



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Mother Lode Field Office
5152 Hillside Circle
El Dorado Hills, CA 95762-5713
www.blm.gov/ca/motherlode



Christ ROW for Existing Road (CA-180-12-52)
Finding Of No Significant Impact
October 2012

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan (RMP). Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include very little vegetation removal, no soil disturbance, and occasional slight noise and dust from vehicle use. These impacts are not adverse.
- 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.* The project area does not contain any unique characteristics.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* 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 likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed 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 is not precedent setting.
- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The proposed action is consistent with the Sierra RMP.

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 cultural properties listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species (or their habitat) are known to occur in the area potentially affected by the proposed action.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the proposed action will result in actions that will threaten such a violation.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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EA Number: CA-180-12-52

Proposed Action: Christ ROW for Existing Road (CACA-52932)

Location: T. 16 N., R. 8 E., within section 12, lot 22, MDBM

1.0 Introduction and Background

1.1 Project Background

On May 5, 2011 Glenn Christ, a private land holder, filed an application for a road right-of-way in the Mother Lode Field Office. This application requested access across federally managed lands to the applicant's 50-acre private property over an existing unnamed road located off of American Hill Road in Nevada City, California. The applicant's proposal included provisions to improve and maintain the existing road. The request does not include a reroute of the existing road. Legal access is through the use of Nevada County maintained roads and requires no easements for the applicant to reach the BLM land. Only a small portion of the road (see attached map) affects the BLM managed lands while the remainder of the road is located on the applicants privately owned land. There is no other existing road access giving ingress or egress to the applicant's property. The applicant has provided notice of conditional approval from the local planning department to develop his private lands into a housing subdivision with 9 residential home lots and a 14.3 acre "Non-Buildable Common Area."

1.2 Brief Description of Proposed Action

The proposed action is for a road right-of-way (ROW) providing access to the applicants' private property. The duration of access would be permanent. The overall length of the road for the proposed action is approximately 1,600 feet with a width of 20 feet. The portion of the road that is on BLM administered lands is a triangular shaped portion measuring approximately 22' x 43' x 48' feet for a total of .024 acres of affected BLM lands.

2.0 Purpose of and Need for Proposed Action

2.1 Purpose and Need

The purpose and need for the proposed action is to respond to a FLPMA right-of-way application submitted by Glenn Christ to operate, and maintain linear access and maintenance of an existing unnamed road located off of American Hill Road in Nevada City, California across public lands located at T. 16 N., R. 8 E., within section 12, lot 22, MDBM administered by the BLM allowing road maintenance for future construction and vehicle access to adjoining private property, in compliance with FLPMA, BLM right-of-way regulations, and other applicable Federal laws and policies.

2.2 Decision and Rational

This EA discloses the environmental consequences of implementing the proposed action or alternatives to that action. The Finding of No Significant Impact (FONSI) describes the findings of the analysis in this EA. The BLM Mother Lode Field Office Manager is the Deciding Official. His decision and the rationale for that decision will be stated in a separate Decision Record. Based on the information provided in this EA, the BLM Manager will decide whether to grant the right-of-way application with appropriate mitigation measures, or whether to reject it.

2.3 Conformance with Applicable Land Use Plans

The Sierra Resource Management Plan (RMP), February 2008, covers land use planning decisions for the subject area. This ROW proposal has been reviewed to determine that the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. The parcel is in conformance with the RMP as outlined on page 32 which states that the goal of the Land and Realty program is to respond to demand for land use authorizations as mandated by FLPMA.

2.4 Relationship to Statutes, Regulations or Other Plans

Under Section 2801.2 of BLM right-of-way regulations, it is the BLM's objective to grant rights-of-way to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

- a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
- b) Prevents unnecessary or undue degradation to public lands;
- c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and
- d) Coordinates, the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

The property is located within the City of Nevada City Sphere of Influence with no designated annexation timeframe. The Nevada City General Plan does not mention utility easements or rights-of-way on BLM-administered lands within the City of Nevada City Sphere of Influence. Therefore the proposed action and alternatives would not violate the Nevada City General Plan. The ROW is consistent with the parcels land use designation and local area city zoning designations.

3.0 Proposed Action and Alternatives

3.1 Proposed Action

The proposed action is to grant a right-of-way for permanent road access over a small triangular-shaped portion of BLM-administered land on an existing unnamed road located off of American Hill Road in Nevada City, California allowing road maintenance for future construction and vehicle access to adjoining private property. The legal description for the proposed action is T. 16 N., R. 8 E., within section 12, lot 22, MDBM. The overall length of the road for the proposed action is approximately 1,600 feet with a width of 20 feet. The portion of the road that is on BLM administered lands is a triangular shaped portion measuring approximately 22'x 43'x 48' feet for a total of 0.024 acres of affected BLM lands. There would be no change in current use, which is by light vehicles, and no new facilities on the affected BLM lands.

3.2 No Action

Under the no-action alternative, the BLM Mother Lode FO would deny Christ's road ROW application, and the proposed action of performing road maintenance on public land would not be initiated. The no-action alternative is considered as a part of BLM's NEPA process and provides a comparative impact base for other alternatives. It could be selected by BLM if warranted by the findings of the environmental analysis. The no action alternative would meet the purpose and need of the BLM but would not address the multiple use mandates set forth for the BLM by FLPMA.

3.3 Alternatives Considered but Eliminated from Detailed Analysis

The alternative to remove and restore the portion of the road located on BLM lands was considered but eliminated from further review as this alternative would have been inconsistent with the basic policy objectives for the management of the area as outlined in the Sierra Resource Management Plan (p.32).

4.0 Affected Environment

The ROW access road site is located between American Hill Road and State Highway 49, to the west of the Nevada County Juvenile Hall facility and east of Constitution Court, approximately one-quarter mile west of Nevada City, in western Nevada County (Nevada City USGS quadrangle, Township 16 north, Range 8 east, section 12, lot 22). The property is located within the City of Nevada City Sphere of Influence with no designated annexation timeframe.

The proposed ROW is within South Yuba River watershed, approximately one-quarter mile north of Deer Creek. A biological inventory of the surrounding area in 2008 by the Nevada County Planning Commission, with input from BLM staff specialists, shows vegetation as mixed coniferous forest, with the forest canopy dominated by ponderosa pine, California black oak, madrone and incense cedar. No wetlands or riparian areas are located on the site. The site has a history of disturbance, including mining and logging. The area topography is characterized by rolling and steep slopes. Elevations range from approximately 2,540 to 2,680 feet. Soils noted in 2008 by the Nevada County Planning Commission include Placer Diggings and Hoda sandy loam with 15-50% slopes.

5.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this chapter, have been determined to be unaffected by the proposal: air quality, areas of critical environmental concern, prime/unique farmlands, floodplains, water quality, hazardous waste, wetlands and riparian zones, wild and scenic rivers, wilderness, environmental justice and recreation.

5.1 Impacts of the Proposed Action

The BLM portion of the road impacts 3% of the entire 0.735 acre area of the road making impacts of the proposed action of no significance to the BLM lands. The effect of this action would be to improve the safety of the road through maintenance performed by the holder extending of the life of the road at a minimal cost to the government.

Air, water, and soil – the proposed action would not negatively impact atmospheric, water, or soil resources. The area of affected BLM lands where the right-of-way corridor/road is a 0.024 acre area making it relatively small—less than one acre. Rare soils do not occur within the project area. The road is an existing road. There would be negligible levels of dust and soil erosion caused by proposed action in both the short term and the long term (maintenance of the right of way).

Vegetation/forestry – The BLM botanist analyzed the impacts of the proposed action on botanical resources, especially special status plants. The analysis was designed to help BLM meet its obligations under the Endangered Species Act and other special status species policy. Special status plants have not been found within the project area. The botanist recommends that the proposed action would not affect threatened and endangered plants or other BLM special status plants. The proposed action calls for very little vegetation removal. The proposed action would cause negligible effects to common vegetation. No merchantable timber would be removed.

Wildlife – The BLM wildlife biologist analyzed the impacts of the proposed action on wildlife, especially on special status wildlife. Her analysis was designed to help BLM meet its obligations under the Endangered Species Act and other special status species policy. Special status wildlife has not been found within the project area. The wildlife biologist recommends that the proposed action would not affect threatened and endangered plants or other BLM special status wildlife. The wildlife biologist recommends that the project would have negligible short-term or long-term impacts on common wildlife.

Visual resources – The proposed project would have negligible impacts on visual resources. There would be very little removal of vegetation on the road/right-of-way corridor and the proposed ROW grant would have negligible impact on visual resources as the proposed road is existing requiring no new construction. There would be no new disturbance aside from the clearing of vegetation for normal road maintenance. In terms of policy, the BLM manages the area in accordance with VRM class III standards, and the right of way corridor is in line with the management objective for this class, which is to retain the existing character of the landscape.

Cultural/Native American concerns – The project area directly affected by the proposed action was inventoried by a BLM archaeologist in September 2012. The primary purpose of the inventory was to identify the presence of significant cultural resources or “historic properties”, in accordance with Section 106 of the National Historic Preservation Act. No cultural resources were identified within the ROW area that would be affected by the proposed action.

5.2 Impacts of the No Action Alternative

Under the No Action Alternative there would be no change to the current status or quality of the road or landscape as the BLM portion of the road is only 3% of the entire 0.735 acre area of the road. Impacts to resources described above would not be expected from the No action alternative.

5.3 Cumulative Impacts

Erosion, rare plants, animals, and cultural resources are not expected to be impacted at the site specific scale. Therefore, cumulative impacts at a larger scale are not expected.

6.0 Agencies and Persons Consulted

6.1 Agencies, Organization, Persons Consulted

No special status animal or plant species (or their habitat) were found; therefore no consultation with outside agencies, organizations or other persons outside of the BLM interdisciplinary team were consulted in regard to the proposed ROW.

6.2 BLM Interdisciplinary Team

/s/ James Barnes

James Barnes
Cultural Resources

/s/ Peggy Cranston

Peggy Cranston
Wildlife Specialist

/s/ Beth Brenneman

Beth Brenneman
Botanist

/s/ Jeff Horn

Jeff Horn
Visual Resources

/s/ Heather Fullerton

Heather Fullerton
Realty Specialist

/s/ James Barnes

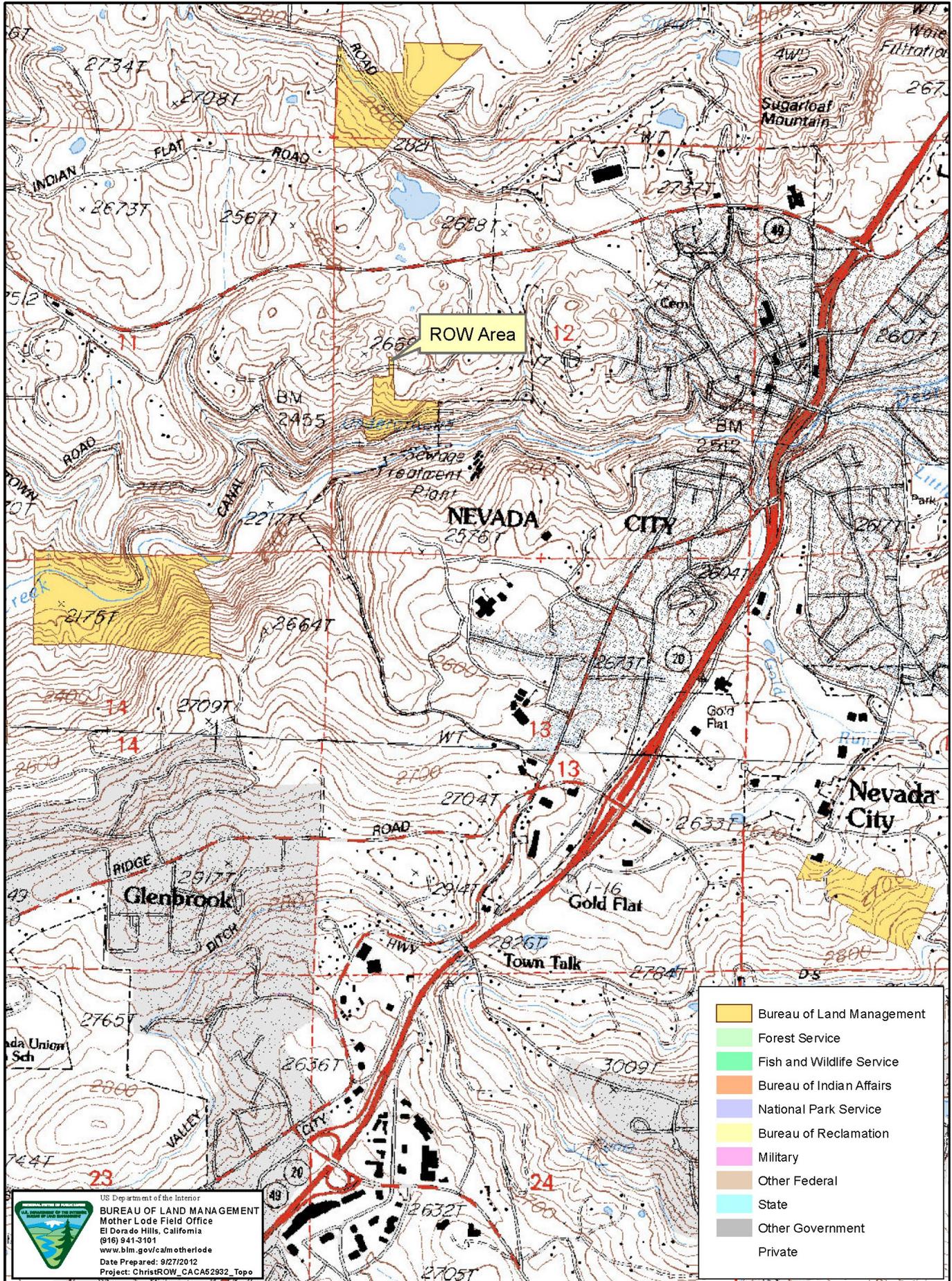
James Barnes
NEPA Coordinator

6.3 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 Hillside Circle, El Dorado Hills, CA 95762 or emailed to us at hfullerton@blm.gov.

References

- U.S. Department of the Interior, Bureau of Land Management. 2008. BLM NEPA Handbook H-1790-J, pp.70-74
- U.S. Department of the Interior, Bureau of Land Management. 2008. Sierra Resource Management Plan



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