

**Environmental Assessment
McCourt Road Right-of-Way**

DOI-BLM-CA-N020-2015-0014-EA

**USDI Bureau of Land Management
Applegate Field Office
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CHAPTER 1: INTRODUCTION

The purpose of the Environmental Assessment (EA) is to disclose and analyze the environmental consequences of authorizing a right-of-way (ROW) for ingress and egress to a private parcel. The EA is a site-specific analysis of potential impacts that could result with the implementation of the alternatives. The EA assists the Bureau of Land Management (BLM) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and with other laws and policies affecting the alternatives. If the decision maker determines that this project has “significant” impacts following the analysis in the EA, then an Environmental Impact Statement (EIS) will be prepared for the project. If not, a Finding of No Significant Impact (FONSI) statement will be prepared, documenting the reasons why implementation of the selected alternative would not result in “significant” environmental impacts.

The Alturas Field Office recently changed its name to the Applegate Field Office. Please note that when Alturas RMP is referenced it applies to the Applegate Field Office.

Background

The ROW would be located within Siskiyou County, California, off of Davis Road, 15 miles east of Macdoel, CA. (Map 1)

Mount Diablo Meridian

T. 45 N., R. 2 E., sec. 4. SE1/4SE1/4.

Purpose and Need for the Action

The purpose and need for this action is to consider the application for a ROW grant to allow access across public lands for the purpose of ingress and egress. The primary purpose of the Proposed Action is to grant a ROW to Patrick McCourt and future landowners for construction, operation and maintenance of a road within a 20 foot wide by 1,400 foot long ROW across BLM lands to access his private property. The proposed ROW will begin off an existing road that is approximately 5,000 feet in length.

The proposed project is needed so that the private property owners can gain legal access to their property.

The need for this EA is to ensure any proposed ROW is consistent with the Alturas RMP and applicable laws and regulations.

Decision to be Made

This EA discloses the environmental consequences of implementing the Proposed Action or an alternative to that action. The FONSI describes the finding of the analysis in this EA. The BLM, Applegate Field Office Manager is the Authorized Officer. His decision and the rationale for that decision will be stated in Decision Record (DR). Based on the information provided in this EA, the Authorized Officer will decide whether to grant a ROW with appropriate mitigation measure, or whether to reject it.

Scoping

The BLM Applegate Field Office conducted internal scoping with an interdisciplinary team of specialists as well as coordination and scoping with the local tribes. The final EA was posted to the BLM website and links were sent out to interested parties and made available for appeals.

Plan Conformance

This proposed action is subject to the following use plan(s): Alturas Resource Management Plan (RMP) and Record of Decision (ROD), approved on April 2008. Section 2.7.6 in the RMP explains how the BLM would respond to public needs for land use authorizations such as ROWs, leases and permits. The proposed action has been determined to be in conformance with this plan as required by regulation (43 CFR 2800).

Relationship to Statues, Regulations, and Plans

Cultural Resources

The Bureau of Land Management (BLM) executed a national Programmatic Agreement (nPA), on February 9, 2012, (Part 2) with the Advisory Council on Historic Preservation (ACHP) and the National Council of State Historic Preservation (ACHP) and the National Council of State Historic Preservation Officers (NCSHPO). The NPA governs the manner in which the BLM shall meet its responsibilities under the National Historic Preservation Act (NHPA), and the primary agreement, which dictates how the BLM in California will meet its responsibilities under the above Statues and Regulations, the 2014 State Protocol Agreement among the California State Director of the BLM, the California State Historic Preservation Officer, and the Nevada State historic Preservation Officer.

Threatened or Endangered Species

The Endangered Species Act of 1973 (ESA) requires federal agencies to complete formal consultation with the U.S. Fish and Wildlife Service (FWS) for any action that “may affect” federally listed species or critical habitat. The ESA also requires federal agencies to use their authorities to carry out programs for the conservation of endangered, threatened and candidate species. There are no threatened and endangered (T&E) species within the Project Area and consultation under section 7 of the ESA is not required. Project Area is defined as the area encompassed by the ROW application.

Master Memorandum of Understanding (MOU) between BLM and the California Department of Fish and Wildlife (applicable for State listed Species): Some BLM Lands may also provide habitat for State listed fish, wildlife, and plant species. In a Master MOU between BLM and the California Department of Fish and Wildlife (CDFW), BLM agrees to notify the CDFW of all projects involving impacts to, or manipulation of, State-listed rare and endangered fish, wildlife, and plants and to obtain CDFW recommendations for the project-specific management of such populations.

CHAPTER 2: PROPOSED ACTION AND ALTERNATIVES

Alternative 1 – Proposed Action

The Proposed Action is to grant Patrick McCourt a ROW for the construction and maintenance of a road within a 20 foot wide by 1,400 foot long ROW across BLM lands to access his private property. The road width would vary within the ROW however it would not exceed 20 feet. The road is located off of Davis Road, 15 miles east of Macdoel, CA. There are many ROWs that exist in the vicinity of the proposed action including a 200 foot portion of existing road that is already an established road across public lands. This portion of the existing road would be included in the ROW grant.

The construction would begin approximately at the beginning of June 2015 and would take up to two months to complete. This road would be graveled after construction to help prevent erosion. Related facilities within the ROW would be two small berms on the outer edge of the road, water-bars as well as a minimum 18 inch diameter culvert along drainage. The use of heavy machinery (backhoe tractor) would be needed for construction and would include grading and excavation equipment. Other specific construction requirements to prevent erosion are brought forward in the terms and conditions of the ROW. All equipment would be staged on the adjacent property as well as on BLM lands.

All vegetation in the ROW would be removed during the construction process and placed onto the private property of Patrick McCourt. The area of disturbance would not exceed 20 feet in width. Any excess mineral materials would be placed on the private property.

Equipment used for building the road will be weed washed prior to entry into the work site and after construction of the road. After construction is completed, the ROW will be inventoried for noxious weeds. Any weeds discovered will be treated and eradicated.

The ROW would be granted for a term of 20 years with the right to renew. During this time it is expected that the maintenance of the road would require additional gravel and grading every five to seven years. The total area of public land involved would be approximately 0.64 acres. Buried utilities could be located within the 20 foot ROW.

Project Area is defined as the area encompassed by the ROW application. This is the 0.64 acres that the ROW is proposed in.

Stipulations

BLM would issue a list of stipulations with the ROW grant. These stipulations cover the protection of resources, prevention of erosion and the spread of noxious weeds. They also cover the construction, operation and maintenance of the Proposed Action. Stipulations are listed in Appendix 1.

Alternative 2 – No Action

Under this alternative the BLM would deny the ROW application and Patrick McCourt would not have access across BLM lands to his private property.

Other Alternatives considered but dismissed after further analysis

Patrick McCourt explored obtaining an easement across private lands adjacent to his property. This was dismissed since adjacent private landowner would not grant an easement.

CHAPTER 3: ENVIRONMENTAL ANALYSIS

The affected environment is described below followed by the environmental consequences for each resource.

To comply with the National Environmental Policy Act, the following elements of the human environment (Supplemental Authorities) are subject to requirements specified in statute, regulation or executive order and must be considered.

Supplemental Authorities	Present	Not Present	Affected	Rationale
Air Quality	✓		✓	Infrequent and short-term operation of motor vehicles and motorized equipment would have immeasurable effects on Air Quality.
Areas of Critical Environmental Concern (ACEC's)		✓		Not present.
Cultural Resources		✓		Not present. See section 3.1
Paleontological Resources	✓			Not affected.
Environmental Justice		✓		Not affected.
Floodplains		✓		Not present.
Global Climate Change	✓		✓	Emissions of greenhouse gases from the infrequent and short-term operation of motor vehicles and motorized equipment would have immeasurable effects on global climate change.
Noxious Weeds	✓			Section 3.8

Supplemental Authorities	Present	Not Present	Affected	Rationale
Migratory Birds	✓		✓	Section 3.6
Native American Religious Concerns	✓			No concerns identified during consultation.
Prime or Unique Farmlands		✓		Not present.
Threatened & Endangered Species		✓		No species occur within or near the Project Area.
Wastes, Hazardous or Solid		✓		Not present. The permit requires that any wastes created during operations be removed prior to completion of construction.
Water Quality (Surface/Ground)		✓		No surface or ground water would be affected.
Wetlands and Riparian Zones		✓		No wetland or riparian zones would be affected.
Wild and Scenic Rivers		✓		Not present.
Wilderness/WSA		✓		The road is located outside Wilderness Study Areas or designated Wilderness Areas.
Lands with Wilderness Characteristics		✓		In 2015 the wilderness characteristics inventory was updated for this area, and no lands with wilderness characteristics were identified within this small Project Area, and there will be no further discussion or assessment of this issue in this document. See the case file # CA-NO-02-354 in the wilderness files for further information and maps.

In addition to the require elements described above (Supplemental Authorities) the Interdisciplinary Team considered the following resources and uses.

Resource or Use	Present	Not Present	Affected	Rationale
Livestock Grazing	✓			<p>The location of the ROW is within the West Panhandle grazing allotment #01311. The allotment consists of three parcels and includes 1,423 acres. Authorized use is: 12 cows, 09/01 - 12/30 for 48 AUM's.</p> <p>Due to the disturbance of 0.64 acres from the ROW, there would be no effect on livestock grazing.</p>
Mineral Resources	✓			The construction of the road would remove mineral resources from the area but due to the size of the proposed disturbance there would be no effect to mineral resources.
Recreation	✓			Recreational target shooting and hunting does occur in the proximity of the road but is not affected.
Soils	✓		✓	Section 3.4
Social and Economic Values	✓		✓	Section 3.3
Special Status Species		✓		No special status plant or animal species are known within or near the project.
Vegetation	✓		✓	Section 3.7
Visual Resources	✓		✓	Section 3.5
Wild Horses		✓		Not Present
Wildlife	✓		✓	Section 3.6

3.1 Cultural Resources

The Area of Potential Effect (APE), approximately 5 acres total, was intensively inventoried for cultural resources on January 27, 2015. No Historic properties or potentially eligible National Register Historic Properties were located during the inventory; thus, there will be no adverse effects to any known historic properties if any of the Alternatives are chosen.

3.2 Recreation

A. Affected Environment

Recreation activities in the general area include; driving for pleasure with four-wheel drive vehicles, recreational woodcutting, hunting, horseback riding, and watchable wildlife opportunities. Recreational woodcutting and hunting are probably the main recreation activities. The Project Area is accessed from Davis road, which has two public access points; the north end of Davis Road is a fairly well maintained two track road, and on the south through land administered by USFS (NF 15), a major Forest access road to the Medicine Lake Highlands.

This area is within the X-1 mule deer management zone, and is one of the more popular mule deer hunting areas in the vicinity. With the implementation of the “X” zones, juniper encroachment, and loss of quality habitat, tags have been reduced, which also corresponds to substantially less recreation, hunting, and tourism in the area.

The area has a Recreation Opportunity Spectrum (ROS) category rating of Semi-Primitive Motorized (SPM), “Largely natural landscape; some evidence of others and few management controls”.

The OHV Highway Vehicle designation is “Limited to Designated Roads and Trails”.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

There could be minimal impacts to hunting and watchable wildlife with the construction of a new road, as wildlife could avoid new man-made features; however these impacts would be negligible due to the size and location of the proposed action. The location of the proposed road is within ¼ mile of other roads and structures.

2. Impacts of Alternative 2 – No Action

Under this alternative the proposed action would not occur and the applicant would not be able to receive a ROW grant to construct and maintain a road. This would mean that there would be no new developments until the applicant could find an alternate route to access their property. Therefore there would be no impact on recreational values.

3.3 Social and Economic Values

A. Affected Environment

The Macdoel area is a rural community with a strong commitment to its surrounding resources. There are two primary bases to its local economy; agriculture including cattle ranching and

tourism. Many ranches in the area are adjacent to public lands and require a right-of-way to obtain legal access to their property. There are many ROWs that exist in the vicinity of the proposed action including a 200 foot portion of existing road that is already an established road across public lands. This portion of the existing road would be included in the ROW grant.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

The proposed access road will provide the applicant with legal access to their private lands. This will allow them the option of developing it. The development could include a house, outbuildings and pastures. The establishments of these facilities would have a positive effect on the local economy by increasing the potential value of the property.

2. Impacts of Alternative 2 – No Action

Under this alternative the proposed action would not occur and the applicant would not be able to build the ROW. This would mean that there would be no new developments until the applicant could find an alternate route to access their property. Therefore there would be no impact on local social and economic values.

3.4 Soils

A. Affected Environment

The ROW is located on soil mapping unit #165: Rojo Sandy Loam, 2 - 9% slopes with a Sandy Loam 10 - 14" ecological site and soil mapping unit (SMU) #171: Searles-Orhood complex, 30-50% slopes, Warm stony loam 10-14" ecological site. Soil classification is contained in the Soil Survey of Siskiyou County, California, Alturas Area, Version 5, December 13, 2007 and can be found at the BLM Alturas Field Office or on the Natural Resources Conservation Service (NRCS) web site (<http://websoilsurvey.nrcs.usda.gov/app/>). The dominant soil is the Rojo sandy loam. The soil descriptions follow:

165—Rojo sandy loam, 2 to 9 percent slopes

Elevation: 4,030 to 4,600 feet

Mean annual precipitation: 12 inches

Mean annual air temperature: 48 degrees F

Farmland classification: Not prime farmland

Rojo and similar soils: 85 percent

Minor components: 6 percent

Description of Rojo

Landform: Terraces

Parent material: Volcanic ash derived from volcanic rock

Typical profile

H1 - 0 to 13 inches: sandy loam

H2 - 13 to 28 inches: sandy loam

H3 - 28 to 30 inches: indurated

H4 - 30 to 34 inches: weathered bedrock

Properties and qualities

Slope: 2 to 9 percent

Depth to restrictive feature: 25 to 40 inches to duripan; 26 to 44 inches to paralithic bedrock
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water: Very low to low (0.00 to 0.01 in/hr)
Depth to water table: More than 80 inches
Ecological site: Sandy loam 10-14" (R021XF096CA)

171—Searles-Orhood complex, 30 to 50 percent slopes

Elevation: 4,200 to 4,800 feet
Mean annual precipitation: 14 inches
Mean annual air temperature: 48 degrees F
Frost-free period: 65 days
Farmland classification: Not prime farmland
Searles and similar soils: 50 percent
Orhood and similar soils: 30 percent
Minor components: 15 percent

Description of Searles

Landform: Mountains
Parent material: Colluvium derived from igneous rock

Typical profile

H1 - 0 to 10 inches: very stony loam
H2 - 10 to 28 inches: very cobbly loam, extremely gravelly clay loam, very cobbly clay loam
H2 - 10 to 28 inches: bedrock
H2 - 10 to 28 inches:
H3 - 28 to 38 inches:

Properties and qualities

Slope: 30 to 50 percent
Percent of area covered with surface fragments: 25.0 percent
Depth to restrictive feature: 20 to 39 inches to lithic bedrock
Natural drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water: Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Ecological site: Warm stony loam 10-14" (R021XF076CA)

Description of Orhood

Landform: Mountains
Parent material: Colluvium derived from igneous rock

Typical profile

H1 - 0 to 4 inches: very cobbly loam
H2 - 4 to 8 inches: very cobbly loam
H3 - 8 to 16 inches: very cobbly loam, very cobbly clay loam

H3 - 8 to 16 inches: bedrock

H4 - 16 to 26 inches:

Properties and qualities

Slope: 30 to 50 percent

Percent of area covered with surface fragments: 45.0 percent

Depth to restrictive feature: 14 to 20 inches to lithic bedrock

Natural drainage class: Well drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water: Moderately high (0.20 to 0.57 in/hr)

Depth to water table: More than 80 inches

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

Although the Rojo Sandy loam soils within the Project Area has very high percentages of gravel, sand, and stone content, it has a poor rating as a roadfill source. Runoff on the Rojo Sandy loam would be low, as this soil has a high permeability rate, low ponding potential, and off-site erosion potential would also be low. The erosion hazard for roads is rated as moderate on SMU 165 and severe on SMU 171. The SMU 165 has a moderate resistance to compaction and SMU 171 has low resistance. The capacity of the soils to convey water is very limited. Installation of special design features will minimize the above limitations. The proposed action would have little or no impacts to soils adjacent to the ROW.

2. Impacts of Alternative 2 – No Action

Under this alternative the proposed action would not occur and the applicant would not construct the road within the ROW. There would be no new developments until the applicant could find an alternate route to access their property. Soils would be unaffected.

3.5 Visual Resources

BLM's Visual Resource Management (VRM) system provides a way to identify and evaluate scenic values to determine the appropriate levels of management. It also provides a way to analyze potential visual impacts and apply visual design techniques to ensure that surface-disturbing activities are in harmony with their surroundings. The VRM system is categorized in the Project Area as follows:

Class II Objective: To retain the existing character of the landscape. The level of change to the characteristic landscape should be low.

A. Affected Environment

The project location occurs in Class II. Visual Resources in the Project Area are generally associated with agriculture, juniper uplands, and open land. The view to the northeast is dominated by the Mt. Dome ACEC, and the views to the east and west are juniper removal projects with a perennial grass seeding in the foreground, with juniper hills in the background. The view to the south is dominated by the Davis road, a fence, and dense stands juniper on all sides. The proposed ROW could be seen from the Davis road.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

The proposed ROW will introduce minor contrasting elements of form, line, color, and texture. However the level of modification to the landscape should be low. The visual impacts to the proposed road will have an impact to the visual resources; however the impacts are minimal due to the proximity to other present features, the Davis road, fences, and a large grass seeding. Impacts from the proposed project will be negligible to VRM.

2. Impacts of Alternative 2 – No Action

Not implementing this action would have no adverse effects on Visual Resources.

3.6 Wildlife

Threatened and Endangered Species

The BLM conducted formal and informal Section 7 consultations and submitted a biological assessment (BA) for the following;

- Adoption of the Alturas Field Office Resource Management Plan 2007 (AFO RMP) Revision on Lost River (*Deltistes luxatus*), shortnose (*Chasmistes brevirostris*) and Modoc (*Catostomus microps*) suckers and their proposed critical habitat, Shasta crayfish (*Pacifastacus fortis*), northern spotted owl (*Strix occidentalis caurina*), slender Orcutt grass (*Orcuttia tenuis*), soldier meadow cinquefoil (*Potentilla basaltica*), Oregon spotted frog (*Rana pretiosa*) and Western yellow-billed cuckoo (*Coccyzus americanus*) in 2007 and received Reply 1-10-07-I0055.

The BLM determined that implementation of the AFO RMP would have *no effect* on Modoc suckers, Lost River suckers, shortnose suckers, Warner suckers and their applicable designated critical habitat. The AFO RMP would also have *no effect* on Shasta crayfish, northern spotted owl or Carson wandering skipper, slender Orcutt grass, soldier meadow cinquefoil, Oregon spotted frog and Western yellow-billed cuckoo. These species will not be discussed further in this document.

Candidate, BLM Sensitive and State Listed Species

Habitat for Candidate, BLM Sensitive and State Listed Species do not occur within the Project Area and will not be discussed further in this document.

A. Affected Environment

Migratory Birds

A wide variety of migratory birds may be found in the Project Area at some point throughout the year. Migratory birds are those that migrate for the purpose of breeding and foraging at some point in the calendar year. Migratory birds may utilize the Project Area for food, cover and nesting throughout the year.

Raptors

Raptors species expected to occur in suitable habitats within the Project Area include northern harrier (*Circus cyaneus*), bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila*

chrysaetos), red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk (*Buteo swainsoni*), ferruginous hawk (*Buteo regalis*), American kestrel (*Falco sparverius*), short-eared owl (*Asio flammeus*), great horned owl (*Bubo virginianus*), bald eagle (*Haliaeetus leucocephalus*), rough-legged hawk (*Buteo lagopus*), merlin (*Falco columbarius*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*) and long-eared owl (*Asio otus*). Most raptor species nest in a variety of habitats including but not limited to; native and non-native grasslands, agricultural lands, live and dead trees, cliff faces, rock outcrops and tree cavities.

One bald eagle nest is documented approximately 4.4 miles northeast of the Project Area (BLM GIS database 2015). Raptor surveys were not conducted throughout the Project Area, however, suitable nesting habitat does not occur within 2 miles of the Project Area.

Mule Deer

The subspecies of mule deer found within the Project Area is primarily Rocky Mountain mule deer and some Columbian black-tailed deer. The Project Area is within the CDFW X-1 Deer Zone. Deer in Zone X-1 are considered migratory. Deer in this area generally move to higher elevations in early May and remain until the first heavy fall storms force them down below the snow line.

The deer population in Zone X-1 is considered stable to slightly declining, yet considerably below levels seen in the late 1960's and 1970's. As with most deer herds in California and other western states, the long-term population trend has been on a steady decline since the 1960's and 1970's. Critical Winter Range has been identified within the project by (CDFW 2015).

Pronghorn Antelope

The Project Area falls within the Mount Dome Pronghorn Antelope (*Antilocapra americana*) Herd and CDFW Zone 1. Pronghorn in this herd are considered non-migratory. This population increased nearly ten-fold from the mid-century period through the 1980's. However, 2015 surveys conducted by CDFW documented low numbers of pronghorn and as a result no hunting will be offered in this zone for the 2015 hunting season (CDFW 2015).

No pronghorn antelope habitat ranges have been identified within 1.2 miles of the Project Area.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

Migratory Birds

Human activities likely displace migratory birds farther than simply the physical habitat disturbance. Noise generated from vehicles and machinery can be troublesome for songbirds by interfering with the male's ability to attract mates and defend territory and the ability to recognize calls from conspecifics during the breeding season (USDI 2003). Additionally, junipers and sagebrush serve as food, shelter and nesting habitat for many migratory birds.

Temporary short-term impacts may occur from road construction and approximately 0.64 acres of direct habitat loss would occur under the Proposed Action.

Raptors

Some impacts to nesting and/or foraging birds are anticipated during project activities. Human activities in close proximity to active raptor nests may interfere with nest productivity. Romin and Muck (1999) indicate that activities within 0.5 miles of a nest are prone to cause adverse impacts to nesting raptors. If activities occur during nesting, they could be sufficient to cause adult birds to remain away from the nest and their chicks for the duration of the activities. This absence can lead to over heating or chilling of eggs or chicks. The prolonged disturbance can also lead to the abandonment of the nest by the adults. Both actions can result in egg or chick mortality. In addition, routine human activities near these nests can draw increased predator activity to the area and increase nest predation. Temporary short-term impacts from road construction activities may occur under the Proposed Action. Required design features would include timing restrictions if an active nest is identified within 0.5 miles of the Project Area to alleviate impacts to nesting raptors.

Mule Deer and Pronghorn Antelope

The Proposed Action would result in short-term negative impacts to mule deer and pronghorn within the Project Area. Short-term negative impacts include increases in noise from vehicles, equipment and human presence within the Project Area. Pronghorn and mule deer may be temporarily displaced during project activities and impacts would be greatest if activities occur during winter months. Winter ungulate diets are “sub-maintenance”, meaning they lose weight and body condition as the winter progresses. Survival below the maintenance level requires behavior that emphasizes energy conservation. Canfield et al. (1999) pointed out that forced activity caused by human disturbance exacts an energetic disadvantage, while inactivity provides an energetic advantage for animals. Geist (1978) further defined effects of human disturbance in terms of increased metabolism, which could result in illness, decreased reproduction and even death. In addition, approximately 0.64 acres of direct habitat loss would occur under the Proposed Action. Required design features would include timing restrictions for mule deer, prohibiting road construction activities during winter months to alleviate impacts to mule deer. Literature: Pyshora 1977, Reynolds 1984 and USDI 2003 were used as general references for the analysis.

2. Impacts of Alternative 2 – No Action

Under the No Action Alternative, the ROW would not be authorized and there would be no temporary short-term impacts or direct habitat loss to wildlife.

Required Design Features

Raptors

1. If active raptor nests are identified within the Project Area, buffers will be applied in accordance with the Alturas RMP, Table 2.24-3, *Seasonal Restrictions and Distance*

Buffers for Wildlife (page 2-133), in order to reduce the risk of decreased productivity or nest failure.

Pronghorn Antelope

1. No project activities will be conducted during the winter season due to mule deer winter range in the Project Area (1 December - 31 March).

References

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3.7 Vegetation

A. Affected Environment

The plant community that is present within the ROW is a sagebrush community with a cheatgrass understory. Vegetation consist of mountain big sagebrush, Idaho fescue, Thurber needlegrass, bluebunch wheatgrass, needle and thread, western needlegrass, bottlebrush squirreltail, Sandberg bluegrass, gray rabbitbrush and western juniper. The perennial grasses observed were mature and vigorous and young mountain big sagebrush was observed growing in the interspaces of juniper. Overall, the Sandy Loam 10 - 14" ecological site appears to be in a late seral stage. Cheatgrass was found in the mountain big sagebrush/Thurber needlegrass understory but only in limited amounts.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

Vegetation would be permanently lost on 0.64 acres as a result of the proposed action however these impacts are expected to be minor due to the small nature of the ROW in comparison to the overall extent of the same surrounding plant communities adjacent to the ROW. Implementing the proposed action would not result in any substantial loss of this plant community type and overall impacts relating to vegetation would be slightly negative.

2. Impacts of Alternative 2 – No Action

Under the No Action Alternative, the ROW would not be authorized and there would no impacts relating to vegetation resources.

3.8 Noxious Weeds

Weeds are defined in this EA as plants that are exotic or non-native plants. Non-native weeds have the ability to out-compete and replace native plants, often creating their own monotypic plant community. Uncontrolled noxious weed infestations result in decreases of native vegetation diversity, reductions in forage and wildlife habitat, and declines in agricultural crop values. Once exotic weeds become established it is extremely difficult to eradicate them and bring back the native communities that have been displaced.

A. Affected Environment

The McCourt ROW project falls within the BLM's Siskiyou County Noxious Weeds Project Area. This area is managed under the BLM's Alturas Integrated Weed Management Program in cooperation and coordination with the Siskiyou County Department of Agriculture and Siskiyou County Weed Management Area. No noxious weed sites have been located in the West Panhandle Allotment from 2009 - 2014. On January 21, 2015 a noxious weed survey of the proposed ROW was completed with no noxious weeds being located.

The ROW is located on soil mapping unit #165: Rojo Sandy Loam, 2 - 9% slopes with a Sandy Loam 10 - 14" ecological site. Vegetation consist of Mountain big sagebrush, Idaho fescue, Thurber needlegrass, bluebunch wheatgrass, needle and thread, western needlegrass, bottlebrush squirreltail, Sandberg bluegrass, gray Rabbitbrush and western juniper. The perennial grasses observed were mature and vigorous, young mountain big sagebrush was also observed growing in the interspaces. Overall, the Sandy Loam 10 - 14" ecological site appears to be in a late seral stage. Cheatgrass was found in the mountain big sagebrush/Thurber needlegrass understory but only in limited amounts.

Equipment used for building the road will be weed washed prior to entry into the work site. After construction of the road, the ROW will be inventoried for noxious weeds. Any weeds discovered will be treated and eradicated. If herbicides are used, only California BLM approved herbicides and surfactants will be used in the treatment of noxious weeds by a certified applicator. Pesticide use reports will be turned into the BLM within two weeks following treatment.

B. Environmental Consequences

1. Impacts of Alternative 1 – Proposed Action

The proposed action is not expected to increase the spread of cheatgrass within the ROW or surrounding area. The use of weed free gravel will also lessen the impacts of the ROW with 0.64 acres of ground disturbance, no impacts is anticipated from the proposed action on invasive or noxious weeds establishment.

2. Impacts of Alternative 2 – No Action

Under the No Action Alternative, the ROW would not be authorized and there would no impacts relating to noxious weeds.

CHAPTER 4: CUMMULATIVE IMPACTS

Cumulative impacts are the “incremental impacts of a proposal when added to other past, present, and reasonably foreseeable future actions, regardless of which agency or person undertakes them” (40 CFR 1508.7)

Cumulative Effects Analysis Area (CEAA)

The CEAA for this project consists of public lands in California managed by the Applegate Field Office.

The area discussed in this EA have been and are being impacted to some degree by various actions, including but not limited to road construction, land clearing, sand and gravel mining, and recreational activities. The present condition of resources analyzed in this document indicates the level of past impacts from all land use activities.

Timeframe of Effects

Since the life of an EA is generally ten years, this time frame is considered to be most appropriate for considering the incremental effect of reasonably foreseeable future actions. Many of the past and present actions discussed above are expected to persist through this time frame, though the relative intensity of these actions could vary depending on a variety of economic factors.

Past Actions

Several ROW grants have been granted in the CEAA and have had negligible effects on the resources in the area. The cumulative impacts of the proposed action, when considered in relationship to other land uses in the area, both existing and planned would be minor in nature. General activities within the CEAA include: rock hounding, hunting, off-highway vehicle (OHV) use, and camping. The BLM permits non-commercial and commercial recreation events through its Special Recreation Permit program. These areas are “open and unlimited use” area for travel management. Although most vehicle use occurs on existing two-track trails and dirt roads, OHV use is permitted. Actual number of users per

day or per year is not available, but the intensity of recreational use is generally concentrated within the pit boundaries. Most recreation use occurs during the summer, spring and fall, and associated with hunting activities.

Present Actions

The Applegate Field Office has permitted over 100 ROWs within the Applegate Field Office area. These ROWs include roads, transmission lines, pipelines and communication sites. These ROWs are used and imperative for the transmission of utilities and services to communities within the CEAA. BLM currently completes compliance inspections and monitors the existing ROWs.

Reasonably Foreseeable Actions

BLM would continue to process and grant ROWs within the CEAA when they are applied for. BLM would continue to manage the existing ROWs that exist on public lands. The ability to provide access to private lands across public land would continue to be a goal and objective for the Applegate Field Office Lands and Realty program.

Cumulative Impacts to Affected Resources

4.1 Cultural Resources

Right-of-ways (ROW) on federal lands would have minor to major cumulative effects to cultural and paleontological resources as a result of: increased disturbance which acts to move surface Paleontological and Cultural Resources from their depositional context. However due to the size of this ROW and the lack of presence of paleontological or cultural resources, there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.2 Recreation

Due to the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.3 Social and Economic Values

Social and economic values could be impacted due to the establishment of legal access to private lands in the community. These private lands would be opened up to development and cultivation for the current and future owners. Ranchers and local resident need these ROWs in order to build homes and develop their private lands. Due to the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.4 Soils

Due to the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.5 Visual Resources

Adding a road to public lands would have minor effects on the visual resources in the area. However due to the proximity of the road to dwellings and other established roads and the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.6 Wildlife

Removal of wildlife habitat would have a temporary and minor effect on wildlife in the Project Area. Wildlife could be dispersed and/or displaced from the Project Area during construction activities. However, due to the size of the proposed road, a minimal amount of wildlife habitat would be directly loss and there are no significant individual or cumulative effects anticipated as a result of the Proposed Action.

4.7 Vegetation

Removal of vegetation would have minor effects on vegetation however due to the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

4.8 Noxious Weeds

Due to the size of the proposed road there are no significant individual or cumulative effects anticipated as a result of the proposed action.

CHAPTER 5: CONSULTATION AND COORDINATION/PREPARERS

Interested Parties Scoped with:

Consultation was conducted with the Klamath Tribes on January 15, 2015. They voiced no concerns for the McCourt ROW at that time.

List of Preparers

Name	Resource/Activities	Project Role
Dan Ryan	Land and Minerals/ Visual Resources/Climate Change/Socio-Economics	EA Preparer Interdisciplinary Team
David J. 'Jack' Scott	Cultural Resources	EA Preparer Interdisciplinary Team
Arlene Kosic	Wildlife/T&E	EA Preparer Interdisciplinary Team
Alan Uchida	Livestock Management/Noxious Weeds	EA Preparer Interdisciplinary Team
Mike Dolan	Botany/Soils/Vegetation	EA Preparer Interdisciplinary Team
Claude Singleton	Visual Resources/ Recreation	EA Preparer Interdisciplinary Team

BLM Rights-of-way Stipulations

1. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant on_____ (Date the grant was issued). Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the Authorized Officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The Holder shall submit a plan or plans of development that describe in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The degree and scope of these plans will vary depending upon (1) the complexity of the right-of-way or its associated improvements and/or facilities, (2) the anticipated conflicts that require mitigation, and (3) additional technical information required by the Authorized Officer. The plans will be reviewed, and if appropriate, modified and approved by the Authorized Officer. An approved plan of development shall be made a part of the right-of-way grant. No construction can occur until the plans are approved.
3. The Holder shall contact the Authorized Officer at least 7 days prior to the anticipated start of construction and/or any surface disturbing activities. The Authorized Officer may require and schedule a preconstruction conference with the Holder prior to the Holder's commencing construction and/or surface disturbing activities on the right-of-way. The Holder and/or his representative shall attend this conference. The Holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
4. The Holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the Authorized Officer. The Holder's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
5. The Authorized Officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
6. The Holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the Authorized Officer. Such authorization shall be a written notice to proceed issued by the Authorized Officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

7. Where slope stabilization requires significant terrace or bench construction, the Holder shall include engineering drawings for this work to be reviewed, and where appropriate, modified and approved by the authorizing officer.
8. No surface disturbing activities shall take place on the subject right-of-way until the associated APD is approved. The Holder will adhere to special stipulations in the Surface Use Program of the approved APD, relevant to any right-of-way facilities.
9. The Holder shall perform the necessary transportation studies and recommend a road standard to meet the purpose of the road. This standard and the topography, soils, and geologic hazards of the lands crossed will define the level of survey and design necessary. Accepted standards for road design, including the BLM Manual Section may be used.
10. The Holder shall obtain the services of a licensed professional engineer or other approved official to locate, survey, design, and construct the proposed road as directed by the Authorized Officer. The road design shall be based on the (1) width, and (2) maximum grade.
11. The Holder shall submit standard or typical cross sections of the road to be constructed, maintained, or reconstructed as directed by the Authorized Officer. The cross sections should include, but are not limited to, the proposed road width, ditch dimensions, cut and fill slopes, and typical culvert installation.
12. As directed by the Authorized Officer, the completed subgrade shall be submitted to the Bureau for approval prior to the placement of any surfacing.
13. The design and location of all facilities shall be approved by the Authorized Officer prior to construction.
14. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the Authorized Officer.
15. Any cultural or paleontological resource (historic or prehistoric site or object) or Native American human remains, funerary item, sacred object, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, with written confirmation. The permit holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.

For cultural resources other than Native American human remains, funerary item, sacred object, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the authorized officer.

For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the

permit holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder.

16. Use of pesticides shall comply with the applicable Federal and state laws. Only California BLM approved pesticides will be used by applicant along the ROW in accordance with the pesticide labels. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the pesticide applicator certification, type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use. Pesticide Application Records will be turned in to the noxious weed coordinator within 2 weeks of the application of the pesticide. Use fill/gravel from certified weed-free sources. Inspect gravel pits and fill sources for noxious weeds. Clean equipment of mud, debris and plant parts prior to entering the ROW project area.
17. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
18. The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
19. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
20. The Holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the Holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the Authorized Officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
21. The Holder shall place slope stakes, culvert location and grade stakes, and other construction control

stakes as deemed necessary by the Authorized Officer to ensure construction in accordance with the plan of development. If stakes are disturbed, they shall be replaced before proceeding with construction.

22. The Holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way, as determined by the Authorized Officer.
23. Cut and fill slope stakes shall be set as directed by the Authorized Officer.
24. Culverts and lateral ditches shall be staked for location, skew, and elevation as directed by the Authorized Officer.
25. Right-of-way clearing shall be limited to (10 feet on each side of the centerline) (the limits of the right-of-way) (the limits of the cut and fill stakes).
26. The Holder shall trim trees in preference to cutting trees and shall cut trees in preference to bulldozing them as directed by the Authorized Officer.
27. The Holder shall not clear trees to allow passage of equipment for stringing the line without the prior written approval of the Authorized Officer.
28. Prior to any operations, the Holder, if required, shall enter into a timber sale contract with the Bureau for timber designated for cutting on the right-of-way.
29. The Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
30. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
31. The Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
32. Construction holes left open overnight shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
33. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
34. All roads and parking areas shall be constructed to provide drainage and minimize erosion. Culverts shall be installed if necessary to maintain drainage. Culverts shall be at least 18-inches in diameter of corrugated metal and shall accommodate the 50 year flood event.
35. The Holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane

roads without intervisible turnouts, and attended gates for blasting operations.

36. The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
37. The Holder shall inform the Authorized Officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
38. The Holder shall construct water bars on all disturbed areas to the spacing and cross sections specified by the Authorized Officer. Water bars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.
39. The Holder shall maintain a fire watch with fire-fighting equipment during construction as required by the Authorized Officer.
40. The Holder shall maintain the right-of-way in a safe, usable condition, as directed by the Authorized Officer. (A regular maintenance program may include, but is not limited to, blading, ditching, culvert installation and surfacing).
41. Except rights-of-way expressly authorizing a road after construction of the facility is completed, the Holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the Holder.
42. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
43. A litter policing program shall be implemented by the Holder, and approved of in writing by the Authorized Officer, which covers all roads and sites associated with the right-of-way.
44. Equipment used for building the road will be weed washed prior to entry into the work site. After construction of the road, the ROW will be inventoried for noxious weeds. Any weeds discovered will be treated and eradicated. If herbicides are used, only California BLM approved herbicides and surfactants will be used in the treatment of noxious weeds by a certified applicator. Pesticide use reports will be turned into the BLM within two weeks following treatment.

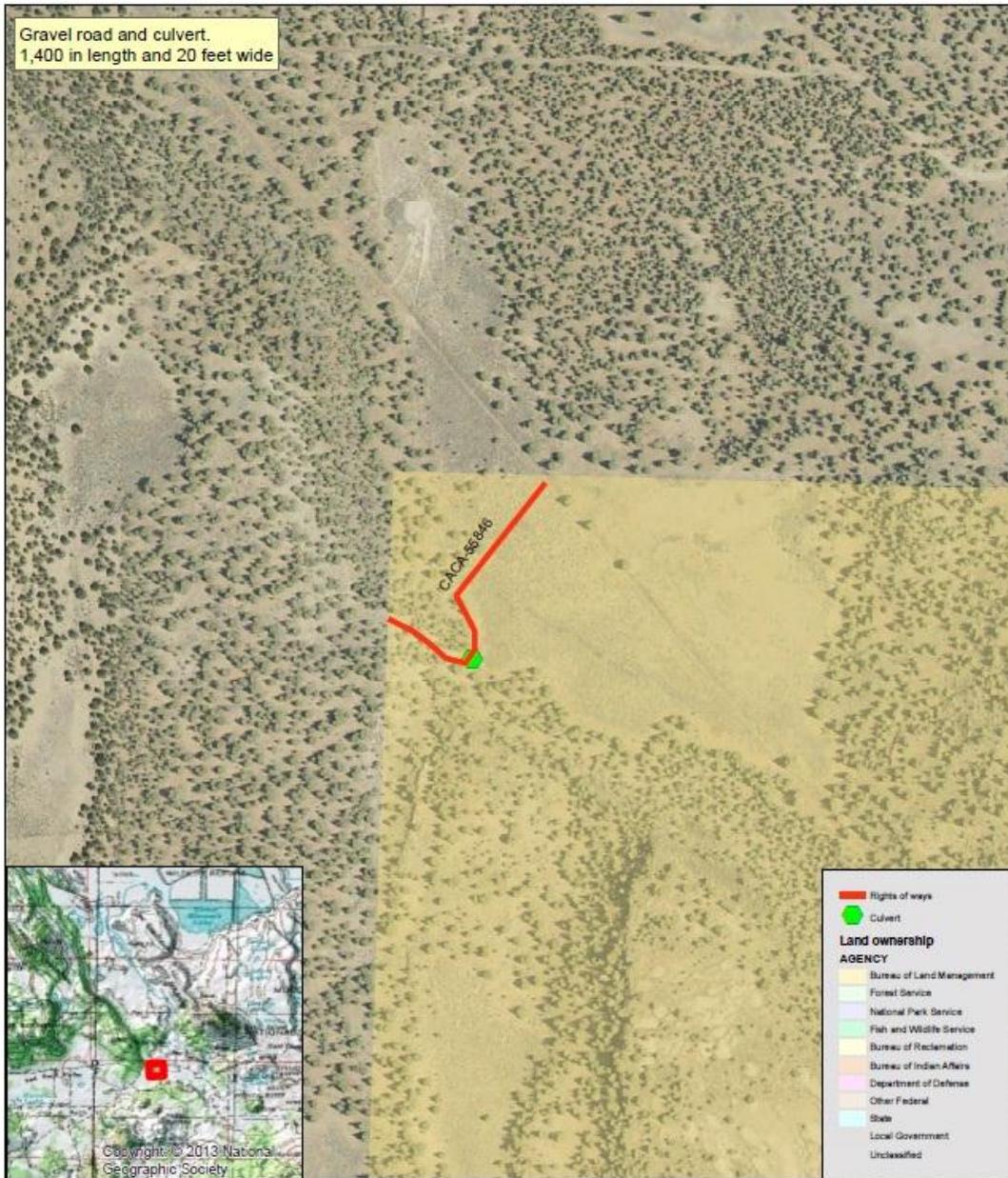
Required Design Features

Raptors

2. If active raptor nests are identified within the project area, buffers will be applied in accordance with the Alturas RMP, Table 2.24-3, *Seasonal Restrictions and Distance Buffers for Wildlife* (page 2-133), in order to reduce the risk of decreased productivity or nest failure.

Pronghorn Antelope

1. No project activities will be conducted during the winter season due to mule deer winter range in the project area (1 December - 31 March).



CACA-55846 Road ROW

