

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

**ENVIRONMENTAL ASSESSMENT
EA Number CA-660-05-31**

DATE: March 21, 2005

TITLE/PROJECT TYPE: Berdoo Canyon Road Clean-Up

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

APPLICANT/PROPONENT: BLM

LOCATION OF PROPOSED ACTION: T4S, R8E, Sections 20 and 30, San Bernardino Meridian

USGS TOPOGRAPHIC MAP: West Berdoo Canyon: 1:24k

PROJECT ACREAGE: BLM 20 acres

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. The involved lands are designated as Multiple-Use Class L (limited use). Class L lands are managed to provide for lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

It is required under the Federal Land Policy and Management Act of 1976 (FLPMA) the BLM is charged with managing public lands in a manner that will “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values”. In Section 106 of the National Historic Preservation Act, as implemented at 36 CFR Part 800 requires Federal agencies to take into account the effects of their undertakings on historic properties. The 2004 State Protocol Agreement between the California State Director of the BLM and the California State Historic Preservation Officer (SHPO) defines the roles and relationships between SHPO’s office and BLM under the National Programmatic Agreement. The protocol streamlines the Section 106 process by not requiring case-by-case consultation with the SHPO on most individual undertakings. Consultation with the California State Historic Preservation Officer (SHPO) will not be required for the proposed project. To prevent damage to any possible historic properties, monitoring of the project will occur.

NEED FOR THE PROPOSED ACTION

Illegal dumping in the canyons on the north side of the Coachella Valley is an on-going problem. Cars are abandoned, targets are set up for shooting practice, and household garbage is dumped along the washes. Berdoo Canyon is adjacent to Joshua Tree National Park and is not immune to dumping. The proposed clean-up of Berdoo Canyon is an opportunity for the BLM to collaborate with public land users and area youth. Subsequent clean-ups and enforcement efforts by the Bureau of Land Management will help ensure that the canyon remains a clean and safe place to recreate.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Background

Illegal dumping in the “canyons north of Dillion” Road is an on-going environmental concern. Illegal activities associated with stolen cars being abandoned and sometimes burned is a common event. Discarded items are set up for shooting practice, and miscellaneous garbage of a hazardous and non-hazardous nature is discarded in canyon washes.

A. Proposed Action

The Bureau of Land Management proposes to conduct clean-up activities in Berdoo Canyon, located south of Joshua Tree National Park. The clean-up will include the removal of miscellaneous household appliances, as well as combustible and non-combustible debris from public lands. Such debris includes shotgun shells, clay pigeons, computer monitors, lawn mowers, empty barrels, bricks, and woody and grassy yard waste. Volunteers will contribute their labor to the clean-up effort. Vehicle impacts, such as tire tracks, will occur from the removal of large appliances; these tracks will be raked out. “Limited Use” and “No Dumping” signs will be installed on public lands.

B. No Action Alternative

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

AFFECTED ENVIRONMENT

A. Area Description

Berdoo Canyon runs north to south in the Little San Bernardino Mountains, Riverside County, California. Originating in Joshua Tree National Park, Berdoo Canyon is typical of most desert canyons on the north side of the Coachella Valley. Berdoo Canyon is listed as a geological touring route for 4X4 vehicles. The dominant plants species are creosote (*Larrea tridentata*), Cheese Bush, and Brittle Bush. The area may provide habitat for the desert tortoise, though if present, tortoises would be at very low densities.

Cultural Resources

Little cultural resources inventory has been completed in Berdoo Canyon. Surveys were conducted in T 4S, R8E Sections 15 and 17 in 1978 as part of the California Desert District cultural resources Class II inventory. More recently cultural resources inventories were conducted in the NW ¼ and S ½ of Section 30. No historic properties or cultural resources were identified as a result of these inventories.

Berdoo Canyon provides access through the Little San Bernardino Mountains into Joshua Tree National Park: from the Coachella Valley and Colorado Desert to the higher elevations of the Mojave Desert. It is likely that this canyon was used by the Cahuilla Indians and their predecessors, as well as other Native American groups. Evidence of this use could take the form of foot trails, pottery scatters, and bedrock milling features, as well as other features or artifacts.

During the 1930's Berdoo Canyon was home to the Division 4 Headquarters for the Colorado River Aqueduct construction effort. Berdoo Camp featured a hospital, administrative headquarters, and lodging for construction workers. The aqueduct itself passes beneath the canyon and the Little San Bernardino Mountains- traveling from southeast to northwest. The buildings were removed when construction was completed. All that remains of Berdoo Camp are concrete foundations and construction roads.

Historic artifacts related to Berdoo Camp and construction of the aqueduct may be present in the APE of the current project. Project participants will be instructed to consult with a BLM staff member before collecting any items that appear to exceed 50 years of age.

The project area consists largely of the active wash of Berdoo Canyon. The majority of the dumping has occurred where the road drops into and crosses the wash. There is low potential for cultural resources to occur in this area; artifacts that may occur here are likely to have been washed downstream from their original context.

There is a low potential for surface disturbance on the stable surfaces in the project area since material in these areas consist mostly of trash that may be collected by hand. The project has a low potential to affect historic properties.

If previously unidentified cultural resources, including artifacts or bone, are encountered during project activities, all work will cease in the immediate area and the PSSC FO Cultural Resources Specialist will be notified.

Visual Resource Management

Visual Resource Management (VRM) classes have not been designated for public lands subject to the Proposed Action. Given that the Proposed Action is designed to reduce visual intrusions by the removal of non-natural debris, the process of assigning an interim VRM class in such instances in accordance with BLM policy is herein simplified for the purposes of this action only. Accordingly, the subject public lands are temporarily designated as VRM Class 2, the same as adjacent public lands immediately to the west in Township 4 South, Range 7 East, per

California Desert Conservation Area Plan Amendment for the Coachella Valley (2002). This designation is temporary pending reassignment of an interim VRM class or designation through the Resource Management Planning process.

B. Land Status

1. Land Use Classification: Land Use Classification Limited (L) California Desert Conservation Area Plan (2002), as amended
2. Valid Existing Rights: Metropolitan Water District (MWD) has an existing right-of-way from BLM in Berdoo Canyon for access to the Colorado Aqueduct. There are no other valid existing rights.

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	No impacts	No impacts
ACECs	No impacts	Trash will continue to accumulate.
Cultural Resources	No effect	No effect
Native American Concerns	N/A	N/A
Farmlands	N/A	N/A
Floodplains	No impacts	No impacts
Energy (E.O. 13212)	N/A	N/A
Minerals	N/A	N/A
T&E Animal Species	No Affect	No Affect
T&E Plant Species	N/A	N/A
Invasive, Nonnative Species	N/A	N/A
Wastes (hazardous/solid)	N/A	N/A

Environmental Element	Proposed Action	No Action Alternative
Water Quality (surface and ground)	Proposed action may improve water quality by removing garbage and other potential pollutants.	Potential pollutants would not be removed.
Wetlands/Riparian Zones	N/A	N/A
Wild and Scenic Rivers	N/A	N/A
Wilderness	N/A	N/A
Environmental Justice	N/A	N/A
Health and Safety Risks to Children	N/A	N/A
Visual Resource Mgmt.	Conforms to VRM Class 2 management objectives	Does not conform to VRM Class 2 management objectives

B. Discussion of Impacts

1. **Proposed Action:**

If undertaken, the proposed action would provide benefit to the local communities and visitors to the Coachella Valley by beautifying the landscape. It may improve water quality throughout the canyons by removing garbage and other potential pollutants. The proposed action would enhance visual resources by removing non-natural debris, the presence of which creates contrasts with the characteristic landscape for no recognized purpose. Temporary impacts to plants and wildlife may result from the use of heavy equipment to remove large items such as appliances, furniture, and abandoned vehicles. No disturbance or impact to desert tortoise is anticipated. However, if present, tortoises may be disturbed by the activity as will other small reptiles and mammals. In order to avoid any disturbance to Desert Tortoises the mitigation measures identified below must be implemented.

2. **No Action Alternative:**

Under this alternative, trash would continue to accumulate in the canyons and water quality may be impacted. No disturbance to small animals would occur.

Existing visual contrasts of non-natural debris with the characteristic landscape would be retained for no apparent purpose. Debris left at the proposed clean-up sites would attract the attention of the casual observer, thereby maintaining a circumstance where Visual Resource Management Class 2 objectives are not achieved.

C. Mitigation Measures

1. If new cultural resources are discovered during construction and determined to be significant, the proponent will notify the appropriate agencies in accordance with

State and Federal regulations. Specifically, the proponent will immediately bring to the attention of the Palm Springs-South Coast Field Office any previously unidentified cultural resources (prehistoric/historic sites, features or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.

2. Actions other than those explicitly approved by the BLM that result in impacts upon archaeological or historical resources would be subject to the provisions of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. 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 land.
3. Surface disturbances created by the project, such as vehicle tracks left from heavy equipment and denuded areas where large debris is removed, shall be treated by raking and other means to minimize visibility.

Desert Tortoise Mitigation

Stipulations from Biological Opinion for small disturbances of desert tortoise habitat in the California Desert (1-8-97-F-17) that apply to this project are as follows:

In the following measures, a "qualified biologist" is defined as a trained wildlife biologist who is knowledgeable concerning desert tortoise biology, tortoise mitigation techniques, tortoise habitat requirements, identification of tortoise sign, and procedures for surveying for tortoises. Evidence of such knowledge may include one or more of the following: employment as a field biologist working on desert tortoise or successful completion of a contract dealing with desert tortoise fieldwork. Attendance at the training course sponsored by the Desert Tortoise Council would be a supporting qualification.

An "authorized biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises. An authorized biologist must be approved by the USFWS, the CDFG, and the BLM (see measure 3).

- 1) The project proponent would designate a 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 and would have a copy of all stipulations when work is being conducted on the site. The FCR would 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) All employees of the project proponent who work on-site would participate in a tortoise education program prior to initiation of field activities. The project proponent is responsible for ensuring that the education program is developed and

presented prior to conducting activities. New employees would receive formal, approved training prior to working on-site. The employee education program must be received, reviewed, and approved by the BLM Resource Area Office at least 15 days prior to the presentation of the program. The program may consist of a class presented by a qualified biologist (BLM or contracted) or a video. Wallet-sized cards or one-page handouts with important information for workers to carry are recommended. The program would cover the following topics at a minimum:

1. distribution of the desert tortoise,
 2. general behavior and ecology of the tortoise,
 3. sensitivity to human activities,
 4. legal protection,
 5. penalties for violations of State or Federal laws,
 6. reporting requirements, and
 7. project protective mitigation measures.
- 3) Only biologists authorized by the USFWS, CDFG, and the BLM would handle desert tortoises. The BLM or project proponent would submit the name(s) of proposed authorized biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of activities. No handling activities would begin until an authorized biologist is approved. Authorization for handling would be granted under the auspices of the Section 7 consultation.
- 4) The area of disturbance would 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 would be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as burrows, identified by the qualified biologist would be avoided to the extent possible. To the extent possible, previously disturbed areas within the project site would be utilized for the stockpiling of excavated materials, storage of equipment, location of office trailers, and parking of vehicles. The qualified biologist, in consultation with the project proponent, would ensure compliance with this measure.
- 5) No new access road would be bladed to the project site. 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.
- 6) Desert tortoises may be handled only by the authorized biologist and only when necessary. In handling desert tortoises, the authorized biologist would follow the techniques for handling desert tortoises in "Guidelines for Handling Desert Tortoises during Construction Projects" (Desert Tortoise Council 1996).
- 7) The authorized biologist would maintain a record of all desert tortoises handled. This information would 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); and
 5. slide photograph of each handled desert tortoise as described in a previous measure.
- 8) No later than 90 days after completion of construction or termination of activities, the FCR and authorized biologist would prepare a report for the BLM. The report would 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 previously. The report may make recommendations for modifying the stipulations to enhance tortoise protection or to make it more workable. The report would provide an estimate of the actual acreage disturbed by various aspects of the operation.
 - 9) Upon locating a dead or injured tortoise, the project proponent or agent is to notify the BLM Resource Area Office. The BLM must then notify the appropriate field office (Carlsbad or Ventura) of the USFWS by telephone within three days of the finding. Written notification must be made within five days of the finding, both to the appropriate USFWS field office and to the USFWS 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.
 - 10) An injured animal would be transported to a qualified veterinarian for treatment at the expense of the project proponent. If an injured animal recovers, the appropriate field office of USFWS should be contacted for final disposition of the animal.
 - 11) The BLM would endeavor to place the remains of intact tortoise carcasses with educational or research institutions holding the appropriate State and Federal permits per their instructions. If such institutions are not available or the animal's remains are in poor condition, the information noted above would be obtained and the carcass left in place. If left in place and sufficient pieces are available, the BLM (or its agent) would attempt to mark the carcass to ensure that it is not reported again. Arrangements for disposition to a museum would be made prior to removal of the carcass from the field.
 - 12) Except on county-maintained roads, vehicle speeds would not exceed 20 miles per hour through desert tortoise habitat.
 - 13) Workers would inspect for tortoises under a vehicle prior to moving it. If a tortoise is present, the worker will carefully move the vehicle only when necessary, and when the tortoise will not be injured by moving the vehicle. Alternatively, the worker will wait for the tortoise to move out from under the vehicle.
 - 14) No dogs will be allowed at a work site in desert tortoise habitat.

- 15) All trash and food items would be promptly contained within closed, raven-proof containers and regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.
- 16) Project proponents would stockpile any vegetation grubbed or bladed from the project site and access road. Following completion of the project, the access road and project site (if a temporary disturbance) would be re-contoured to approximate pre-project condition and the stockpiled vegetation randomly spread across the re-contoured area.

D. Residual Impacts.

None.

E. Cumulative Impacts

Impacts associated with continued recreational and non-recreational use of the site would continue. Occasional mortality of lizards and small mammals would likely occur from vehicular access on Berdoo Canyon Road. Despite the installation of “No Dumping” signs, some debris may be purposefully or inadvertently left on site.

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:

Wanda Raschkow, Cultural Resources Specialist, BLM
Jeff Ohlfs, Joshua Tree National Park, NPS
Russell Scofield, Habitat Restoration and Illegal Dumping Coordinator, BLM
Curtis Toomey, Law Enforcement Officer, BLM

PREPARED BY:

Mona Daniels, Outdoor Recreation Planner, BLM

REVIEWED BY: _____
Environmental Coordinator

Date

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

**DECISION RECORD
CA-660-05-31**

NAME of PROJECT: Berdoo Canyon Road Clean-Up

DECISION: It is my decision to approve the proposed action as described in Environmental Assessment (EA) number CA-660-05-31. 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.

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.

APPROVED BY: _____

Field Manager
Palm Springs-South Coast Field Office
USDI Bureau of Land Management
690 W. Garnet Avenue, P.O. Box 581260
North Palm Springs, CA 92258-1260

_____ Date