

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

**DECISION RECORD**

**AND**

**FINDING OF NO SIGNIFICANT IMPACT**

for a

**Plan Amendment to the 1980 California Desert Conservation Area Plan and  
Environmental Assessment for the Sale of 133.19 acres of Public Land in San  
Bernardino County, California**

Environmental Assessment # DOI-BLM-CA-D090-2013-034

CACA 53961

## **I. INTRODUCTION**

This document includes the Bureau of Land Management's (BLM) decision, a reference to a separate Finding of No Significant Impact (FONSI) and supporting documentation for the **Proposed Plan Amendment to the 1980 California Desert Conservation Area Plan and Environmental Assessment (EA) for the Sale of 133.19 acres of Public Land in San Bernardino County, California**, as described in Environmental Assessment # DOI-BLM-CA-D090-2013-034.

The State of California, Department of Transportation, (Caltrans) desires to purchase 133.19 acres of public land adjacent to Interstate Highway 15 in eastern San Bernardino County, California. Caltrans intends to construct a Joint Point of Entry (JPOE) Inspection Station for the California Highway Patrol to inspect commercial vehicles and for the California Department of Food and Agriculture (CDFA) to inspect agricultural products entering California.

The BLM previously analyzed the impacts of construction of the JPOE Inspection Station on public land in the Interstate 15 Joint Port of Entry EA (DOI-BLM-CA-D090-2009-0028-EA CACA 51457). BLM subsequently issued a lease to Caltrans under the authority of the Recreation & Public Purposes Act (R&PP) on December 12, 2011, for construction and operation of the JPOE Inspection Station.

Caltrans now desires to acquire the public land under the authority of section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), rather than under the authority of the R&PP Act. Sale of the public land to Caltrans under the authority of section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), would allow the California Department of Finance to issue bonds to finance construction of the portion of the JPOE Inspection Station to be used by the CDFA. If Caltrans acquired the land under the authority of the R&PP Act, the land could not be used to secure bonds due to title reservations to the United States in conveyances issued under the authority of the R&PP Act.

BLM prepared this plan amendment because a portion of the public land proposed for sale is not identified for sale under section 203 of the FLPMA in the 1980 California Desert Conservation Area (CDCA) Plan. The purpose of the proposed land sale is to provide public land for a new JPOE facility, which is urgently needed to replace the existing Yermo Border Protection Station operated by the CDFA and located on Interstate 15 near Barstow, California.

## **II. DECISION**

BLM's decision is to approve the proposed plan amendment and the sale of 133.19 acres of public land to the State of California as described below and as described in EA # DOI-BLM-CA-D090-2013-034:

**Plan Amendment:** This Plan Amendment amends the 1980 CDCA Plan to identify the following 133.19 acres of public land as available for direct sale to the State of California:

San Bernardino Meridian,  
T. 16 N., R. 14 E.,  
sec. 11, lot 1;  
sec. 12, lots 2, 4, 6, 9, 11, and 14;  
sec. 13, lot 2;  
sec. 14, lots 1, 4, 7, 11, and 12;  
sec. 23, lots 3, 6, 9, and 11.

This Plan Amendment also places the above described land in Multiple Use Class M for Moderate Use under the 1980 CDCA Plan.

Land Sale: This decision also approves the sale of the above described public land to the State of California under the authority of section 203 and 209 of the FLPMA, for the appraised fair market value of \$55,000. The sale would include the conveyance of both the surface and mineral interests of the United States.

### **III. ALTERNATIVES CONSIDERED BUT NOT SELECTED**

BLM considered a No Action Alternative, in which the 1980 CDCA Plan would not be amended, the public land would not be sold and current management would continue. Under current management, Caltrans is authorized under an R&PP Lease to construct the JPOE facility. Under this alternative, the commercial vehicle inspection portion of the JPOE facility would be constructed immediately, but construction of the agricultural inspection facility would be delayed until funding becomes available.

### **IV. MANAGEMENT CONSIDERATIONS AND DECISION RATIONALE**

The proposed plan amendment and land sale will allow Caltrans to construct a new JPOE Inspection Station on Interstate 15 in eastern San Bernardino County as rapidly as possible. This new JPOE Inspection Station will meet several important public objectives, including reducing traffic congestion near the existing Yermo Inspection Station and inspecting vehicles closer to their entry into California. These objectives could not be achieved prudently or feasibly on land other than public land described above. Because these objectives outweigh the public objectives and values which would be served by retaining the land in Federal ownership, this sale would serve the national and public interest. A direct sale of the public land to the State of California is in the public interest, as competitive bidding could jeopardize completion of the JPOE Inspection Station.

BLM has concluded that there are no known mineral values in the public land proposed for sale, which allows for the conveyance of the federal mineral interests.

#### **Finding of No Significant Impact (FONSI)**

BLM's Needles Field Manager signed a FONSI (July 23, 2013) which concluded that the proposed plan amendment and proposed sale of the project area public land to the State of California would not have a significant effect on the human environment.

## Consultation

The public land proposed for sale is considered habitat for the desert tortoise. Fencing to exclude desert tortoise from the JPOE Inspection Facility area will result in the permanent loss of 133 acres of desert tortoise habitat. The desert tortoise exclusion fencing has been installed and all desert tortoises have been relocated from the project site in accordance with the earlier R&PP Lease decision on this project in 2011.

In 2006, the U.S. Fish and Wildlife Service issued a Biological Opinion (B.O.) for the JPOE Inspection Station which concluded that construction and operation of the facility was not likely to jeopardize the continued existence of the desert tortoise. BLM currently enforces the terms and conditions of the B.O. under the R&PP lease with Caltrans. Under the proposed land sale, upon conveyance to Caltrans, BLM would have no further jurisdiction over the land, and the Federal Highway Administration would be responsible for ensuring Caltrans complies with the B.O.

## Public Involvement and Coordination with State and Local Plans

As noted previously, BLM has already issued a lease to Caltrans for development of the JPOE Inspection Station on the public lands proposed for sale. Prior to issuing the lease BLM completed EA #DOI-BLM-CA-D090-2009-0028-EA and solicited and accepted public comments on the proposed lease.

Following the approval of the lease, BLM solicited public comments on this proposed plan amendment and land sale as follows:

On January 13, 2013, BLM published a Notice of Intent (NOI) to prepare a plan amendment and EA in the Federal Register. BLM subsequently issued a news release on January 28, 2013 regarding the plan amendment and EA. The NOI and the news release requested public comments on the issues which should be addressed in the EA and plan amendment. No public comments were received.

On May 31, 2013, BLM published a Notice of Realty Action (NORA) for the proposed sale of the public land to the State of California in the Federal Register. The NORA was also published in the Needles Desert Star on June 12, 19 and 26. The NORA provided a 45-day comment period, which ended July 15, 2013. BLM did not receive any comments to the NORA.

On May 31, 2013, BLM posted the Proposed Plan Amendment and EA on BLM's Needles Field Office website for a 30 day review and protest period. No comments or protests were received.

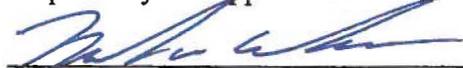
Also on May 31, BLM sent a letter to the Governor's Office of Planning and Review to initiate the 60 day review period for consistency with State and Local Plans. The Governor's Office has not expressed any concerns to BLM.

**V. ADMINISTRATIVE REMEDIES**

BLM's decision to amend the 1980 CDCA Plan determining the public lands are suitable for sale under section 203 of the FLPMA is not subject to administrative appeal. The proposed plan amendment was subject to a 30 day protest period which ended July 1, 2013 and no protests were filed.

BLM published a Notice of Realty Action (NORA) describing the proposed sale in the Federal Register on May 31, 2013. The NORA provided a 45 day protest and comment period with written comments concerning the proposed sale to be sent to the Field Manager, BLM, Needles Field Office, 1303 S. U.S. Highway 95, Needles, CA 92363. No comments or protests were filed with BLM. The NORA also provided that, absent any timely filed protests, the NORA would become the final determination of the Department of the Interior.

Prepared by and approval recommended by

  
\_\_\_\_\_  
for Raymond C. Lee, Field Manager  
BLM Needles Field Office

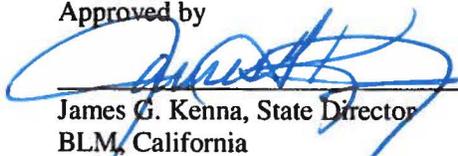
7-23-13  
Date

Approval recommended by

  
\_\_\_\_\_  
for Teresa Raml, District Manager  
BLM, California Desert District

7-27-13  
Date

Approved by

  
\_\_\_\_\_  
James G. Kenna, State Director  
BLM, California

8/5/2013  
Date

**FINDING OF NO SIGNIFICANT IMPACT**

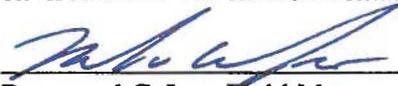
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**Proposed Plan Amendment to the 1980 California Desert Conservation Area  
Plan and sale of 133.19 acres of Public Land in San Bernardino County,  
California**

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Based on the analysis of potential environmental impacts contained in Environmental Assessment # DOI-BLM-CA-D090-2013-034 and considering the significance criteria at 40 CFR 1508.27, I have determined that the proposed plan amendment and sale of 133.19 acres of public land to the State of California action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

  
\_\_\_\_\_  
for Raymond C. Lee, Field Manager  
BLM Needles Field Office

7-23-13  
Date