

ENVIRONMENTAL ASSESSMENT

EA# CA-680-06-08

**Barstow Field Office
Bureau of Land Management
Trespass
Wild Hot Spring**

**Located Near Tecopa
Inyo County, California**

Prepared by:

**Bureau of Land Management
California Desert District
Barstow Field Office
May 2006**

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

ENVIRONMENTAL ASSESSMENT

CONTROL NO.: CA-680-06-08

CASE FILE/SERIAL NO.: CACA-46266

PROPONENT: Bureau of Land management

BLM OFFICE: Barstow Field Office

Location of Preparing Office: Barstow Field Office
2601 Barstow Road
Barstow, CA 92311

Background:

At a time undetermined, a hot spring was developed upon public land near the town of Tecopa, Inyo County, California. The facilities were constructed without authorization and are in trespass (43 CFR 2808.10). The facilities consist of a six-foot by eight-foot by three-foot deep concrete soaking pool fed from a nearby spring of an unknown source through a 2-inch flexible pipe. Some of the local population and occasional tourists use the hot spring. A temporary Emergency Closure of the Spring was imposed by this office on November 22, 2005. A summary of comments to the closure is attached. The total area of disturbance for all improvements is approximately 0.02 acres.

Proposed Action:

To remove the trespass facilities and non-native plant species at the spring, towards restoring proper functioning condition at the spring. The facilities that are to be removed from public lands are described as one six-foot by eight-foot by three-foot deep concrete soaking pool with carpet matting, a 2-inch flexible pipe, and any underground facility at the water source (weir or spring box).

Location of Proposed Action:

T.21N., R.7E.,SBBM

Sec. 34: SW1/4SW1/4;

Containing a total of 0.02 acres of public land.

Conformance with Applicable Land Use Plan:

This proposed action is subject to the following Land Use Plan: *California Desert Conservation Area Plan, 1980, (CDCA) as amended*. The acreage is located in Multiple-Use Classes L, Limited Use. Class L lands are managed to provide for a generally lower-intensity, carefully

controlled multiple use resources, while ensuring that sensitive values are not significantly diminished. This action would restore resource values and removes an unauthorized use. In addition, the use of public lands administered by the BLM for public purposes requires consistency with County general plans.

Conformance with other Statute, Regulation, and Plans:

The MUC guidelines and all other components of the CDCA Plan are subject to appropriate laws and regulations of Federal, State, and local governments. The Barstow Field Office has determined that it is appropriate to apply California Code of Regulations Title 22, Chapter 20 to the wild hot spring for public health and safety.

I. NEED FOR PROPOSED ACTION

The removal of the facilities is necessary to cure a trespass. The facilities occupy public lands without a required authorization and under 43 CFR 2808.10 are in trespass. The facilities pose a hazard to public health and safety as there is not a program to monitor water quality for safe use and there is no protective barrier around the pool. A letter was received from the County of Inyo on November 1, 2005 advising the Bureau of Land Management that the artificial basin for recreative bathing must comply with the State of California swimming pool regulations.

II. PROPOSED ACTION AND ALTERNATIVES

A. The proposed action: Remove structures constructed in trespass and non-native vegetation.

B. No Action Alternative:

The No Action Alternative would allow the trespass facilities to remain and may pose a risk to the public's health and safety, with associated liability.

C. Considered and Dismissed From Further Analysis:

1. BLM upgrade and manage the facility. Dismissed due to lack of funding and maintenance requirements.
2. Lease site to qualified organization or individual, and remove non-native vegetation. Dismissed because in order to develop the spring to a marketable standard the current primitive facilities would still require removal.

III. AFFECTED ENVIRONMENT

A. Site Access: The site will be accessed utilizing existing roads.

B. Cultural Resources: A Class III inventory completed on April 4, 2006 did not reveal potentially historic properties within the area of potential effect. No sacred sites, traditional cultural properties, or tribal concerns have been identified. No cultural materials, features, or other indications of prehistoric or historic sites or isolated artifacts were observed during the course of inventory of the spring location and access corridor. Consequently, no Section 106 consultation with the State Historic Preservation Officer is necessary.

C. Biological/Wildlife Resources:

Two federally listed species occur in the Tecopa area. These are the Amargosa Vole (*Microtus californicus scirpensis*) and the Amargosa nitrophila (*Nitrophila mohavensis*). Both species are listed federally as endangered.

The Amargosa vole is dependent on pockets of marsh habitat along the Amargosa River. Wetland vegetation associated with vole habitat includes bulrush, cattails (*Typha spp.*) and saltgrass (*Distichlis spicata*). Other species associated with vole habitat include arrow-weed (*Pluchea sericea*), seep-weed (*Sueda torreyanna*), quailbush (*Atriplex lentiformis*), and common reed (*Phragmites australis*).

The Amargosa nitrophilia is a perennial herb that occurs in alkali flats where soils are hydrated at the surface. These flats can be identified by a white mineral accumulation on the surface. The nitrophila is a small plant which reaches a maximum size of 10 cm.

Pedestrian surveys conducted of the spring site and surrounding lands detected no sensitive species. Although soils appear suitable for Amargosa nitrohila, the plants were not found during the pedestrian surveys. The small riparian area growing along the spring effluent is considered unsuitable habitat for the Amargosa vole due to the small size and isolated location of the riparian area. The site is not located in critical habitat for Amargosa vole nor Amargosa nitrophila. Closure and subsequent removal of the spring improvement would not affect a listed species or critical habitat. Section 7 consultation is not required to authorize this action.

Non-native species present at the site are salt cedar (*Tamarix ramosissima*) and a date palm (*Phoenix dactylifera*).

Soils at the project site consist of partially stabilized dunes. Ground water is abundant in the project area and within six feet or less to the soil surface.

IV. ENVIRONMENTAL EFFECTS:

Proposed Action

The items marked with an asterisk in the following table are not present and there is no further discussion.

	<u>Critical Element</u>	Affected		
		<u>Yes</u>	<u>No</u>	
	Air Quality		X	Minor construction projects of short duration resulting in minimal impact.
*	ACECs		X	
*	Cultural Resources		X	
*	Environmental Justice		X	
*	Farm Lands, Prime or Unique		X	
*	Floodplains		X	
*	Invasive Weeds		X	
*	Native American Religious Concerns		X	

	T&E Species	X
*	Wastes, Hazardous/Solid	X
*	Water Quality-Quantity/Ground/Surface	X
*	Wetlands/Riparian Zones	X
*	Wild & Scenic Rivers	X
*	Wilderness	X

A. Cultural Resources: No cultural resources will be affected as a consequence of this proposed activity. Consequently, no further mitigation or Section 106 consultation with the State Historic Preservation Officer is necessary beyond standard protection against discovery of subsurface resources is needed.

Mitigation Measures: Any cultural resource (historic/prehistoric site or object) discovered on or below the surface during the proposed action shall immediately be reported to the Field Manager, Barstow Field Office. All operations in the immediate area of the discovery shall be suspended until written authorization to proceed is issued. An evaluation of the discovery shall be made by a qualified archaeologist to determine appropriate actions to prevent the loss of significant cultural values. Section 106 consultation with the State Historic Preservation Officer and/or NAGPRA consultation will be initiated as needed. In the case of inadvertent finds of Native American human remains, the most likely effected tribe or tribes will be notified in addition to the notification of the Native American Heritage Commission and the coroner as provided by law.

B. Biological/Wildlife Resources: No listed species are known to occur in the vicinity of the proposed action, therefore no impacts are anticipated.

Mitigation Measures: Restrict project activities to the minimum area needed to complete the project and use previously impacted areas to stage vehicles and equipment.

Cumulative Effects: Total surface disturbance would be 0.02 acres of public land. Completion of the project will result in remediation of trespass and eradication of non-native invasive plant species. In relation to other small disturbance actions (communication sites, linear rights-of-way) within the California Desert District, the overall effect of the proposal is minor.

C. Invasive Weeds: There is currently a small population of salt cedar (< than one acre) and one date palm located at the project site. These invasive, non-native species would be treated and removed from the project site. This action would have a nominal, positive affect on native species and the ground water table at the project site.

Mitigation Measures: None.

Cumulative Effects: None.

D. Water Resources: Presently, the high ground water table is being captured in a spring box and diverted by pipe to the bathing pool. Under the proposed action the spring box and pipe would be removed. This would most likely result in the ground water that was previously being

captured in the spring box to dissipate into the surrounding soil profile. No presence of surface water is anticipated as a result of this action.

Mitigation Measures: None.

Cumulative Effects: None anticipated.

Alternative Action. No Action Alternative:

Land Uses: The No Action Alternative would allow the trespass facilities to remain and may pose a risk to the public's health and safety, with associated liability. The non-native invasive species would propagate and be a seedbed for future growth and spread.

Mitigation Measures: If the alternative of No Action is adopted, mitigation measures will be necessary to ensure public health and safety.

Cumulative Effects: None anticipated.

V. CONSULTATION & COORDINATION:

Jim Shearer	Archeologist
Lorenzo Encinas	Natural Resource Specialist
Rich Rotte	Realty Specialist
Remijio Chavez	SWA/Weed Coordinator
Marvin Moskowitz	Director of Environmental Health Services, Inyo County
Edy Seehafer	Environmental Coordinator

Summary of Comments to Closure

The spring should remain open for public benefit and recreational use. The BLM desires to close the Wild Spring in order to benefit CLM (the management contractor for the Inyo County's Hot Springs Lease in Tecopa).

1. - Lift closure, issue permit to allow historical use as primitive spring, and manage same as Sharkey Spring in Salmon, Idaho.
2. - Do not close spring, consider public health benefit from soaking in spring, and economic benefit to surrounding communities.
3. - Requested information to lease the spring.
4. - Public land should be open to public. Do not close public lands to benefit private enterprise (CLM).
5. - If necessary restore to a pool with natural features, quit issuing citations for camping within 100-feet of pool. Replant fallen Palm tree.
6. - Closing the spring is a crock, it is maintained by the local people. It is being closed to benefit CLM.
7. - Keep the pool open. They regularly maintain the pool for visitors primarily from California and Nevada. County has no basis to reprimand BLM. County should be more concerned with county baths and sewer pond. State law has no standing with federal agency and is not applicable to baths for non-commercial use.