipment use, vehicle parking, road grading and concentrated human use. The total area to be disturbed by the removal of these stockpiles is approximately 3.4 acres. The area of disturbance would include the stockpiles, loading areas, and equipment staging areas. Crushing of vegetation in these areas would result in mortality of most plants with the exception of some shrubs that retain sufficient root structure for regeneration. Grading of existing roads and equipment use areas would result in the removal of all vegetation and possible damage to adjacent woody and desert scrub vegetation during actual grading activities. Impacts to grading on Sonoran mixed woody and succulent scrub as well as the desert dry wash woodland communities would be most pronounced in areas where roads to be graded cross or exist within water courses.

This site degradation would last for 30 or more years after termination of stockpile removal due to the low rainfall of the region, soil compaction and the potential loss of top soil by wind and water erosion. The site would gradually be recolonized by pioneer plant species that would modify the site so as to allow for later successional species such as creosote bush (*Larrea tridentata*), blue palo verde (*Cercidium floridium*), desert lavender (*Hyptis emoryi*), and burro bush (*Ambrosia dumosa*). Many of the species that would recolonize the disturbed areas are non-native and aggressive weed species that would propagate and spread to other areas. The length of time it takes for restoration of existing plant communities is directly related to the extent of measures taken to protect surface soils and root structures of shrubs, restore soil structure and surface contour, retard wind and water erosion and prepare seed beds for maximum regrowth of later successional plant species.

Indirect impacts to surrounding vegetation communities (all desert pavement and Sonoran mixed woody and succulent scrub and desert dry wash woodland) could result from increased dust related to the stockpile removal activities

### General Wildlife

Low numbers of direct mortality of wildlife could occur under the Proposed Action due to vehicles running over animals or crushing burrows of small mammals. Indirect impacts to general wildlife could result from the loss of habitat in the project area, potentially displacing wildlife into adjacent areas. Long-term indirect effects could result from the compaction of soils in the study area, precluding burrowing animals from the area.

### Threatened and/or Endangered Animal Species

One sensitive plant has a low potential to inhabit the study area (Hardwood's milk-vetch), however, no habitat for this species was found on any of the project sites or in the zone of influence areas. Indirect impacts could result from increased dust (short-term), and soil compaction (long-term).

The desert tortoise (federally and state threatened). The Proposed Action could directly affect the desert tortoise, either through direct mortality or the crushing of occupied burrows by vehicle traffic. The Proposed Action could indirectly affect the desert tortoise through increased noise and dust (short-term), increased human presence and their related trash attracting ravens that could prey on young tortoises (short-term), and soil compaction that could reduce the potential for burrowing on the site (long-term).

Desert tortoises could be injured or killed, their activities altered, and their habitat degraded during this activity. Use of both vehicles to access the site for gypsum removal and the equipment used for loading operations could result in injury or death to desert tortoises. This is especially true with immature desert tortoises that are difficult to see due to their small size. Refuse and water supplies associated with this operation would attract ravens that prey on immature tortoises.

Desert tortoises seeking shade under vehicles or equipment could be run over when they are started and moved. The handling of desert tortoises could result in the deleterious voiding of internal fluids or other physiological stresses. Preferred plant food sources would be destroyed or disturbed by use. The preferred food could also decrease as a result of the increase in less palatable and aggressive weed plant species which could be introduced onto the project sites from vehicles.

California leaf-nosed bat-(state species of special concern). The Proposed Action would not directly affect the California leaf-nosed bat as this species has a low potential of occurrence in the project area and no habitat for this species is present on the project site. Impacts to the California leaf-nosed bat are expected to be less than substantial.

### Sensitive Habitats

The Proposed Action could remove vegetation on some of the project area, resulting in the loss of Sonoran mixed woody and succulent scrub as well as desert dry wash woodland. No indirect impacts are expected to wildlife movement corridors.

### Invasive/Non-native Plants

Seeds of non-native and aggressive weed species are would likely be transported into this area on project related vehicles and equipment. The importation of these weed species is most pronounced on earthmoving and related equipment that are not thoroughly washed of soil and debris prior to entry into the area. These weed species generally out-compete native plants, are more prone to wildland fire which increases the effects of destructive fires in the area, and are generally less palatable to wildlife.

### Hazardous Materials

The potential impacts of hazardous materials associated with the proposed action could occur from the use of the mining and haul trucks used to load and remove the gypsum stockpiles on the project site. Impacts could include spills of oil, grease, lubricants, hydraulic fluids, battery fluids, diesel fuels, and gasoline that result from equipment breakage, field repairs, fueling operations and general discharge.

### Recreation

Use of this site for removal of the gypsum stockpiles could disrupt recreationists seeking camping, hiking, scenic viewing and other opportunities at the Inca Siding area. This impact is anticipated to be low as overall recreation use of this area is dispersed, intermittent, and at low levels.

### Visual Resources

Removal of these stockpiles would eliminate this visual impact on the overall naturalness of the area. Project related vehicles, loading equipment and haul trucks would impact soils at Inca Siding and on the unimproved roads between the project site and Midland Road. These surface impacts would be visible on-site and at a distance from portions of Midland Road. The majority of these surface impacts, after site restoration, would be temporary and would not dominate the landscape. As both the activity and surface impacts are temporary, the overall project would not have an impact on the long-term visual resources of the area. The project would, therefore, conform to VRM Class 4 objectives.

### Transportation and Access

During the 3-month period anticipated for removal of the gypsum stockpiles, highway-legal truck and trailer combinations will haul the stockpiled gypsum from the project site. The trucks will access the site via the Midland/Rice Road (paved) and the Arlington Mine Road (graded dirt). Six truck loads will be removed from the site per day, Monday through Friday, each carrying 25 tons. Overall, traffic would be heavier than usual.

### Soils

The proposed action would result in soil disturbance over the project site. This disturbance would range from soil compaction by vehicles and equipment to mixing of soil horizons and gypsum

material in the stockpile removal areas. The movement of the front end loaders and haul trucks would damage soil crusts and desert pavement. Soil crusts and desert pavement acts as a cap to the existing loose and easily eroded soils in the area. Throughout the stockpile removal activities, soils would become destabilized resulting in loss due to wind and water erosion. Unless protected, valuable topsoil would also be lost and the long-term productivity of the site reduced. In addition, soil horizons would be mixed in the stockpile areas resulting in loss of overall soil integrity. The damage to desert pavement would increase the potential for soil erosion along the dirt roads used for the project and the gypsum stockpile areas.

## 2. No Action Alternative

Under this alternative, no impacts would occur to the resources. The management of the areas would continue. Under current management, there are no impacts to the resources.

### C. Mitigation Measures

#### General Mitigation

1. The operator shall make all reasonable efforts to avoid existing vegetation during the operations. Any topsoil or vegetation removed during stockpile removal operations shall be clearly marked and protected throughout the life of the operation. Any removed topsoil or vegetation shall be spread over contoured areas upon site reclamation in a manner to ensure maximum seed bed preparation.

2. Backfilling and regrading shall be implemented as required to return the site to a condition approximating the original contours and to allow for positive drainage and revegetation. All efforts shall be made to completely remove the stockpiled gypsum down to natural substrate soils.

3. No surface disturbance shall be authorized outside of the project area.

4. Under direction of the operator's consulting biologist, any foxtail cacti (*Escobaria vivipara* var *alversonii*) encountered in the proposed area of disturbance shall be transplanted to suitable locations off-site and in the general vicinity of the project. The salvaging and transplanting of other cacti shall be encouraged.

5. The operator's consulting biologist shall identify all tamarisk seedlings and other noxious weeds to be removed from the site as part of the site reclamation.

6. The operator shall be required to comply with all reasonable measures to control fugitive dust and PM-10 emissions from the access road and project site including controlling vehicle speeds, application of dust suppressants, graveling surfaces, phased

reclamation and application of water. The operator shall curtail operations when sustained wind speeds exceed 30 miles per hour.

7. No hazardous materials or substances shall be used or stored on-site without specific written authorization of the authorized officer. Diesel fuel, solid wastes, waste oil, and other petroleum products shall not be discharged or buried on-site. The operator shall be responsible for the disposal and cleanup of any fuel, oil or other hazardous material discharge on public lands.
8. The boundaries of the project area shall be clearly delineated by survey markers and signs to insure that no vehicles or equipment are driven outside of the authorized site.
9. The operator shall meet with BLM prior to commencement of operations, at least once after the commencement of operations, and at least once prior to completion of site reclamation.
10. The operator shall maintain the site in a clean and sanitary condition at all times; waste materials at the site shall be disposed of promptly at an appropriate waste disposal site.
11. The operator shall maintain reclamation financial assurances during the life of this project in accordance with 43 CFR 3809.500 through 43 CFR 3809.599. Prior to use of any tractors or loaders for this project, the operator shall adjust the reclamation financial assurances to reflect the reclamation costs associated with removal of this equipment.

#### Desert Tortoise Mitigation

Pursuant to the June 1, 1992 Biological Opinion for Small Mining and Exploration Operations in the California Desert (1-6-92-F-98), the following mitigation measures apply to this proposed operation.

1. The mine operator shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for the desert tortoise and for coordination on compliance with the BLM. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the stipulations. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the project proponent, or a contracted biologist.
2. An employee training program must be received, reviewed, and approved by the Bureau at least 15 days prior to presentation of the program. The program may consist of a class or video presented by a qualified biologist (Bureau or contracted). Wallet-sized cards with important information for workers to carry are recommended. All mine employees shall participate in the desert tortoise

education program prior to initiation of mine activities. The operator is responsible for ensuring that the education program is developed and presented prior to conducting activities. New employees shall receive formal, approved training prior to working on-site. The program shall cover the following topics at a minimum:

- distribution of the desert tortoise,
- general behavior and ecology of the tortoise,
- sensitivity to human activities,
- legal protection,
- penalties for violations of State or Federal laws,
- reporting requirements, and
- project protective mitigation measures.

- c. Only biologists authorized by the Service and the Bureau shall handle desert tortoises. The BLM or project proponent shall submit the name(s) of proposed authorized biologist(s) to the Service for review and approval at least 15 days prior to the onset of activities. No mining activities shall begin until an authorized biologist is approved. Authorization for handling shall be granted under the auspices of the Section 7 consultation.
4. The authorized biologist shall be required on-site during the initial construction activities. This biologist shall have the authority from the operator to halt any action that might result in harm to a desert tortoise.
5. The area of disturbance shall be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. Work area boundaries shall be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as borrows, identified by the qualified biologist shall be avoided to the extent possible. To the extent possible, previously disturbed areas within the project site shall be utilized for the stockpiling of excavated materials, storage of equipment, and location of office trailers and parking of vehicles. The qualified biologist, in consultation with the project proponent shall ensure compliance with this measure.
6. Except when absolutely required by the project and as explicitly stated in the project permit, cross-country vehicle use by employees is prohibited during work and non-work hours.
7. For development where the mill site is in desert tortoise habitat, the entire site shall be enclosed within a tortoise-proof fence. The fence shall be constructed under the direction of a qualified biologist. The fence shall be located to avoid all burrows, to the extent possible. Burrows shall be located on the outside of the enclosure. The fence shall be constructed of hardware cloth with a 2-inch mesh

size. It shall extend 18 inches above ground and 12 inches below ground. Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground so as to prevent tortoise entry. The fence shall be supported sufficiently to maintain its integrity. The gate at the mine entrance shall be tortoise-proof. This gate shall remain closed except for the immediate passage of vehicles. The fence shall be checked at least monthly and maintained when necessary by the project proponent to ensure its integrity.

For temporary activities, such as test hole drilling, a temporary fence shall be erected around the area of activity. The fencing shall be 2-inch mesh hardware cloth supported by steel t-posts. The fencing shall be at least 18 inches high but need not be buried. Provisions shall be made for closing the fence at the point of vehicle entry. Placement and erection of the fencing shall be approved and inspected by a qualified biologist. All tortoise-proof fencing shall be removed after site rehabilitation.

8. After fence installation, the authorized biologist shall conduct a thorough survey for tortoises within the mine site. All tortoises found shall be marked and removed from the enclosure and placed outside the nearest fence. If the removal is during the season of above-ground activity, the tortoises shall be placed beside a nearby burrow of appropriate size. If the removal is not in the season of above-ground activity, the tortoise shall be moved (dug out of burrow if necessary) on a seasonably warm day and placed at the mouth of a nearby burrow of appropriate size. If the tortoise does not enter the burrow, an artificial burrow may be needed. The authorized biologist shall be allowed some judgment and discretion to ensure that survival of the tortoise is likely.
9. Desert tortoises moved from within a fenced site shall be marked for future identification. An identification number using the acrylic paint/epoxy covering technique shall be placed on the fourth left costal scute (Fish and Wildlife Service 1990). 35-mm slide photographs of the carapace, plastron, and the fourth costal scute shall be taken. No notching is authorized.
10. Desert tortoises may be handled only by the authorized biologist and only when necessary. In handling desert tortoises, the authorized biologist shall follow the techniques for handling desert tortoises in 'Guidelines for Handling Desert Tortoises During Construction Projects' (Desert Tortoise Council 1996).
11. The authorized biologist shall maintain a record of all desert tortoises handled. This information shall include for each tortoise:
  1. The locations (narrative and maps) and dates of observations;
  2. General condition and health, including injuries and state of healing and whether animals voided their bladders;
  3. Location moved from and location moved to;

4. Diagnostic markings (i.e., identification numbers or marked lateral scutes);
  5. Slide photograph of each handled desert tortoise as described in a previous measure.
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12. No later than 90 days after completion of construction or termination of exploration activities, the FCR and authorized biologist shall prepare a report for the Bureau. The report shall document the effectiveness and practicality of the mitigation measures, the number of tortoises excavated from burrows, the number of tortoises moved from the site, the number of tortoises killed or injured, and the specific information for each tortoise as described in measure k. The report shall make recommendations for modifying the stipulations to enhance tortoise protection or to make it more workable for the operator. The report shall provide an estimate of the actual acreage disturbed by various aspects of the operation.
  13. Upon locating a dead or injured tortoise, the project proponent or agent is to notify the Bureau. The Bureau must then notify the appropriate field office (Carlsbad or Ventura) of the Service by telephone within three days of the finding. Written notification must be made within five days of the finding, both to the appropriate Service field office and to the Service's Division of Law Enforcement in Torrance. The information provided must include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death, if known, and other pertinent information. Desert tortoise remains shall be collected, delivered to the Bureau, and frozen as soon as possible.  
  
An injured animal shall be transported to a qualified veterinarian for treatment at the expense of the project proponent. If an injured animal recovers, the Service should be contacted for final disposition of the animal.
  14. Except on county-maintained roads, vehicle speeds shall not exceed 20 miles per hour through desert tortoise habitat.
  15. If it is necessary for a worker to park temporarily outside of the fenced enclosure, the worker shall inspect for tortoises under a vehicle prior to moving it. If a tortoise is present, the worker shall carefully move the vehicle only when necessary and when the tortoise would not be injured by moving the vehicle or shall wait for the tortoise to move out from under the vehicle.
  16. All dogs shall be restrained either by enclosure in a kennel or by chaining to a point within the desert tortoise-proof enclosure.
  17. All trash and food items shall be promptly contained within closed raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to common ravens and other tortoise predators.

18. Structures that may function as common raven nesting or perching sites are not authorized except as specifically stated in the plan of operation or notice. The project proponent shall describe anticipated structures to the Bureau during initial project review.
19. At the end of the project, disturbed areas, including new access roads, shall be recontoured and reseeded with an appropriate mixture of native plant species according to Bureau specifications. After site rehabilitation, all desert tortoise-proof fence shall be removed.
20. Compensation for loss of habitat shall be required prior to initiation of any surface disturbing activities and according to Bureau requirements. Habitat conservation for the additional disturbance of approximately 1.2 acres of Category III desert tortoise habitat shall be at a 1:1 ratio. The project proponent shall, in this case, provide funds to the BLM as described in the multi-agency agreement, Compensation for the Desert Tortoise (Desert Tortoise Compensation Team 1991). Based on a current \$575.00 per acre remuneration fee, \$690.00 will be utilized to procure lands in designated critical habitat of the Chuckwalla Unit.

The compensation must be secured prior to the onset of any surface disturbing activities associated with the mining operation. The appropriated lands shall be protected in perpetuity for the benefit of the desert tortoise. A management rate of \$200.00 per acre and a \$95.00 enhancement fee, totaling \$335.00, shall also be provided to the BLM for the management of acquired lands on the Chuckwalla Unit pursuant to California State requirements.

#### D. Residual Impacts

After implementation of the mitigation measures discussed in Section C, residual impacts would not be substantial. Existing roads use for the project would be improved as part of the Proposed Action and would provide for safer and easier access during and after the project.

#### E. Cumulative Impacts

In addition to the direct and indirect impacts associated with implementation of the Proposed Action, NEPA requires that cumulative impacts be analyzed and disclosed. A cumulative impact is an impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively substantial actions taking place over a period of time.

The surrounding areas have been previously disturbed by railroad, mining, pipeline installation, and off-highway vehicle activities. The Proposed Action is temporary. Evidence of the project upon completion is anticipated to be minor.

**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 Palm Springs-South Coast Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. 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.

**PERSONS / AGENCIES CONSULTED:**

USFWS  
Riverside County, Building and Safety

**PREPARED BY:**

Steve Kupferman, BLM Geologist  
Rolla Queen, BLM Archaeologist

**REVIEWED BY:** \_\_\_\_\_  
Environmental Coordinator Date

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
PALM SPRINGS-SOUTH COAST FIELD OFFICE**

**DECISION RECORD  
CA-660-04-35**

**NAME of PROJECT: Inca Millsite Claims/Gypsum Stockpiles Removal**

**DECISION:** It is my decision to approve the proposed action as described in Environmental Assessment (EA) number CA-660-04-35. Compliance with the mitigation measures identified in the EA is hereby required. These measures are incorporated into this decision record as stipulations by reference. A copy of this Decision Record and attendant conditions of approval (stipulations) shall be in the possession of the on-site operator during all undertakings approved herein.

Pursuant to Title 43 Code of Federal Regulations (CFR) 3809.0-6, during operations and upon cessation of mining activities, the proponent is responsible for assuring adequate and responsible measures to prevent unnecessary or undue degradation of the Federal lands and in providing for reasonable reclamation, after but not limited to 43 CFR 3809.0-5(k) and 3809.1-3(d).

**RATIONALE:** The approved action is in conformance with applicable land use plans and will not cause unnecessary or undue degradation.

**FINDING OF NO SIGNIFICANT IMPACT:** Environmental impacts associated with the proposed action have been assessed. Based on the analysis provided in the attached EA, I conclude the approved action is not a major federal action and will result in no significant impacts to the environment under the criteria in Title 40 Code of Federal Regulations 1508.18 and 1508.27. Preparation of an Environmental Impact Statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

**APPEALS:** This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named

in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellant’s success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.

An appeal from this decision may be taken to the State Director, California State Office, Bureau of Land Management in accordance with the provisions at Title 43 Code of Federal Regulations 3809. If an appeal is taken, the notice of appeal must be filed with the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258 within thirty (30) days from receipt of this decision. Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director by the Field Office. The appeal to the State Director must contain: (1) the name and mailing address of the appellant; (2) where applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Part 3833 of this title which are subject to appeal; and (3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department as it affects the mining claim(s). No appeal, protest or petition for reconsideration will be entertained from this decision after the appeal period has expired.

**APPROVED BY:**

\_\_\_\_\_  
Field Manager  
Palm Springs-South Coast Field Office  
USDI Bureau of Land Management  
690 W. Garnet Avenue; P.O. Box 1260  
North Palm Springs, CA 92258-1260

\_\_\_\_\_  
Date