

Decision Memorandum and Categorical Exclusion Documentation

A. Proposed Action Title/Type: Partial revocation of two Executive Orders

B. Description and Rationale:

The proposed action: BLM will recommend to the Assistant Secretary of the Interior, Land and Minerals Management, that a Public Land Order be approved and promulgated that (a) revokes two Executive Orders, in part, insofar as they affect approximately 700 acres of public lands in Ventura County, California, that were withdrawn for lighthouse purposes, and (b) transfer jurisdiction of those lands to the National Park Service (NPS) for inclusion into the Channel Islands National Park (CHIS). The United States Coast Guard (USCG) has requested that these two withdrawals be revoked as they are no longer needed.

Approximately 700 acres of public lands were withdrawn for lighthouse purposes by two Executive Orders, dated September 11, 1854, and January 26, 1867, respectively. The withdrawn public lands comprised Anacapa Island, which consists of three islets, and Cat Rock; all of which are located in the Pacific Ocean, approximately 14 miles west of the coast of California. Presidential Proclamation no. 2281 of April 26, 1938 (52 Stat. 1541) incorporated the approximately 700 acres of public lands into the Channel Islands National Monument as follows: (a) Four parcels (including Cat Rock) totaling 161.78 acres, more or less, were reserved for lighthouse purposes; and (b) The remaining 538.22 acres, more or less, were not reserved for lighthouse purposes. The proclamation did not revoke either of the two withdrawals. On August 7, 1956, Public Land Order 1318 (21 FR 5866) revoked the withdrawal for Cat Rock, which contained 0.5 acres, more or less. Section 201 of the Act of Congress of March 5, 1980 (16 U.S.C. 410ff-1, 94 Stat. 67, 74) established the Channel Islands National Park and section 202 authorizes the Secretary of the Interior to transfer administrative jurisdiction of Federal property located within the boundary of a national park to the National Park Service.

The proposed action would revoke the existing withdrawals for the purpose of lighthouse purposes and transfers the jurisdiction of approximately 700 acres of public lands to NPS for inclusion into CHIS. Subsequently, the transferred lands and their related resource uses would be managed under the laws and regulations appropriate to a national park.

Pursuant to 602 Departmental Manual 2, NPS has conducted a Phase I Environmental Site Assessment on the subject lands. The assessment revealed recognized environmental conditions on those lands, which were determined to be acceptable to NPS for future management as part of CHIS. The Regional Director, Pacific West Region (NPS), agreed to accept the property in its "as is" condition because CHIS committed to doing the necessary site remediation after acquisition.

The Anacapa Island lighthouse station was initially established in 1912 with the installation of an unattended light which served as a guiding beacon for sailing vessels. The current facility was completed and became operational in 1932, and was manned by USCG personnel until December of 1968, when the light station was automated. In 1970, NPS and USCG signed a cooperative agreement by which NPS would manage the land and facilities, and USCG would operate and maintain the aids to navigation located there. That agreement currently remains in effect.

C. Stipulations/Mitigations:

None identified, because the withdrawn lands are currently managed by NPS as part of the CHIS. USCG is able to access their aids to navigations on both a periodic and as needed

basis to maintain those facilities. That access would continue after the two withdrawals for the subject lands are revoked.

D. Plan Conformance:

The proposed action is in conformance with the following plan:

Channel Islands National Park General Management Plan, 1985 (NPS).

E. Compliance with the National Environmental Policy Act:

The proposed action is a categorically excluded action under the following U. S. Department of the Interior categorical exclusions:

516 Departmental Manual, Chapter 11 (Bureau of Land Management),

11.9.E.Realty

(3) Withdrawal revocations, terminations, extensions, or modifications; and classification terminations or modifications; or opening orders where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).

516 Departmental Manual, Chapter 12 (National Park Service)

12.5.A.Actions related to General Administration

(3) Minor boundary changes.

The proposed action has been reviewed to determine if extraordinary circumstances exist that would require further environmental analysis and documentation (516 DM 2, Appendix 2). None have been identified (see the attached NEPA Compliance Categorical Exclusion Review).

/s/ Duane Marti 23 January 2008  
Duane Marti Date  
Realty Specialist

/s/ Sandra McGinnis 1/23/08  
Sandra McGinnis Date  
Planning and Environmental Coordinator

/s/ Tom Pogacnik 1/28/08  
Tom Pogacnik Date  
Acting Deputy State Director, Natural Resources

NEPA Compliance  
Categorical Exclusion Review

The U. S. Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

- 1) Have significant impacts on public health or safety.  
Yes No
  
- 2) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.  
Yes No
  
- 3) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].  
Yes No
  
- 4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.  
Yes No
  
- 5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.  
Yes No
  
- 6) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.  
Yes No
  
- 7) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.  
Yes No
  
- 8) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat.  
Yes No

9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Yes  No

10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes  No

11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes  No

12) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes  No

Reviewed by

/s/ Robert M. Doyel

Robert M. Doyel  
Chief, Branch of Lands Management

1/23/08

Date