



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/motherlode



Bagby Fence (CA-180-14-43) Finding of No Significant Impact January 2015

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 1,600 foot long, 5 foot wide line of BLM administered land that by itself does not have international, national, or state-wide importance. The entire fence-line is 3,540 feet, with a little over half of the fence-line occurring on MID lands.

- 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 is within the Bagby Serpentine ACEC. The fence alignment does not occur in an area with sensitive plants or soils, therefore it will not impact the values that the ACEC was designated for.
- 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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EA Number: CA-180-14-43

Proposed Action: Bagby Fence

Location: T4S, R17E, Section 6, Mariposa County, California. See attached map.

1.0 Purpose of and Need for Action

The purpose of the proposed action is to install approximately 3,540 feet of fencing to prevent trespass grazing from the BLM allotment onto Merced Irrigation District lands North of Lake McClure near Bagby Recreation Area. The fence will also allow the lessee continued grazing access while preventing livestock trespass on private property. The area was designated by BLM in 2008 as Bagby Serpentine Area of Critical Environmental Concern (ACEC) for the protection of serpentine soils and special status plants associated with these soils. The area has been under a grazing lease since 1943.

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. A stated objective under livestock grazing is to “Ensure surface and groundwater quality complies with California or other appropriate water quality standards.”

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to build approximately 3,540 feet of fence that will separate the BLM allotment from the private lands owned by Merced Irrigation District (MID). The proposed action will resolve an ongoing trespass of livestock from the BLM allotment onto the adjacent MID lands. The fence will be built by Bob McDow in the fall/winter/early spring when soils are adequately moist for easier fence building. Fence materials will be provided by BLM. The fence will be 4-strand barbed wire with 6-foot t-posts every 16.5 feet, and one to four stays per span between poles. The proposed fence will be built prior to livestock being put onto the BLM allotment in the next grazing season.

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 adjacent MID lands. This can cause problems if the livestock were to access Highway 49. In addition, the livestock can currently reach cultural sites on MID land, possibly creating impacts. Also, the livestock would continue to have direct access to Lake McClure leading to water quality concerns.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

Cancellation of the grazing lease was considered. Lease cancellation may require some additional fencing since the private property and the BLM allotment is largely fenced in together. Lease cancellation may also be challenged by the lessee, and involve possibly years of involvement with protests/appeals, with no guarantee that the end result would indeed cancel the lease. The proposed action will satisfy the needs of the lessee, BLM, and MID through resolution of the ongoing trespass onto MID lands through the BLM allotment.

3.0 Affected Environment

Cultural – The project area has been entirely inventoried for cultural resources. In January 2015 a project-area specific field inventory was performed by the BLM archaeologist. A major inventory effort was performed during 2009-2013 by archaeologists with HDR Engineering, Inc. for the Merced River Hydropower Project relicensing effort. The inventory is documented in a report dated 2013 and titled *Draft: Cultural resources inventory for the Merced River Hydropower Project relicensing effort (FERC No 2179), Mariposa County, California*. The report is authored by Sandra S. Flint, Matthew Behrend, Nicole A. Ramirez, Monica Mackey, and Richard Norwood. Additional information about this inventory is documented in the Historic Properties Management Plan for the Merced River Hydropower Project relicensing, also prepared by HDR Engineering, Inc. The inventory led to the recordation of the Bagby townsite, a small portion of which is located within the project area. The history of Bagby is summarized in the report (referenced above) by Flint et al.

Vegetation – The plant community in the proposed action site is comprised mainly of oak woodland/chaparral with blue oak, interior live oak, and California buckeye. The grasses that occur on the grazable land include red brome and foxtail fescue. There are areas of chaparral that consist of toyon, common manzanita, and California buckeye. No special status species are known to occur in the proposed action area.

Wildlife – Wildlife in the proposed action area include mule deer, common gray fox, bobcat, black-tailed jackrabbit, coyote, and several species of rodents. Common birds in the area

include mourning dove, California quail, wild turkey, turkey vulture, and red-tailed hawk. Reptiles and amphibians include gopher snakes and bullfrogs.

Special status wildlife habitat in the allotment includes elderberry bushes. Elderberry bushes are potential habitat for valley elderberry longhorn beetle, an invertebrate listed as threatened by the U.S. Fish and Wildlife Service under the Endangered Species Act. Elderberry bushes are not within the alignment of the proposed fence-line.

Area of Critical Environmental Concern (ACEC) – The proposed action site is in an area which was designated by BLM in 2008 as Bagby Serpentine Area of Critical Environmental Concern (ACEC) for the protection of serpentine soils and special status plants associated with these soils. There is no serpentine soils and associated plants within the alignment of the proposed fence-line.

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, wild and scenic rivers, wilderness, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Cultural – The BLM archaeologist has conducted a cultural resource study for the project area/proposed action. The study included a background records search, an intensive field inventory, and other reasonable and good faith efforts to identify significant cultural resources that could be affected by the proposed action. The study was designed to help BLM meet its obligations under Section 106 of the Historic Preservation Act and other authorities. The BLM has found that the proposed action would not adversely affect significant cultural resources.

Vegetation – The proposed action calls for very little vegetation removal. There may be some minor clearing of vegetation for fence alignment. There is no impact to special status plant species.

Wildlife – There may be some temporary displacement of wildlife due to noise and the presence of workers building the fence. The fence will be built to criteria designed to allow safe passage of ungulates, including mule deer. Although, the fence will 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 will be more than adequate for fawns. There will be no impact to special status wildlife species. Overall, impacts of the proposed action to wildlife will be minimal.

ACEC – This area was designated as the Bagby Serpentine ACEC to protect serpentine soils, and the special status plants associated with these soils. The fence is not in the area of serpentine soils and special status plants. There is no impact to the ACEC values.

4.2 Impacts of the No Action Alternative

Cultural – With the no action alternative, cattle may graze down to the shoreline of Lake McClure with potential but undetermined effects to cultural resources in this area.

Vegetation – With the no action alternative, the minor clearing of vegetation for the fence alignment would not occur.

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.

ACEC – There is no impact to ACEC values from the no action alternative.

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:

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NEPA coordinator/Cultural	
<i>/s/ Beth Brenneman</i>	<i>July 31, 2014</i>
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Botany	
<i>/s/ Peggy Cranston</i>	<i>July 31, 2014</i>
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Wildlife/Range	
<i>/s/ Jeff Horn</i>	<i>August 5, 2014</i>
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Recreation	

5.1 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office’s website (www.blm.gov/ca/motherlode) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762 or emailed to: pcranston@blm.gov.

Bagby Fence

