

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BAKERSFIELD FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

*CACA 51350 Tepusquet Hiatus Direct Sale
DOI-BLM-CA-C060-2010-0094-EA*

BACKGROUND

The Bakersfield Field Office is proposing to conduct direct sales of BLM managed lands to seven adjacent landowners. All BLM parcels proposed for sale are located within the Tepusquet Hiatus, a long, narrow 379.19-acre sliver of steep, hilly federal lands located in Santa Barbara County, CA.

The hiatus originated with a faulty United States land survey in 1900, and subsequent homesteading up to an incorrect rancho boundary line. The original Government Land Office survey of the Tepusquet and Sisquoc Spanish land grant boundaries in 1860 were not adequately marked and field notes were lost. A re-survey in 1900 attempted to re-establish the former lines, but missed the mark, creating a "hiatus". Adjacent lands were homesteaded and patented into private ownership, but this sliver remained Federal land. Historically, the surrounding private ranches have believed they owned the federal lands and have treated the sliver as part of their ranches.

The hiatus was officially recognized by the federal government in a BLM dependent re-survey of the area in 1989, done at the request of Santa Barbara County to address other title problems known to occur in the township. The 1989 survey was protested, and the acceptance was suspended. The protest was resolved and the suspension lifted, paving the way for disposal of the hiatus area, which has no legal public access.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Caliente Resource Management Plan Final Environmental Impact Statement (1996); (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

Context

The context of the EA analysis was determined to be at a local scale in the area of Santa Barbara County, CA. BLM determined that the effects of the action are not applicable on a national scale since no nationally significant values were involved.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Tepusquet Hiatus Direct Sale decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. *Impacts that may be both beneficial and adverse.*

Beneficial effects of the sales include: disposal of isolated federal lands which are difficult and uneconomic to manage, elimination of a narrow strip of public lands lying in between large acreages of private ranches, and generation of funds for the land disposal account established pursuant to the Federal Land Transaction Facilitation Act (FLTFA). None of these impacts, however, would be significant at the local scale or cumulatively because of the small scale of the project.

2. *The degree to which the proposed action affects public health and safety.*

The sale of the parcels will have no effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The Tepusquet parcel does not contain any of the unique characteristics listed; therefore its transfer out of federal ownership will not result in any impacts.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.’” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The analysis does not show that this action would involve any unique or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action implements decisions made in the Caliente RMP (1997) and is not precedent setting.

While the funds generated from the sale of these parcels would be used to acquire other parcels with significant resource values, each land tenure transaction would be analyzed on its own merits in compliance with NEPA.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The Tepusquet Hiatus parcel is a long, narrow strip of isolated federal land lying between large acreages of private ranches. Other public land tenure transactions in the Santa Maria Valley are not anticipated. The BLM

is not aware of any reasonably, foreseeable federal, state, or private actions related to this transaction that would result in a cumulatively significant impact on the environment.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.*

The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

No ESA listed species (or their habitat) are known to occur in the project area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

There is no indication that this decision will result in actions that will threaten such a violation.

/s/ Tim Smith
Timothy Z. Smith
Field Manager, Bakersfield Field Office

November 9, 2010
Date