

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

**Proposed Plan Amendment to the 1997 Caliente Resource Management Plan for  
the Sale of Public Lands to the Kaweah Delta Water Conservation District and  
ARC Vineyards LLC**

**DOI-BLM-CA-C060-2012-0021-EA**

## **Chapter 1. Purpose and Need**

### **BACKGROUND INFORMATION**

The Bureau of Land Management (BLM) has received requests for direct sales of three separate parcels shown on Map 1 (Vicinity Map) and described as follows:

Parcel 1, requested by the City of Maricopa, consists of 15.81 acres in Kern County, described as lot 3 in the NW1/4 of sec. 7, T. 11 N., R. 23 W., San Bernardino Meridian.

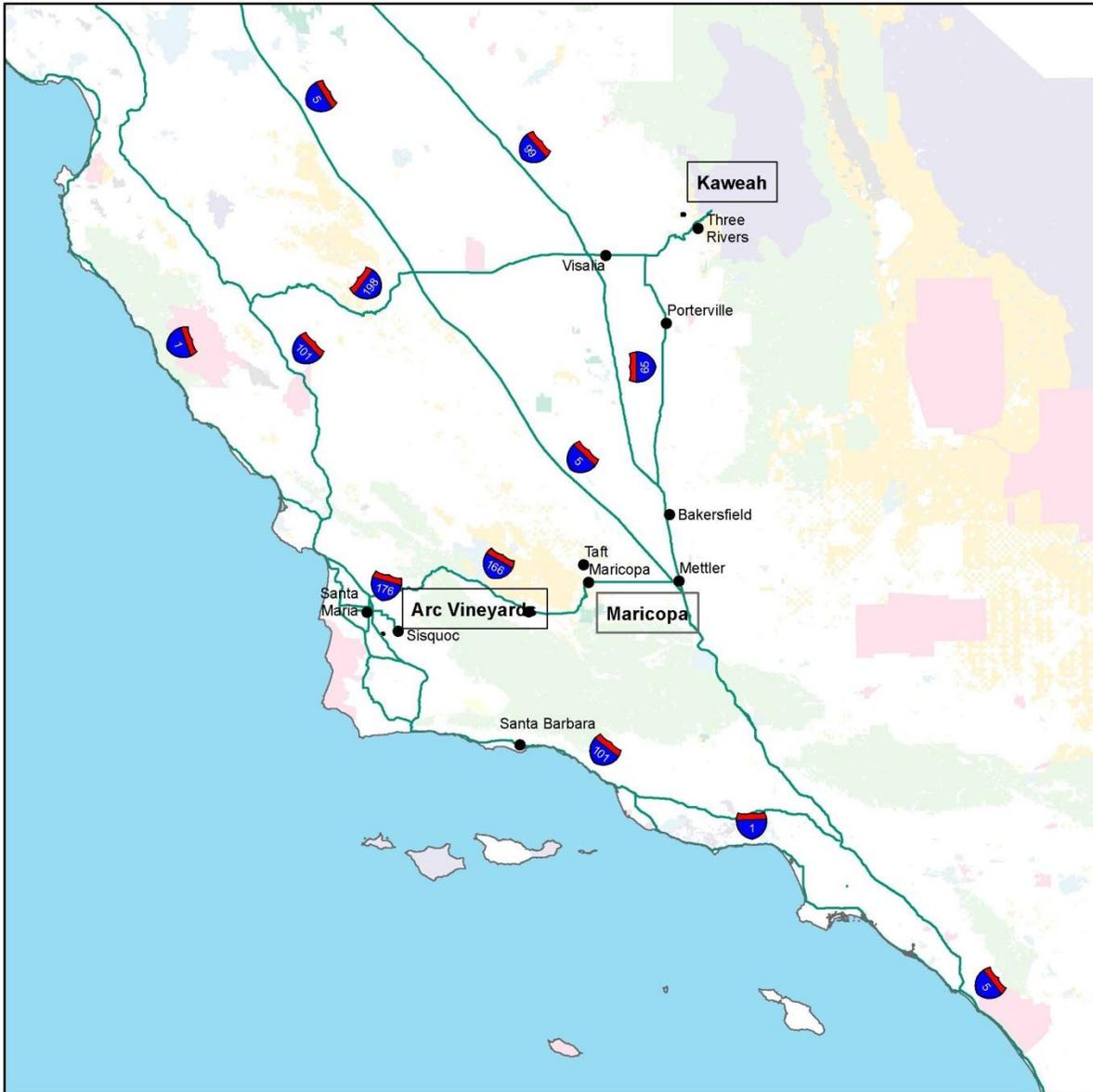
Parcel 2, requested by the Kaweah Delta Water Conservation District, consists of 61.28 acres in Tulare County, described as lots 3 and 4 in sec. 4, T. 17 S., R. 28 E, Mount Diablo Meridian.

Parcel 3, requested by ARC Vineyards, LLC, consists of 5.93 acres in Santa Barbara County described as lot 1 in sec. 20, T. 9 N. R. 33 W., San Bernardino Meridian.

Based on these requests, BLM made a determination that it was appropriate to amend the 1997 Caliente Resource Management Plan (RMP) to clearly state that the public lands proposed for sale meet the criteria for sales at section 203(a)(1) of FLPMA, which provides: "such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency;" Subsequently, a Notice of Intent to prepare an amendment to the RMP and an Environmental Assessment (EA) to identify three parcels of public land totaling 83.02 acres for possible direct sale was published in the Federal Register on September 14, 2011.

Since publication of the Federal Register Notice, the sale of one of the proposed public land parcels, Parcel 1, has been put on hold and the potential sale is not considered "ripe for decision" at this time. For this reason, the sale of Parcel 1 will not be analyzed in this EA.

# Land Sales Map 1 Vicinity Map



Section 4  
T. 17 S., R. 28 E., MDBM, Tulare County  
Section 7  
T. 11 N., R. 23 W., SBBM, Kern County  
Section 20  
T. 9 N., R. 33 W., SBBM, Santa Barbara County



<b>Legend</b>	
ocean	US Fish and Wildlife Service
<b>Land Status</b>	
Bureau of Land Management	Military
US Forest Service	Other Federal
National Park Service	State
Bureau of Reclamation	County/State/Regional Private/Other

## **PURPOSE AND NEED**

The BLM has the authority under sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) to sell public lands at not less than fair market value. In evaluating requests to purchase public lands, BLM considers the purchaser's purpose and need as well as the BLM's purpose and need to complete the sale. Following is a brief summary of the prospective purchasers' purpose and need to acquire the public land.

Parcel 2 – The Kaweah Delta Water Conservation District (District) wishes to acquire 61.28 acres of public land for preservation and watershed protection as part of a Habitat Conservation Plan which serves to mitigate the impacts of water infrastructure projects on other District lands.

Parcel 3 – ARC Vineyards, LLC wishes to acquire 5.93 acres of public land to resolve an inadvertent unauthorized use and to set aside the unused area to meet Santa Barbara County's development/permitting requirements for open space.

BLM's purpose and need in responding to the sale of these two parcels is to dispose of lands which are difficult and uneconomic to manage as part of the public lands and which are also not suitable for management by any other federal agency. Parcels 2 and 3 are considered to be difficult and uneconomic for BLM to manage because they are small parcels that lack legal access and are isolated from other public lands in the area.

## **PLANNING CRITERIA**

Planning criteria are standards, rules, and guidelines that help to guide the development BLM's land use plans, revisions and amendments, to ensure they are tailored to the identified issues, and to avoid unnecessary data collection and analysis. The criteria also help guide the development of alternatives and the selection of the preferred alternative. Planning criteria are based on applicable laws and regulations, agency guidance, and the result of consultation and coordination with the public, other federal, state, and local agencies, and Native American tribes.

This plan amendment is intended to be limited to an analysis of whether the public lands proposed for sale meet the criteria for disposal under section 203 of the FLPMA (43 U.S.C. 1713). Therefore the preliminary planning criteria will be the criteria at Sec. 203a of FLPMA, which provides that: "A tract of the public lands ... may be sold under this Act where, as a result of land use planning required under ... this Act, the Secretary determines that the sale of such tract meets the following disposal criteria:

- (1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or
- (2) such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

- (3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.”

These preliminary planning criteria were included by reference in the Notice of Intent, published in the Federal Register. BLM’s analysis will generally focus on whether the lands proposed for sale are difficult and uneconomic to manage as part of the public lands, and are not suitable for management by another Federal department or agency. Neither FLPMA nor the implementing regulations provide examples or specifically define what characteristics might make a tract of public lands difficult and uneconomic to manage as part of the public lands. However, in past planning efforts, BLM has considered the following factors in determining whether a tract of public land is difficult and uneconomic to manage as part of the public lands:

1. The lack of legal access for the public or for BLM’s administrative purposes.
2. The size of the parcel.
3. The location of the parcel in terms of other tracts of public land.
4. The extent to which authorized (or unauthorized uses) limit future multiple use management by BLM.

### **CONFORMANCE WITH BLM LAND USE PLANS**

Parcel 2 is located in the South Sierra Management Area of the 1997 Caliente Resource Management Plan (RMP). The Caliente RMP identifies Parcel 2 for local repositioning through land exchanges to consolidate natural resource values.

Parcel 3 is located in the Coast Management Area of the Caliente RMP, but does not appear on the RMP maps as public land due to an error in mapping. The Caliente RMP provides that newly recognized public lands would be managed consistent with adjacent public lands, if any, and may be suitable for repositioning. All public lands in the Coast Management Area were identified for either new managers or repositioning in the Caliente RMP.

Under the Caliente RMP, public lands identified for repositioning are also considered to be available for sale, but sales were to be considered infrequently and limited to those small parcels where the value would not warrant inclusion of the parcel in a land exchange process.

The Caliente RMP does not explicitly state that all public lands identified for repositioning meet the criteria for sale at Section 203 of FLPMA. BLM is proposing to amend the Caliente RMP to state that the public lands proposed for sale meet the criteria for sales at section 203(a)(1) of FLPMA, which provides: “such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency”.

## **RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS**

The sales would be completed under authority of Sections 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976, as amended (43 U.S.C. 1701, 1713).

In August of 2012, the BLM released the Bakersfield Proposed RMP for public review and comment. The Bakersfield RMP is intended to replace the 1997 Caliente RMP. The Bakersfield Proposed RMP, like the proposed amendment to the 1997 Caliente RMP, also identifies the public lands as suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976.

BLM is processing this proposed plan amendment as a separate planning action to allow for the sale of the public lands prior to the approval of the Bakersfield RMP.

### National Historic Preservation Act of 1966 as amended

Section 106 of the National Historic Preservation Act (NHPA) requires agencies to make a reasonable and good faith effort to identify historic properties that may be affected by an agency's undertakings and take those effects into account in making decisions. The BLM process for implementing this NHPA requirement is set forth in the *State Protocol Agreement Among the California State Director of the Bureau of Land Management and the California State Preservation Officer and the Nevada State Historic Preservation Officer (2012)*.

## **Chapter 2. Proposed Action and Alternatives**

The BLM considered a variety of methods to dispose of the two parcels including, direct sales, competitive sales, or exchange. In addition, the BLM considered the appropriate method to update the Caliente RMP. This chapter describes all of the alternatives considered, including those eliminated from detailed analysis.

This EA includes both land use plan-level decisions and implementation-level decisions. The plan amendment, which is an analysis of whether the public lands proposed for sale meet the criteria for disposal under section 203 of the FLPMA (43 U.S.C. 1713), is a land use plan-level decision. Plan-level decisions can be protested as provided for in 43 CFR 1610.5-2. The site-specific analysis related to the direct sale of these two parcels is an implementation-level decision and is not subject to protest under 43 CFR 1610.5-2. Implementation-level decisions may be appealed to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals in strict compliance with the regulations in 43 CFR Part 4.

## **ALTERNATIVE 1: PROPOSED PLAN AMENDMENT AND LAND SALE**

The Proposed Plan Amendment would amend the 1997 Caliente RMP to identify the public lands described below as suitable for direct/noncompetitive sale of two separate parcels of federal land totaling 67.21 acres, pursuant to section 203 of FLPMA; based on a determination that the lands are difficult and uneconomic to manage as part of the public lands and are not suitable for management by another Federal department or agency.

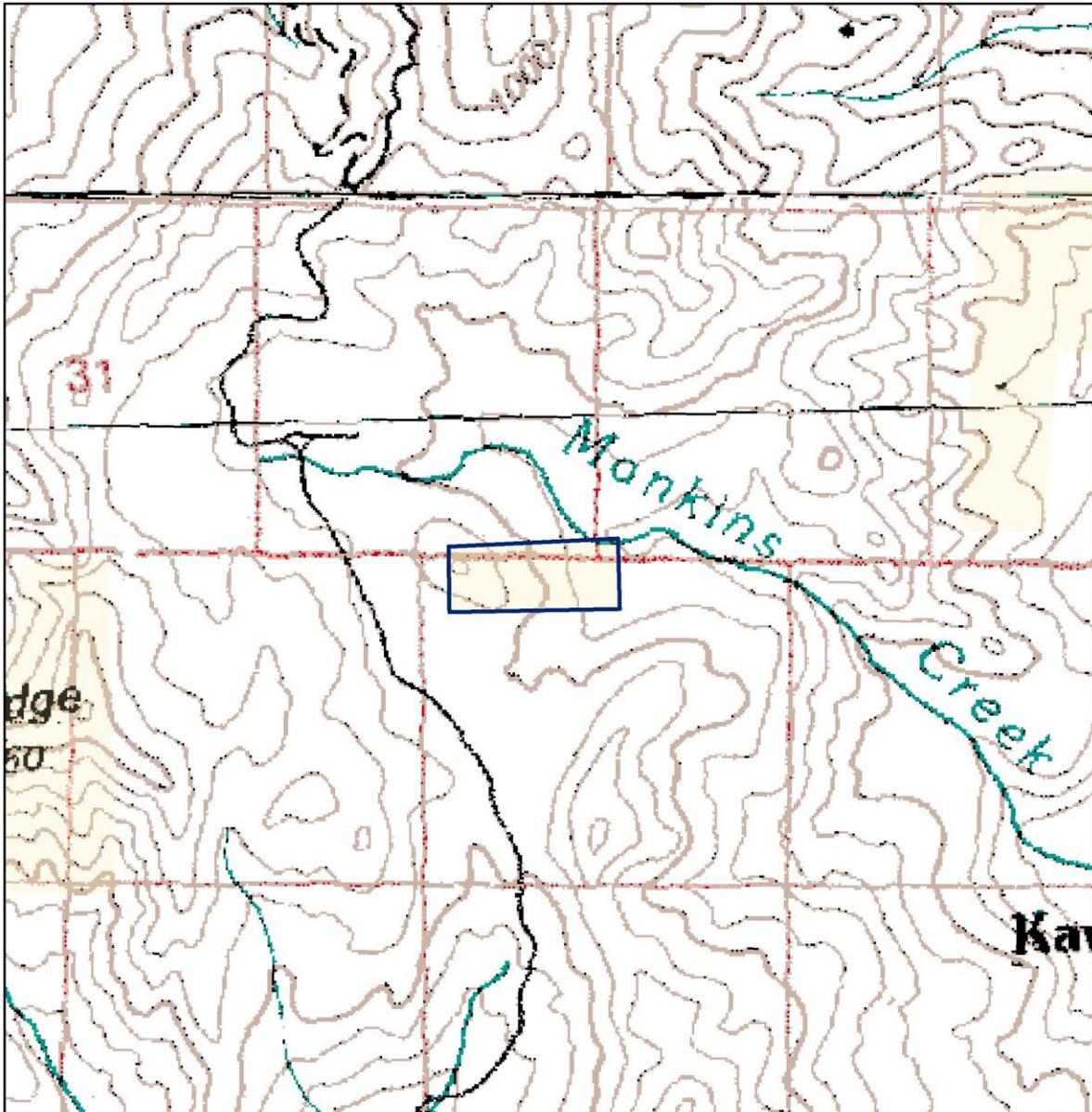
The Proposed Plan Amendment would allow for the sale of the lands described below, regardless of their potential value in any land exchange to consolidate natural resource values.

Parcel 2, described as lots 3 & 4 in Sec. 4, T. 17 S., R. 28 E, Mount Diablo Meridian and consisting of 61.28 acres in Tulare County (Map 2), would be sold to the Kaweah Delta Water Conservation District. The U. S. would reserve all minerals, together with the right to enter and remove such minerals, as part of the sale of Parcel 2.

Parcel 3, described as lot 1 in Sec. 20, T. 9 N. R. 33 W., San Bernardino Meridian (Map 3), consisting of 5.93 acres in Santa Barbara County would be sold to ARC Vineyards, LLC. The U.S. would reserve all minerals, together with the right to enter and remove such minerals, as part of the sale of Parcel 3.

Both parcels would be sold for their fair market value based on appraisals approved by the Department of Interior's Office of Valuation Services. Both parcels would be sold with a reservation for ditches and canals to the United States (U.S.) and would be subject to valid existing rights.

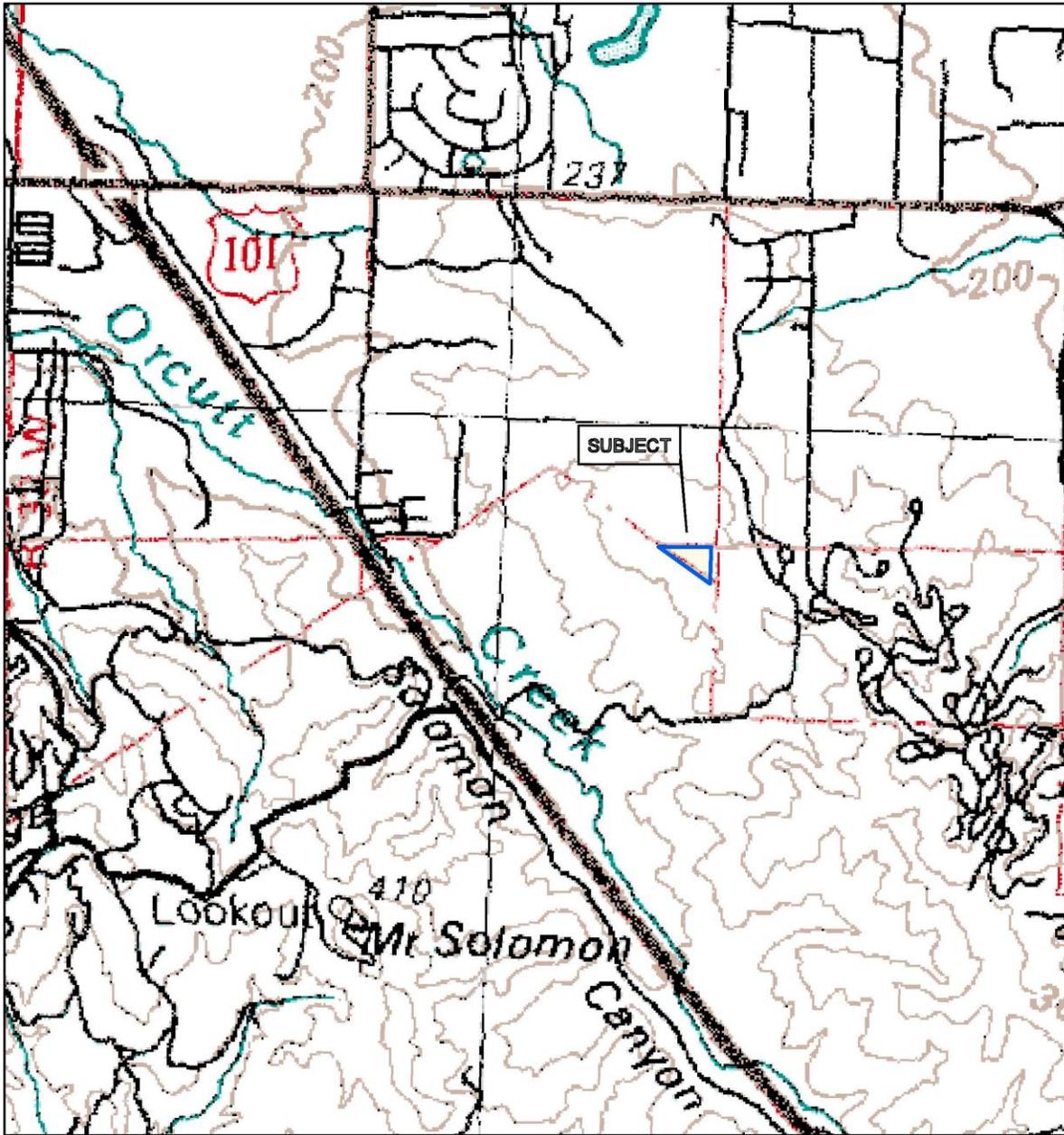
Kaweah Parcel Map 2  
CACA 52334



Location Map of  
Kaweah Delta Water  
Conservation District Sale  
Lota 3 and 4, Section 4,  
T. 17 S., R. 28 E., MDM  
Tulare County  
Kaweah USGS 1:24,000



Arc Vineyard Parcel Map 3  
CACA 52759



Location Map of  
Arc Vineyards Sale  
Lot 1, Section 20,  
T. 9 N., R. 33 W., SBBM  
Santa Barbara County  
Sisquoc USGS 1:24,000



4,750 2,375 0 Feet



## **ALTERNATIVE 2: NO ACTION**

Under the No Action Alternative, the Caliente RMP would not be amended and the public lands would not be sold and would remain under the administrative jurisdiction of the BLM for the foreseeable future.

As a separate effort from this analysis, the BLM would need to either authorize the vineyard encroachment on Parcel 3 or require removal.

While little active BLM management is anticipated, some law enforcement and fuels management activities may be required on both parcels as long as the lands remain under BLM's jurisdiction.

## **ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS**

### **Competitive sales alternative**

BLM considered selling the parcels through a competitive or modified competitive bid process.

For Parcel 2, this alternative was dismissed from detailed consideration because the public land has no legal access and is surrounded on three sides by lands owned by the Kaweah Delta Water Conservation District. Elliot Land and Cattle Company own land on the north side of Parcel 2, but have not expressed an interest in purchasing the land.

For Parcel 3, this alternative was dismissed from detailed consideration because the land has no legal access and a direct sale of the public land to ARC Vineyards, LLC would serve to resolve an inadvertent unauthorized use of a portion of the lands. Other adjacent landowners provided documentation that they were not interested in acquiring the parcel.

### **Exchange alternative**

BLM also considered exchanging the federal parcels, but concluded a direct sale would be the most cost effective means of transferring the parcels out of federal ownership.

### **Plan Maintenance alternative**

BLM also considered a plan maintenance action as an alternative to the proposed plan amendment. The plan maintenance alternative would clarify that BLM intended the 1997 Caliente RMP to identify the public lands (proposed for direct sale) as suitable for sale under section 203 of FLPMA. While BLM believes a plan maintenance action could be appropriate in this case, BLM feels the proposed plan amendment would better facilitate public involvement in BLM's decisions on the proposed sales.

## Chapter 3. Affected Environment

This chapter briefly describes the affected environmental for elements that may be affected by the proposed sale of the parcels.

The following environmental elements were considered but determined to be either not present or unaffected by the alternatives and will therefore not be addressed further in this analysis: the parcels do not contain essential fish habitat; nor are the parcels in close proximity to park lands, prime farmlands, wild and scenic rivers, or ecological critical areas. The proposed action would not disproportionately affect low income or minority populations.

Parcel 2 is located in the foothills of Tulare County near the communities of Three Rivers and Kaweah. This parcel is surrounded by land owned by Kaweah Delta Water Conservation District with no legal access to these public lands. The lack of legal access makes this parcel difficult to manage as public lands. The parcel is within foothills consisting of slightly less than 5,000 acres managed principally for the purpose of conservation of the oak woodland and oak savannah features of the property. Due to its lack of fencing livestock from the surrounding private lands stray onto the parcel. Because of its landlocked and remote location, the parcel is uneconomical to manage. It is currently undeveloped and is surrounded by undeveloped land.

Parcel 3 is located in the inland valleys of Santa Barbara County near the city of Santa Maria. This parcel is surrounded by privately owned land with no legal access to these public lands. The parcel is approximately 5.9 acres surrounded by private property used for agricultural purposes. Due to its lack of fencing and unclear property boundaries Arc's Vineyards LLC may have encroached onto the parcel. Because of its small, landlocked and remote location the parcel is uneconomical to manage. It is currently in a natural condition, however, is surrounded by active agriculture to the north, east, and south.

### Biological Resources:

#### Kaweah Parcel

Vegetation on the Kaweah parcel can be categorized into three general types: non-native annual grassland, oak woodland, and riparian woodland. The grassland is generally found on exposed ridge tops and upper south-facing slopes. Dominant species include filaree (*Erodium cicutarium*), fiddleneck (*Amsinckia menziesii*), and introduced annual grasses (*Bromus* and *Hordeum* species). In slightly more mesic areas of the grassland or among rockier soils, the native perennial bunchgrass (*Melica californica*) is present. Areas of heavier cattle use tend to support disturbance-adapted species such as the introduced grasses and weeds such as Italian thistle (*Carduus pycnosephalum*). The woodlands are generally dominated by blue oaks (*Quercus douglasii*); north-facing slopes support a mix of interior live oak (*Quercus wislizenii*),

buckeye (*Aesculus californica*) and shrubs such as poison oak (*Toxicodendron diversilobum*), buckbrush (*Ceanothus integerrimus*), and honeysuckle (*Lonicera hispidula*). Grassland species form the woodland understory. A small stand of valley oak (*Quercus lobata*) is present along Mankin's Creek, the only drainage that contains flowing or standing water. Also present along the creek are small patches of riparian vegetation dominated by willow (*Salix* sp.) and cottonwood (*Populus fremontii*). There are a number of drainages that are expected to have water only during rainfall events. Wildlife expected to be present on the Kaweah parcel are those species typical of grassland and oak woodland communities in the southern Sierra foothills. This includes larger mammals such as mule deer, black bear, mountain lion, bobcat, coyote, skunk, and gray fox; as well as smaller mammals such as California ground squirrel, dusky-footed woodrat, grey squirrel, pocket gopher, and deer mouse. Birds expected to be present include species such as turkey vulture, red-tailed hawk, mountain quail, California quail, mourning dove, raven, black-headed grosbeak, and scrub jay, as well as various owls, wrens, sparrows, and woodpeckers. Reptiles expected include western rattlesnake, king snake, gopher snake, northern alligator lizard, western fence lizard and skink. Amphibians to be expected include western toad, Pacific tree frog, and California newt.

A number of special status plants have been reported from the general region (Table 1.), but only a few have the potential to occur on the parcel and no listed plant species are expected to be present. Some of these special status species occur in higher elevations and habitats, such as chaparral and mixed conifer forest, which are not present on the parcel. Other special status plants grow in specific substrates (e.g. limestone or adobe clays), which also are not present.

**Table 1. Potential Special Status Plant Species (CNDDDB & CCH records) on the Kaweah parcel.**

<b>SPECIES</b>	<b>STATUS</b>	<b>OCCURRENCE SUMMARY</b>
<b>FEDERALLY LISTED</b>		
<i>Pseudobahia peirsonii</i>	Threatened	Species not known to occur in the Kaweah Quad, only the adjacent Woodlake Quad. Known only from Adobe clay soils, no adobe soils present.
<b>BLM SENSITIVE</b>		
Spiny-sepaled buttoncelery ( <i>Eryngium spinosepalum</i> )	CNPS 1B.2	Known only from vernal pools and wetland margins. No habitat for this species is present on the Site.
Mouse buckwheat ( <i>Eriogonum nudum</i> var. <i>muirnum</i> )	CNPS 1B.2	This perennial species was not observed on the site or on the adjacent lands during detailed searches for this and other plants.
Madera leptosiphon ( <i>Leptosiphon serrolatus</i> )	CNPS 1B.2	Found in cismontane woodland and lower mixed conifer forest. This species is not known from the site or from the adjacent Davis Ranch (6,000 acres) or Homer Ranch (1,800 acres).
Kaweah monkeyflower ( <i>Mimulus norrisii</i> )	CNPS 1B.3	Found in chaparral and cismontane woodland in areas of carbonate or limestone. Habitat is not present on site and detailed searches for this species did not yield any populations.
Kaweah brodiaea ( <i>Brodiaea insignis</i> )	CNPS 1B.2	Known from deep clay soils. The soils on the site are shallow, with a dense overstory. Detailed searches for this species yielded no populations. (State Endangered)
Slender stalked monkeyflower ( <i>Mimulus gracilipes</i> )	CNPS 1B.2	Not known from Tulare County
( <i>Eriogonum nudum</i> var. <i>regirivum</i> )	CNPS 1B.2	Known only from Fresno County.
( <i>Navarretia nigelliformis</i> subsp. <i>radians</i> )	CNPS 1B.2	Not known from Tulare County.

No listed or BLM sensitive wildlife species or their sign were found during a 2011 survey of the Kaweah parcel. The habitat features that are required by potentially occurring listed or BLM sensitive species were not observed, either in the field or based on aerial photographs and topography. Although there are two listed species and three sensitive wildlife species present in the general area, the parcel is not expected to contain important habitat for these species (Table 2.).

**Table 2. Potentially Occurring Listed and BLM Sensitive Wildlife Species (CNDDDB records).**

<b>SPECIES</b>	<b>STATUS</b>	<b>HABITAT (from CNDDDB descriptions); OCCURRENCE SUMMARY</b>
<b>FEDERALLY LISTED</b>		
California Condor ( <i>Gymnogyps californicus</i> )	FE/SE	Historically used Starvation Creek Grove of Giant Sequoias, the Tule River Watershed. In May 2011 condor #526 roosted 23 miles north on Forest Service land, and condors #489 and #428 roosted 10 miles south on BLM land. All three areas are located at higher elevations on the Sierra foothills than the Kaweah parcel. Condors may fly over the Kaweah parcel but are not expected to roost or forage on the parcel.
Valley elderberry long-horned beetle ( <i>Desmocerus dimorphus californicus</i> )	FT	No elderberry plants were observed during the 2011 site visit, thus the beetles are not expected to be present. No elderberry plants are known from the adjacent Davis or Homer ranches, except in the floodplain along Dry Creek.
<b>BLM SENSITIVE</b>		
Foothill yellow-legged frog ( <i>Rana boylei</i> )	SSC	There are no adequate wetland features on the site to provide habitat for this species to breed or live.
Western pond turtle ( <i>Emys marmorata</i> )	SSC	There are no adequate wetland features on the site to provide habitat for this species to breed or live. There is a cattle pond about ½ mile away in Mankin's Flat on the adjacent Davis Ranch with pond turtles. The proper hydrology and basking sites for pond turtles are not present on the portions of Mankin's Creek within the property.
Western mastiff bat ( <i>Eumops perotis californicus</i> )	SSC	The site's oak woodlands that might provide roosting sites are surrounded by dense shrub and oak canopy; these areas provide little foraging area for this species, even if roosting sites are adequate. Other roosting habitats such as bridges, caves, or mines are not present on the property.

### ARC Vineyards Parcel

Vegetation on the Arc Vineyards parcel is a diverse mixture of oak woodland/scrub, sandhill chaparral, and coastal scrub. The oak woodland is dominated by coast live oak with an understory of species such as poison oak, hummingbird sage, wild cucumber, California peony, hedge nettle, and wood fern. The oak scrub includes shrubs such as California sagebrush, black sage, fuchsia-flowered gooseberry, coyote brush, and toyon. The sandhill chaparral includes shrubs such as chamise, manzanita, coffeeberry, lemonadeberry, elderberry, bush monkeyflower and deerweed. The coastal scrub species tend to be small shrubs like California buckwheat, coastal goldenbush, common rush-rose, mock heather, plus California sagebrush and black sage. Perennial herbs present include death camas, soap plant, and croton, among others. Grasses include at least two native bunchgrasses (including needlegrass) and the introduced wild oats, soft chess, and veldt grass. Invasive plant species include a small amount of Italian thistle, and the aforementioned introduced grasses; veldt grass is a particular concern in coastal habitats.

Animals observed during a May 2011 and January 2013 site visit to the Arc Vineyards parcel included western fence lizard, western whiptail, common raven, Anna's hummingbird, California quail, turkey vulture, red-tailed hawk, western scrub jay, oak titmouse and black-headed grosbeak. A herd of wild pigs was observed passing through the parcel during the January 2013 visit. Coyote and woodrat sign (scat and midden, respectively) was also observed. Small rodent burrows were noticeably absent from the parcel.

Three or four BLM sensitive plant species are present on the property: La Purisima manzanita (*Arctostaphylos purissima*), mesa horkelia (*Horkelia cuneata*), Hoover's bentgrass (*Agrostis hooveri*), and, based on a tentative identification of sterile plants, sand buckbrush (*Ceanothus cuneatus* var. *fascicularis*).

Two federally listed amphibian species, the California tiger salamander and California red-legged frog are known from the general area. Both species require water for breeding and make use of upland areas for aestivation. Breeding habitat does not occur on the parcel since there are no ponds or water bodies on the Arc Vineyards parcel. Both amphibian species can travel 1 mile or more from breeding ponds to access upland habitat. A known tiger salamander breeding pond lies 1.5 miles to the north. California red-legged frogs have been observed just over 1 mile to the north of the parcel. Although both amphibian species have been documented from close proximity to the Arc Vineyards parcel, the lack of rodent burrows on the parcel makes it unlikely that either species makes use of the parcel for aestivation. The parcel is not within designated or proposed critical habitat, although critical habitat for the tiger salamander occurs approximately 1 mile north of the parcel.

The parcel has suitable habitat for the BLM sensitive coast horned lizard (*Phrynosoma coronatum*) and there is a record of the species approximately one mile to the west.

## **Cultural Resources**

### Kaweah Parcel

Indigenous History and Ethnography – The Kaweah Parcel is located within the traditional territory of several Central Foothill Yokuts tribes. These include the Choynimni, Chukaymina, Gawia, Yokod, Wukchamni and Yawdanchi people (Spier, 1978: 471). These groups occupied home villages within their tribal lands and moved between the coniferous forest of the upper elevations of the Sierra Nevada Mountains and the floor of the San Joaquin Valley to exploit a wide variety of available resources. There are several Native American occupation archaeological sites along the Kaweah River located to the east of the proposed sale parcel. These sites consist of villages and smaller camps associated with the seasonal use of specific resources. Beginning in the 1850s, the lifeways of many of the indigenous people of this region were negatively affected by the discovery of silver and gold, logging in the Sierra Nevada and the expansion of ranching and agriculture.

Historical Period – The most significant historical period Anglo occupation of this region began in the 1850s with the discovery of gold in California and the associated regional economic development. In the area surrounding the Kaweah River, settlers founded homesteads based on ranching. Historical period cultural sites in this area consist of structures, infrastructure features and debris associated with the development of mining and ranching.

An archaeological archival record search and cultural resources survey was completed for the proposed sale parcel area to determine if archaeological remains were located within this area (BLM Cultural Resources Inventory Report # CA-160-SSF-250). No cultural remains were discovered as a result of this survey.

### Arc Vineyards Parcel

Indigenous History and Ethnography – The Arc Vineyards Parcel is located within the traditional territory of the Obispeno and Purisimeno Chumash tribes (Greenwood, 1978: 521). The people primarily occupied home villages near the coast where they were able to exploit a wide variety of marine and tidal estuary resources. Spanish exploration of this area began in the late 16<sup>th</sup> century and by the mid-18<sup>th</sup> century the Chumash people and their culture had been heavily impacted by missionization. There are several recorded Native American archaeological sites found throughout this region. Archeological remains associated with Chumash occupation of this area include villages, campsites and rock art sites.

Historical Period – The most significant historical period Anglo occupation of this region began in the 1700s with the establishment of the Spanish missions at San Luis Obispo and La Purisima. During the subsequent Mexican and American periods there was a continued emphasis upon cattle ranching and agriculture. Historical period cultural sites in this area consist of structures, infrastructure features and debris associated with the development of agriculture and ranching.

An archaeological archival record search and cultural resources survey was completed for the proposed sale parcel area to determine if archaeological remains were located within this area (BLM Cultural Resources Inventory Report # LLCAC06000-958). No cultural remains were discovered as a result of this survey.

### **Native American Values**

#### **Kaweah Parcel**

The proposed project area lies primarily within the traditional territory of the Foothill Yokuts tribes. Monache people to the north may also have some ancestral ties to this area. These people place significant value on their traditional heritage sites. These places include historical and spiritual sites as well as resource use areas such as locations where traditional plant resources are gathered.

A certified letter containing a description of the proposed land sale and a map showing its location was mailed to members of the local Native American community with traditional ties to the proposed land sale location, requesting information regarding any places of traditional importance to these groups that may be impacted by this transfer of public land. None of the recipients of these letters indicated that any places of traditional cultural or religious importance will be affected by the proposed land sale.

#### **Arc Vineyards Parcel**

The proposed project area lies primarily within the traditional territory of the Northern Chumash tribes. These people place significant value on their traditional heritage sites. These places include historical and spiritual sites as well as resource use areas such as locations where traditional plant resources are gathered.

A certified letter containing a description of the proposed land sale and a map showing its location was mailed to members of the local Native American community with traditional ties to the proposed land sale location, requesting information regarding any places of traditional importance to these groups that may be impacted by this transfer of public land. One of the recipients, Mr. Freddy Romero, the Cultural Resource Specialist for the Elders Council of the Santa Ynez Band of Chumash Indians, called to obtain details regarding the location of the proposed sale parcel. Based upon this information, he stated that his council had no concerns regarding this project. None of the other recipients of these letters indicated that any places of traditional cultural or religious importance will be affected by the proposed land sale.

## **Hazardous Materials**

Phase I Environmental Site Assessments have been completed for both parcels. The purpose of the Assessment is to satisfy laws and BLM policy prior to the sale of a subject parcel into private ownership. The report identifies “recognized environmental conditions” (RECs) on the properties which would require Notice or Disclosures to prospective acquirers as described in the Introduction portion of the report. The closing section of the report would identify any items of concern in regards to hazardous materials. No evidence of “recognized environmental conditions” (RECs) were discovered on either parcel. The reports are hereby incorporated by reference.

## **Mineral Potential**

Mineral Potential Reports for the Arc Vineyards and the Kaweah parcels have been prepared by the Bakersfield Field Office geologist and engineer, and reviewed and approved by the California State Office. The purposes of the reports are to identify the potential for minerals and recommend retention or disposal of the rights. The Arc Vineyard report identifies high potential for mineral material but low potential for development. The parcel is prospectively valuable for oil and gas, however, the potential for development is moderate. The Kaweah report identifies high potential for salable mineral material but low potential for development. The parcel has no oil and gas value and therefore no potential for oil and gas development. The summary, conclusion and recommendations section of the reports are hereby incorporated by reference.

## **Recreation**

Both Parcels 2 and 3 are landlocked and have no legal road or foot access. Recreational opportunities are limited to the adjacent landowners or those with permission to cross private lands. These parcels are not managed for recreational purposes by the BLM.

## **Existing Rights or Uses**

There are no livestock grazing authorizations on either Parcel 2 or Parcel 3. Parcel 2 was allocated as available for livestock grazing authorizations in the Caliente RMP, yet there have been no expressions of interest for grazing use on the parcel. The surrounding private lands are grazed and the parcel is unfenced; unauthorized livestock likely stray onto the parcel.

Parcel 3 was not identified in the Caliente RMP; however most of the BLM lands in the area had been identified as unavailable for livestock grazing authorizations.

There are no other authorizations on Parcels 2 and 3.

## Chapter 4. Environmental Impacts

### ALTERNATIVE I: PROPOSED ACTION

Under the proposed action alternative, the public lands would be sold to the parties requesting to purchase the lands.

Sales of public land generally do not result in direct impacts to those lands, but may result in indirect impacts based on the reasonably foreseeable future use of the lands after conveyance out of federal ownership. For purposes of evaluating the indirect impacts of the proposed sales, BLM has assumed the following uses of the lands are reasonably foreseeable if the lands are conveyed out of federal ownership:

1. For Parcel 2, BLM expects the Kaweah Delta Water Conservation District will manage the lands for watershed preservation and oak woodland management purposes, with no development. Under new ownership, livestock grazing is expected to continue to be managed as on surrounding property.
2. For Parcel 3, BLM expects ARC Vineyards LLC will continue to use the lands partially for vineyards and partially for open space to meet County development requirements. The remnant maritime chaparral and oak woodlands would be maintained as habitat. The parcel would provide recreational and scenic amenities for the winery patrons with opportunities for hiking and natural resource interpretation and education. Maintenance of the trails would be limited to occasional trimming of vegetation. There is a potential for this property to be linked with the nearby Los Flores Ranch regional park in the future.

### **Biological Resources**

#### Kaweah Parcel

The Kaweah Delta Water Conservation District intends to manage the Kaweah parcel and surrounding property as protected and conserved lands. The parcel would become part of the conservation bank for water district activities and be managed to maintain biological diversity. As such, no adverse impacts to biological resources due to the sale of this parcel would be expected. There would be no effect to critical habitat as none occurs on the parcel. There would be no effect to listed or proposed species as none are expected to occur on the parcel.

#### Arc Vineyards Parcel

Arc Vineyards intends to maintain the property in its original condition. Some temporary displacement of wildlife may occur due to casual recreational use of the winery hiking trails. Other than occasional, temporary disturbance to wildlife and trimming of vegetation to maintain the trails, no further impacts to biological resources would be expected. There would be no effect to critical habitat as none occurs on the parcel. There would be no effect to listed or proposed species as none are expected to occur on the parcel.

## **Cultural Resources**

### **Kaweah Parcel**

An archaeological archival record search and cultural resources survey was completed for the proposed sale parcel area to determine if archaeological remains were located within this area (BLM Cultural Resources Inventory Report # CA-160-SSF-250). No cultural remains were discovered as a result of this survey. In addition, the intention of the purchaser is to maintain this parcel in its natural state which would protect any potentially unknown cultural resources from impacts. As a result, there would be no impacts to cultural resources as a result of the proposed action.

### **Arc Vineyards Parcel**

An archaeological archival record search and cultural resources survey was completed for the proposed sale parcel area to determine if archaeological remains were located within this area (BLM Cultural Resources Inventory Report # LLCAC06000-958). No cultural remains were discovered as a result of this survey. In addition, the intention of the purchaser is to maintain this parcel in its original state which would protect any potentially unknown cultural resources from impacts. As a result, there would be no direct, indirect or cumulative impacts to cultural resources as a result of the proposed action.

## **Native American Values**

The results of written and oral Tribal notification and coordination regarding the potential sale of both the Arc Vineyards and Kaweah parcels indicated that no places of traditional Native American cultural or religious importance, access to such places or other Tribal values would be affected by the sale of these lands. As a result, there would be no direct, indirect or cumulative impacts to places of cultural importance to Native Americans or Tribal values as a result of the proposed action.

## **Recreation**

As the parcels are landlocked, without legal public access, their sales would not directly change the current limitations on recreation opportunities and uses. There is the potential for improved passive recreation activities for winery patrons on Parcel 3 with both hiking and interpretive opportunities. There would be no adverse direct, indirect or cumulative impacts to recreation opportunities from the disposal of these public lands.

## **Existing Rights or Uses**

There would be no impacts to existing rights or uses, including livestock grazing operations or opportunities, as a result of the proposed action.

## **ALTERNATIVE 2: NO ACTION**

Under the no action alternative, the public lands would not be sold, and would continue to be managed by the BLM. The small, landlocked and remote locations of the parcels make them difficult and uneconomical to manage. No active BLM management is anticipated. However, some law enforcement and fuels management activities may be required by BLM as long as the parcels remain under Federal jurisdiction.

### **Biological Resources**

Continuation of current management by BLM would not result in adverse impacts to biological resources on either of these parcels.

### **Cultural Resources**

Continuation of current management by BLM would not result in adverse impacts to cultural resources on either of these parcels.

### **Native American Values**

Continuation of current management by BLM would not result in adverse impacts to Native American values on either of these parcels.

### **Recreation**

Recreation opportunities would continue to be limited due to lack of legal public access across the surrounding private lands. While recreation activities on public lands would continue to occur subject to access permission from the adjacent landowners, the ability of BLM to actively manage or patrol these areas and the potential for illegal or inappropriate activities to occur would remain limited.

### **Existing Rights or Uses**

There would be no impacts to existing rights or uses, including livestock grazing operations or opportunities, on either of these parcels.

The potential for unauthorized livestock use of the Kaweah parcel would remain.

The inadvertent unauthorized use by Arc Vineyards LLC of Parcel 3 would continue.

## **CUMULATIVE IMPACTS**

A cumulative impact is the effect on the environment that results from the incremental effect of an action when added to the effect of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership in which the actions occur.

Neither of the alternatives would have measurable direct or indirect effects on the resources present on these parcels. As such, there would no incremental effects that would contribute to cumulative impacts in Tulare or Santa Barbara counties from either selling or retaining these parcels of BLM-administered public lands.

## Chapter 5. Consultation and Public Involvement

### PERSONS, GROUPS, AND AGENCIES CONSULTED

The BLM consulted the following individuals, federal, state, and local agencies, and Native American tribes during the development of this EA.

Name	Title	Organization
Manfred Sander		Adjoining Property Owner to ArcVinyards Parcel
Rob Murray	Farming and Operating Manager	Rancho Real, LLC
Mr. Joe Talaugon	Chairperson	Tribal Elders Council Governing Board Santa Ynez Band of Chumash Indians
Mr. Vincent Armenta	Chairperson	Santa Ynez Band of Chumash Indians
Mr. Freddy Romero	Cultural Resources Consultant	Santa Ynez Band of Chumash Indians Elders Council
Mr. Michael Khus Zarate	Representative	Northern Chumash Bear Clan
Ms. Lei Lynn Odom	Chumash Elder	Nortehr Chumash, yak tiki tiyu
Mark and Rhonda Vigil	Representatives	San Luis Obispo Chumash Council
Mr. Fred Collins	Representative	Northern Chumash Tribal Council
Ms. Leanne Walker-Grant	Tribal Chairwoman	Table Mountain Rancheria

Name	Title	Organization
Bob Pennell,	Cultural Resources Specialist	Table Mountain Rancheria
Elizabeth Kipp	Tribal Chairwoman	Big Sandy Rancheria of Mono Indians
Reggie Lewis	Chairperson	Picayune Rancheria
Mary Motola	THPO	Picayune Rancheria
Judy Fink	Chairperson	North Fork Branch of Mono Indians
Brett Matzke	Cultural Resources Representative	North Fork Branch of Mono Indians
Robert Marquez	Chairperson	Cold Springs Rancheria
Terry Williams	Environmental Director	Cold Springs Rancheria

### **SUMMARY OF PUBLIC PARTICIPATION**

Public involvement concerning the disposal of the public land began during the analysis of the 1993 Draft Caliente RMP. The public was well informed on the RMP's objective to reposition properties within the Valley, South Sierra, and Coast Management Areas that do not fit into an active Bureau or cooperators resource management program for lands in areas that do. No specific comments were received regarding the parcels proposed for sale. Responses to comments on the Draft RMP were incorporated into the Caliente RMP approved in May 1997.

On April 8, 2011 and April 21, 2011, BLM received letters from Arc Vineyard's parcel adjacent land owners, Manfred Sanders and Rancho Real LLC, regarding the sale of the property. The letters established that the adjacent land owners expressed no interest in acquiring Arc Vineyards parcel nor had any objections to the sale of the property.

On September 14, 2011, BLM published a Notice of Intent (NOI) to prepare a plan amendment and environmental assessment in the Federal Register. No public comments were received.

On July 2, 2014, BLM posted this **Proposed Plan Amendment to the 1997 Caliente Resource Management Plan for the Sale of Public Lands to the Kaweah Delta Water Conservation District, and ARC Vineyards LLC** to BLM's Bakersfield Field Office website for a 30 day review and protest period.

## **ADMINISTRATIVE REMEDIES**

This EA includes both land use plan-level decisions and implementation-level decisions. The Proposed Plan Amendment, which is an analysis of whether the public lands proposed for sale meet the criteria for disposal under section 203 of the FLPMA (43 U.S.C. 1713), is a land use plan-level decision. Plan-level decisions can be protested as provided for in 43 CFR 1610.5-2. Any person who participated in the planning process for this EA and has an interest which is or may be adversely affected by the planning decisions may protest approval of the Proposed Plan Amendment decisions within 30 days from date this document is posted on the BLM webpage.

The site-specific analysis related to the direct sale of these two parcels is an implementation-level decision and is not subject to protest under 43 CFR 1610.5-2. Implementation-level decisions may be appealed to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals in strict compliance with the regulations in 43 CFR Part 4.

## **LIST OF PREPARERS**

ID Team Member	Title	Organization
Thomas Gey	CA State Office Realty Specialist	BLM
Karen Montgomery	CA State Office Realty Specialist	BLM
Maria Soto	Realty Specialist	BLM
Denis Kearns	Botanist	BLM
Amy Kuritsubo	Wildlife Biologist	BLM
Tamara Whitley	Archaeologist	BLM
Gregg Wilkerson	Geologist	BLM
Jeff Prude	Petroleum Engineer	BLM
Peter De Witt	Outdoor Recreation Planner	BLM
Karen M. Doran	Rangeland Management Specialist	BLM
Sue Porter	Planning and Environmental Coordinator.	BLM

## Chapter 6. References

BLM Cultural Resource inventory Report# CA-160-SSF-250. *A Cultural Resources Assessment for Approximately 61.28 Acres For a Proposed Kaweah Delta Water Conservation District Project, East of the city of Visalia, Tulare County, California*, prepared by Dorothy Fleagle, Three Girls and a Shovel, LLC., 2011. On file at the BLM Bakersfield Field Office and the Southern San Joaquin Valley Information Center.

BLM Cultural Resources Inventory Report # LLCAC06000-958). Class III Cultural Resources Inventory of the Arc Vineyard Proposed Land Sale Parcel, Santa Maria, California. Prepared by Tamara K. Whitley, Bureau of Land Management, Bakersfield Field Office, 2011. On file at the BLM Bakersfield Field Office and the Central Coast Information Center.

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U.S. Bureau of Land Management, February 2013. Environmental Site Assessment for Disposal of Arc Vineyards BLM Parcel. Vaughn, Daniel. On file at the Bureau of Land Management Bakersfield Field Office.

U.S. Bureau of Land Management, March 2013. Environmental Site Assessment for Sale of the Davis Ranch BLM Parcel in Tulare County, California. Vaughn, Daniel. On file at the Bureau of Land Management Bakersfield Field Office.

U.S. Bureau of Land Management. 2011. Mineral Potential Report for the Presqu'ile winery lot sale. Earth Systems Pacific. On file at the Bureau of Land Management, Bakersfield Field Office.