



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
5152 Hillside Circle
El Dorado Hills, CA 95762
www.blm.gov/ca/folsom

Cotton Creek Fence (CA-180-11-30) Finding of No Significant Impact March 2011

Based upon a review of the EA and the supporting documents, I find that the project is not a major federal action, and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27 and do not exceed those effects described in the Sierra RMP. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action, directly involving approximately ¼ mile long, 5 foot wide line of BLM administered land that by itself does not have international, national, or state-wide importance.

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* The proposed action would impact resources as described in the EA. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the Sierra RMP FEIS.
- 2) *The degree of the impact on public health or safety.* No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety.
- 3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.* The proposed action does not have unique characteristics and is not within any “special areas” nor does it have proximity to unique characteristics.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* There is no scientific controversy over the nature of the impacts.
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed action would involve any uncertain, 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 actions considered in the proposed action were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. A complete analysis of the direct, indirect, and cumulative effects of the proposed action and all other alternatives is

described in the EA. Building a fence to settle a grazing trespass is not precedent setting. It has been done numerous times in the past by BLM to resolve issues.

- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The interdisciplinary team evaluated the proposed action in the context of past, present and reasonably foreseeable actions. Because no site specific adverse impacts are expected for any resources, cumulative impacts at the larger, watershed scale are not anticipated.
- 8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect districts, sites, structures, buildings, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
- 9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species or critical habitat are located within the proposed action area.
- 10) *Whether the action threatens a violation of environmental protection law or requirements.* The proposed action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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www.blm.gov/ca/motherlode

EA Number: CA-180-11-30

Proposed Action: Cotton Creek Fence

Location: T4S, R16E, Section 9, Mariposa County, California. See attached maps.

1.0 Purpose of and Need for Action

The purpose of the proposed action is to install approximately ¼ mile of fencing to prevent trespass cattle grazing from occurring on a 40-acre parcel of land administered by the U.S. Bureau of Land Management's Mother Lode Field Office (BLM).

1.2 Conformance with Applicable Land Use Plans

The proposed action is consistent with the Sierra Resource Management Plan Record of Decision (ROD), approved in February 2008. Grazing is considered to be in trespass unless it is authorized in accordance with 43 CFR 4100 and consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to build approximately one quarter mile of fence along the section line between Sections 8 and 9 in Township 4S Range 16E on the west side of the 40-acre BLM parcel in the SW ¼ NW ¼. The fence would resolve a dispute between neighbors regarding cattle grazing in trespass on the BLM-administered parcel. The complainant has agreed to build the fence at her expense. The fence would be 4-strand barbed wire with 6-foot t-posts every 16.5 feet, and one to four stays per span between poles.

2.2 Project Design Features

The fence will be built to criteria established by the BLM to allow for safe passage for ungulates, including deer, and greater restriction of livestock movements. This criteria establishes that the bottom wire be at 16 inches, next wire at 22 inches, next wire at 28 inches, and top wire at 40 inches. Deer normally jump with their hind legs forward. If the top two fence wires are too close together, deer can entangle their hind legs which can result in broken legs and/or fatality. This can also occur if the top wire is too high. The criteria of the distance between the top two wires (12 inches), as well as the total fence height (40 inches), is designed to prevent entanglement and fatality of adult and juvenile deer. The criteria of the first wire being 16 inches off the ground is to allow for fawns, who are not capable of jumping over a fence, to crawl under the fence.

2.3 No Action

Under the no action alternative, livestock would continue to trespass onto the BLM-administered parcel, and there would continue to be a dispute between neighboring landowners.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

No other alternatives were considered.

3.0 Affected Environment

The project area is located on a moderately steep west-facing hillside at approximately 1500 ft above sea level in the west-central Sierra Nevada foothills, approximately one mile east of Temperance Creek. Cotton Creek is located approximately one and a half miles to the south. Both creeks are tributaries of the Merced River (now Lake McClure). Geologically this area is mapped as Jurassic age Penon Blanco or Logtown Ridge volcanic, but the area appears to contain metamorphic rock, probably metasedimentary of Jurassic age. The project area is located at the transition between blue oak savannah (lower elevations) and live oak woodland with occasional gray pine (upper elevations). The understory contains heavily grazed grasses and forbs, dominated by exotic species. The grasses include red brome and foxtail fescue. Within the live oak woodland, near the northern end of the project area, there are moderately dense patches of buckbrush, buckeye, and poison oak. On the southern end of the project area, on west- and south-facing slopes, there are prominent rock outcrops. Tree and shrub cover is sparser. The project area was inventoried by a BLM biological technician. No special status plant species are present within the project area.

Wildlife within the project area is typical for this habitat and elevation. The BLM wildlife biologist inventoried the project area. No special status wildlife species (or habitat that would support these species) are present within the project area.

The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the National Historic Preservation Act and other authorities. No cultural resources would be affected by the proposed action and the BLM archaeologist recommends that no significant cultural resources would be affected by the proposed action. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposed action: air quality, wetlands/riparian, water quality, invasive non-native species, essential fish habitat, prime/unique farmlands, floodplains, hazardous waste, recreation, VRM, wild and scenic rivers, wilderness, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Cultural – The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the National Historic Preservation Act and other authorities. No cultural resources would be affected and the BLM archaeologist recommends that no significant

cultural resources would be affected by the proposed action. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

Vegetation – The proposed action calls for very little vegetation removal. There may be some minor clearing of vegetation for fence alignment. The proposed action would cause negligible effects to common vegetation.

Wildlife – There may be some temporary displacement of wildlife due to noise and the presence of workers building the fence. The fence would be built to criteria designed to allow safe passage of ungulates, including mule deer. Although, the fence would meet the criteria, this is not a guarantee that an individual deer may not get hung up on the fence and perish. Passage under the fence would be more than adequate for fawns. There would be no impact to special status wildlife species. Overall, impacts of the proposed action to wildlife would be minimal.

4.2 Impacts of the No Action Alternative

Cultural – The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the National Historic Preservation Act and other authorities. No cultural resources would be affected and the BLM archaeologist recommends that no significant cultural resources would be affected by the proposed action. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

Vegetation – With the no action alternative, the minor clearing of vegetation for the fence alignment would not occur. Livestock would continue to trespass onto the BLM-administered parcel and there would continue to be a dispute between the neighboring landowners.

Wildlife – With the no action alternative, temporary noise and worker presence impacts to wildlife would not occur. There would be no mortality from deer getting hung up on the fence.

4.3 Cumulative Impacts

Because no site-specific adverse impacts are expected for any resources (described above), cumulative impacts at the larger watershed scale are not anticipated under the proposed action.

5.0 BLM Interdisciplinary Team

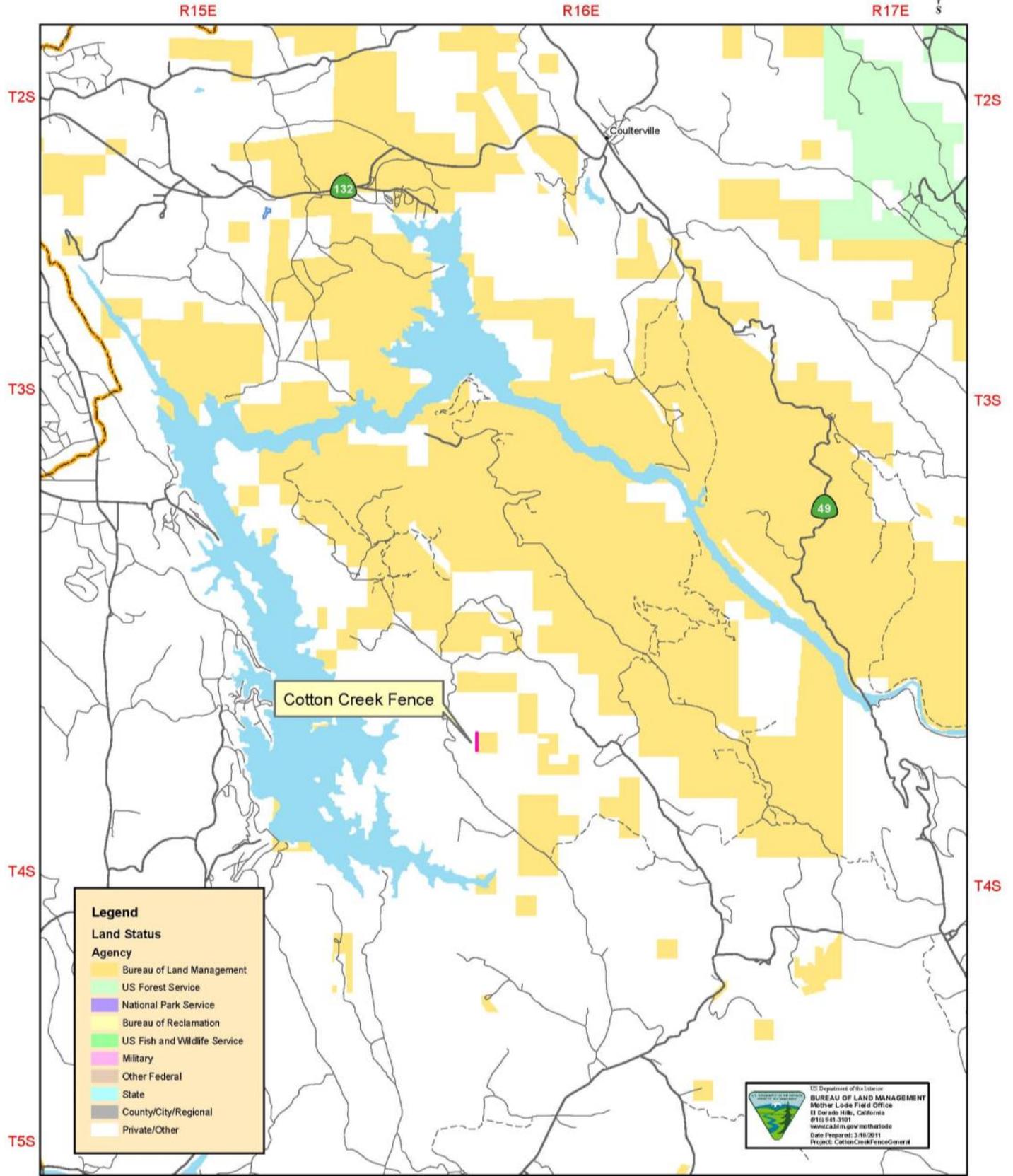
Reviewers:

<i>/s/ James Barnes</i>	<i>3/21/11</i>
NEPA Coordinator/Cultural Resource Specialist	Date
<i>/s/ Lauren Fety</i>	<i>3/21/11</i>
Botanist	Date
<i>/s/ Peggy Cranston</i>	<i>3/18/11</i>
Wildlife Biologist/Range Conservation Specialist	Date

5.1 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office’s website (www.blm.gov/ca/motherlode) under “Quick Picks:” “NEPA documents”, will be available for a 15-day public review period. The EA is also available upon request. Comments should be sent to the Mother Lode Field Office, 5152 Hillside Circle, El Dorado Hills, CA 95762 or emailed to us at jjbarnes@blm.gov

Cotton Creek Fence - General Location



US Department of the Interior
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Date Prepared: 3/18/2011
Project: CottonCreekFenceGeneral

R15E

R16E

1 0.5 0 1 Miles R17E



Cotton Creek Fence

