

**Environmental Assessment  
for the  
Proposed Interim Closure of Surprise Canyon Route P 71  
Panamint Range, Inyo County, California  
to Motorized Vehicle Use**

**Environmental Assessment Number EA-CA065-2001-22**

United States Department of the Interior  
Bureau of Land Management  
California Desert District  
Ridgecrest Field Office

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**CHAPTER 1**

**INTRODUCTION**

Surprise Canyon has the longest perennial stream reach in the Panamint Mountains. The upper basin for the drainage originates within Death Valley National Park where the watercourse is an intermittent stream. At Brewery Spring, just within the National Park, the flow reappears and flows essentially as a perennial stream, periodically becoming subsurface, towards the mouth of the canyon below Chris Wicht Camp, covering a distance of approximately 5 miles.

Surprise Canyon was designated as an Area of Critical Environmental Concern (ACEC) in the California Desert Conservation Area Plan of 1980 (CDCA Plan) in recognition of the area's significant natural and cultural resources. The area is also within the larger West Panamint Mountains Wildlife Habitat Management Area (WHMA). The ACEC and WHMA Plans were developed in cooperation with the California Department of Fish and Game under authority of the Sikes Act and approved by the District Manager of BLM and the Regional Manager of the California Department of Fish and Game.

The bottom of the canyon has been used as a mechanized route of travel since at least the mid 1870's. The route through the canyon leads to a private inholding within Death Valley National Park at Panamint City - no other alternative motorized access exists. The road thru the canyon was washed out in a flash flood in 1984 and the canyon became impassable to motorized vehicles for a period of at least five years. During this period, the canyon became heavily revegetated with riparian growth. A highly technical OHV route up the canyon bottom was established by four wheel drive operators in 1989-90 by cutting back vegetation and building rock structures up the short waterfalls. The route currently remains an open route of travel (Panamint 71) and is within a Limited Use area - route designation has not been completed in the Panamint Mountains.

Segments of the route currently being used for motorized access are within the Surprise Canyon Wilderness. Several sections of this original road bed are set back from the canyon bottom and were rendered inaccessible by the flood. At least one segment of the route being used by the public for motorized recreation is within the Surprise Canyon Wilderness.

## **CHAPTER 2**

### **PURPOSE AND NEED FOR AGENCY ACTION**

Based on field studies and monitoring conducted in Surprise Canyon conducted by BLM staff in conjunction with representatives of the California Department of Fish and Game and the Lahontan Regional Water Quality Control Board of the State of California, the BLM has determined that motorized vehicle use in Surprise Canyon is causing adverse impacts to a variety of land resources including general wildlife habitat, aquatic habitat, riparian habitat, water quality and wilderness values. See attached memorandum.

In 1990, the Mojave population of the desert tortoise was listed as a threatened species under the Endangered Species Act (ESA).

On March 16, 2000, the Center for Biological Diversity, et al. (Center) filed for injunctive relief in U.S. District Court, Northern District of California (Court) against the Bureau of Land Management (BLM) to immediately prohibit all grazing activities that may affect listed species. The Center alleges the BLM was in violation of Section 7 of the Endangered Species Act (ESA) by failing to enter into formal consultation with the U.S. Fish and Wildlife Service (FWS) on the effects of adoption of the California Desert Conservation Area Plan (CDCA Plan), as amended, upon threatened and endangered species. On August 25, 2000, the BLM acknowledged through a court stipulation that activities authorized, permitted, or allowed under CDCA Plan may adversely affect threatened and endangered species, and that the BLM is required to consult with the FWS to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of all the activities authorized by the CDCA Plan. Consultation on an overall plan is complex and the completion date uncertain. Absent consultation on the entire plan, the impacts of individual activities such as grazing, when added together with the impacts of other activities in the desert, are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of consultation on the plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the plan. These interim agreements allowed BLM to continue appropriate levels of activity throughout the planning area during the lengthy consultation process while providing protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR Part 8364.1, BLM

contributes to the conservation of the endangered and threatened species in accordance with 7 (a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternatives which might be required as a result of the consultation on the CDCA Plan in accordance with 7(d) for the ESA. In January 2001, the parties signed the Stipulation and Proposed Order concerning All Further Injunctive Relief.

Protection of lands and resources in Surprise Canyon, through an interim closure of the canyon to motorized vehicle use, is the subject of this analysis. The analysis will address the effects and compatibility of motorized vehicle use on Route P71 within the ACEC and WHMA and the effects of an interim closure of the route to motorized vehicle use. A more detailed description of the proposed action and the no action alternative is presented in Chapter 3 (Proposed Action and Alternative).

### **CONFORMANCE WITH THE LAND USE PLAN**

The proposed action has been reviewed to determine if the action conforms with the applicable land use plan terms and conditions as required by 43 CFR 1610.5. The Surprise Canyon area is managed under the California Desert Conservation Area Plan of 1980 and was designated as a Class L Limited area in recognition of its unique and significant natural and cultural resources. The Plan further recognized the important natural values of this region by placing it within the larger West Panamint Mountains WHMA; designating it as an Area of Critical Environmental Concern; and identifying it as a Special Attention Area under the CDCA Plan.

The primary management objective for the Surprise Canyon ACEC is the “protection and enhancement of significant resources on Public Lands while providing for other resource uses to the extent they are compatible with the overall goal of protection and enhancement of key natural and cultural resources.”

The protection of significant riparian habitat and sensitive species in Surprise Canyon by implementing an interim closure to motorized vehicles would be fully consistent and compatible with the planned goals and objectives of the CDCA Plan, the Surprise Canyon ACEC Plan, and management authorities contained in the Code of Federal Regulations, specifically 43 CFR 8340 (off-road vehicle use management) and 43 CFR 8364 (closures and restrictions).

### **RELATIONSHIP TO STATUTES, REGULATIONS AND POLICY**

#### **Wilderness Act of 1964 & California Desert Protection Act of 1994**

When the public established a new route segment up the canyon in 1989-90, a portion of the canyon bottom downstream from Chris Wicht Camp was used as the access corridor rather than the original route through Chris Wicht Camp. In October 1994, the California Desert Protection Act created the Surprise Canyon Wilderness and identified a “cherry stem” route to Panamint City.

The legal description for the Surprise Canyon Wilderness identified the original road alignment found on the U.S. Geological Survey Ballarat Topographic Map - 1988 as excluded from wilderness. However, portions of the route established by the public are outside of the route corridor are within the designated wilderness. Motorized vehicle use in wilderness is prohibited by the Wilderness Act of 1964 and the California Desert Protection Act of 1994.

This interim closure order prohibiting motorized vehicles beyond Chris Wicht Camp would be fully consistent with the BLM's 43 CFR 8560 Regulations for the Management of Designated Wilderness.

### **California State Water Quality Law and Regulations**

The proposed closure would be consistent with the laws and regulations of the State of California for protecting the surface waters of California from water pollution in the form of sediment discharge. Specifically, the State Porter-Cologne Water Quality Control Act, and the Basin Plan for the Lahontan Region, implement water quality requirements of the federal Clean Water Act.

### **California State Fish & Game Regulations**

Section 1600 of the California Department of Fish and Game Regulations concerns management of streambeds and makes it a violation for anyone to alter streambeds without an authorization obtained from the agency. The interim closure of the canyon would be consistent with the protection of streambeds and their associated wildlife resources by excluding vehicles from operating directly in the streambed of Surprise Canyon creek.

### **Executive Order #11644: Use of off-road vehicles on the public lands (Feb. 8, 1972 and amended in May 24, 1977)**

Section 9 of Executive Order #11644 concerns Special Protection of the Public Lands. Subsection (a) states, "Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

### **BLM National Policy - Conditions of Use for Off-Road Vehicles - 43 CFR 8341**

Bureau of Land Management's regulatory policy concerning the use of off-road vehicles on public lands is found in 43 CFR 8341. Whenever the authorized officer determines that ORV use will cause or is causing considerable adverse effects on resources (soil, vegetation, wildlife, wildlife habitat, cultural, historic, scenic, recreation, or other resources), the area must be immediately closed to the type of use

causing the adverse effects. The closure must remain in force only until the adverse effects are eliminated and measures to prevent their recurrence have been implemented (whichever occurs first). A considerable adverse environmental effect resulting from the use of off-road vehicles is defined in 43 CFR 8341 as any environmental impact that causes:

- (a) significant damage to cultural or natural resources, including but not limited to historic, archaeological, soil, water, air, vegetation and scenic values; or
- (b) significant harassment of wildlife and/or significant disruption of wildlife habitats; .... and is irreparable due to the impossibility or impracticality of performing corrective or remedial action.

### **BLM National Policy - Riparian and Wetland Management**

The BLM has established national standards for the management and protection of riparian and wetland habitat on the Public Lands. The proposed closure order would be consistent with protecting and restoring Surprise Canyon to a properly functioning riparian system.

## **CHAPTER 3**

### **PROPOSED ACTION**

The proposed action is to temporarily close BLM route Panamint 71 to all motorized vehicle use from the vicinity of Chris Wicht Camp to the boundary of Death Valley National Park through an administrative closure order issued by the BLM Authorized Officer (Field Manager) and published in the Federal Register. A locked gate and information/regulatory signs would be installed at the points of closure located immediately east of Chris Wicht Camp on Route P 71, and at a point approximately 0.3 miles downstream from Chris Wicht Camp where the public has established a new route in the streambed by deviating from the maintained road leading to Chris Wicht Camp. Exemptions to the interim closure to motorized vehicles would be granted to law enforcement and other emergency vehicles in the course of official duties, and also to the owners of private property located in the vicinity of Panamint City for purposes of accessing their property. In the latter case, private land owners would be issued a written authorization from the Ridgecrest Field Office Manager, a serialized key to the lock on the gates, and any special requirements deemed necessary to minimize the effect of off-road vehicles on the riparian and wildlife habitat values associated with Surprise Canyon.

### **NO ACTION ALTERNATIVE**

Under the no action alternative Surprise Canyon would remain open to the operation of motorized vehicles. Applications for permits to conduct organized recreation events would be evaluated and processed according to standard procedures on a case by case basis. This is the current management situation.

## **OTHER ALTERNATIVES CONSIDERED BY REJECTED**

Beside the no action alternative, other alternatives for managing motorized vehicle use on Route P 71 in Surprise Canyon that would provide adequate protection to riparian, aquatic, general wildlife habitat, and exclude motorized vehicle use from designated wilderness were considered. These included constructing a new route around the riparian area or seasonal closure.

Since Route P 71 is a 60 ft. wide corridor through the Surprise Canyon Wilderness, constructing a new route outside of this corridor would be a violation of the Wilderness Act of 1964. Road construction through and across the stream would result in the release of sediment and would require a discharge permit from the Lahontan Regional Water Quality Control Board and a streambed alteration agreement from the California Department of Fish and Game. Due to the physical constraints on construction in this area, the cost of engineering design, survey, environmental compliance reviews, and construction necessary to meet federal and state environmental protection requirements, the cost would be exorbitant.

A seasonal closure on the route would not be an effective remedy for the environmental impacts generated resulting from motorized vehicle travel in Surprise Canyon. The primary impacts associated with this route are in the form of soil loss, stream bed alteration, vegetation damage, wilderness trespass, water pollution from oil and gas spills, and sediment discharge. These impacts would not be mitigated by a seasonal closure.

## **CHAPTER 4**

### **AFFECTED ENVIRONMENT**

A description of the affected environment in Surprise Canyon is contained in the CDCA Plan (1980) and the Surprise Canyon ACEC Plan (1983). These documents are incorporated here by reference.

#### **Vegetation**

Surprise Canyon supports an extensive Cottonwood/Willow Streamside Woodland, considered an Unusual Plant Assemblage in the CDCA Plan. This multistoried woodland covers approx. 2.0 miles of the total stream reach and is the most extensive riparian system in the Panamint Mountains. The remaining three miles of the stream reach is composed of other riparian/wetland dependant vegetation.

The Canyon also supports a Basic Saxicole Plant Assemblage, another Unusual Plant Assemblage identified in the CDCA Plan. The component species of this UPA are calciphytes; plants found almost exclusively on calcareous substrates, usually dolomite or limestone. Several Federal sensitive species have been located in Surprise Canyon in these limestone outcrops including Panamint dudleya (*Dudleya saxosa* sp. *saxosa*) and the Death Valley round-leaved phacelia (*Phacelia mustelina* ).

Talus slopes in the canyon also support another Federal sensitive species endemic to the Panamint Mountains, the Panamint daisy (*Enceliopsis covillei*).

### **Wildlife Species and Habitats**

The diversity of vegetative communities in Surprise Canyon contribute to providing niches for a diverse wildlife community, “perhaps one of the most diverse and significant in the California Desert Conservation Area” (Surprise Canyon ACEC Plan pg. 20).

In 1985, a native springsnail (*Fontelicella micrococcus*) was collected in the stream in Surprise Canyon below Limekiln Spring by Dr. Robert Hershler of the Smithsonian Institution. This aquatic snail is endemic to the Death Valley drainage system and is characterized by a high degree of local endemism, with some species of the genus restricted to specific hydrologic units. These small, gill breathing aquatic organisms are especially valuable in the study of biogeography and species differentiation through isolation since the time pluvial lakes of the Death Valley hydrologic system disappeared. Members of the genus *Fontelicella* occur most commonly on plant and rock substrates in richly oxygenated water. The extent of the occurrence of this species in Surprise Canyon is unknown.

The Panamint alligator lizard (*Elgaria* (= *Gerrhonotus*) *panamintinus*) inhabits the rocky canyon bottom near permanent water overgrown with riparian vegetation. This lizard is a California BLM sensitive species and a California Department of Fish and Game special concern and protected species. The Panamint alligator lizard population in Surprise Canyon is a relict population, having been isolated here since the Pleistocene epoch.

The only known species of amphibian inhabiting the canyon is the Pacific tree frog (*Hyla regilla*). A lack of intensive survey work in Surprise Canyon has left a data gap for amphibians, especially salamanders. The Inyo Mountains salamander (*Batrachoseps campii*), a BLM California sensitive species, occurs in the Inyo Mountains to the north and may inhabit similar habitat in Surprise Canyon.

Bird inventories conducted in 1978 and 2000 have reported a rich assemblage of species for this five mile long canyon bottom. Over 70 species have been reported in the Surprise Canyon riparian area including several Federal sensitive species - yellow warbler (1978) and prairie falcon (1978 & 2000). The canyon is also potentially suitable habitat for the Southwestern willow flycatcher and the least Bells’ vireo, both federal endangered species.

The desert bighorn sheep, is a California BLM sensitive and a California Department of Fish and Game fully protected species, inhabits the region surrounding the canyon. The water sources in Surprise Canyon are an essential habitat component for the desert bighorn sheep population in the Panamint Mountains.

The canyon also provides excellent foraging and roosting habitat for a variety of bat species which are California BLM sensitive species and California Department of Fish and Game species of special concern.

These include the spotted bat (*Euderma maculatum*), western mastiff bat (*Eumopus perotis*), Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat (*Antrozous pallidus*), fringed myotis (*Myotis thysanodes*), western small-footed myotis (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), long-legged myotis (*Myotis volans*), and the California myotis (*Myotis californicus*).

The ringtail cat (*Bassariscus astutus*), a California Department of Fish and Game protected species, occurs in the rocky portions of the canyon.

### **Wilderness**

After the 1984 flood destroyed much of the road through Surprise Canyon, especially the portion downstream from Limekiln Spring, a segment of the old roadbed immediately east of Chris Wicht Camp that entered the canyon bottom was left perched above the stream channel and left badly eroded, thus preventing further vehicle use. Due to this washout, the public established a new route up the canyon in the streambed beginning about 0.3 miles west of Chris Wicht Camp in 1989-90 to serve as a bypass. During this time the streambed and other lands adjacent to the maintained dirt road were classified as a Wilderness Study Area. The creation of this route through the Surprise Canyon WSA involved removal of vegetation and alteration of the streambed by the passage of vehicles, which conflicted with BLM's Interim Management Policy and Guidelines for Lands Under Wilderness Review. In BLM Policy Manual H-8550-1, Chapter III the policy clearly prohibits the construction of new trails unless these improvements will preserve wilderness values and resources and will meet the non-impairment criteria.

The California Desert Protection Act of 1994 designated the 29,180 acre Surprise Canyon Wilderness on the west face of the Panamint Mountains. The Act identified a vehicle access corridor from the Panamint Valley to Panamint City. The legal description for the Surprise Canyon Wilderness identified the original road alignment found on the U.S. Geological Survey's Ballarat Topographic Map created in 1988 as the route excluded from wilderness. The width of the corridor has been interpreted by BLM to be 60 feet. (30 feet on either side of the centerline of the existing or formerly existing dirt road).

Approximately 1000 feet of the canyon bottom route currently being used for access past Chris Wicht Camp is within designated wilderness and motorized vehicle use is prohibited under the Wilderness Act and the California Desert Protection Act. The width of the "cherry stem" route that is excluded from wilderness is measured at 30 feet. from the centerline of the original roadbed, or 60 feet wide.

### **Water**

Surprise Canyon contains the longest perennial stream reach in the Panamint Mountains. The watershed for Surprise Canyon originates within Death Valley National Park where the stream is intermittent. At Brewery Spring, just within the National Park, the flow reappears and flows as a perennial stream, periodically becoming subsurface, to the mouth of the canyon below Chris Wicht Camp, a distance of approximately five miles. The stream flow was estimated at 100-150 cubic feet per second in the canyon

narrows in November 2000. Analysis of a water sample taken from the creek downstream from Limekiln Spring on February 13, 1985 revealed the temperature was 13.0 degrees Centigrade, the pH was 7.0 and the total dissolved solids was 350 ppm. The stream environment at the sample location was described as containing large-sized stones and coarse sand, with slight shading from trees.

### **Area of Critical Environmental Concern/Wildlife Habitat Management Area**

Surprise Canyon was designated as an Area of Critical Environmental Concern in the CDCA Plan of 1980 in recognition of the significant natural and cultural resources. The area is also within the larger West Panamint Mountains Wildlife Habitat Management Area, also established in the CDCA Plan, and is a Sikes Act Cooperative Management Area with the California Department of Fish and Game.

In the early drafts of the CDCA Plan all of the canyons of the western slope of the Panamint Range containing riparian habitat were proposed as Areas of Critical Environmental Concern. In the final CDCA Plan only Surprise Canyon was retained as an ACEC due to its highly significant natural and cultural resources and resource-related values. The management plan for Surprise Canyon identified the following objective for the ACEC's management: "The planned objectives of this ACEC are protection and enhancement of significant resources on the Public Lands while providing for other resource uses to the extent they are compatible with the overall goal of protection and enhancement of key natural and cultural resources."

### **Cultural Resources**

The access route up Surprise Canyon leads to the abandoned ghost town of Panamint City, within Death Valley National Park, which operated at its peak in the 1870s. The canyon on both BLM and National Park Service property contains extensive and important historic and prehistoric cultural resources including a historic townsite, mining and millsite structures, pictographs, and middens.

### **Outdoor Recreation**

Surprise Canyon offers a variety of outdoor recreation experiences at the semi-primitive end of the recreation opportunity spectrum. The canyon bottom forms a corridor thru the rugged 29,180 acre Surprise Canyon Wilderness and offers outstanding hiking, birdwatching, plant study, photography and backpacking opportunities. The hike from Chris Wicht Camp along this perennial stream and thru the narrow slot canyon to the abandoned ghost town of Panamint City is becoming well known as one of the most outstanding hikes in the northern California Desert.

Route designation has not been completed for this section of the California Desert Conservation Area - BLM route P 71 is currently being managed as an existing open route pending formal designation. The route is accessible only to short wheel-base 4-wheel drive vehicles with winches and requires a very high degree of operator skill level. Most vehicles must be winched up and down the canyon waterfalls and many

vehicles sustain damage during the ascent/descent. An estimated 100 motor vehicles per year make the trip to Panamint City. This extremely challenging jeep route has been promoted through 4-wheel drive magazines, web pages and through video as one of the most challenging jeep trails in the United States.

The BLM has issued a special recreation permit to the California Association of 4-Wheel Drive Clubs Inc. over the last ten years to conduct jeep runs up the canyon as part of the Association's annual Panamint Valley Days. During this event, up to 25 vehicles tour the canyon under the BLM permit. This permit was last issued in 2000.

### **Visual Resources**

Using the BLM Visual Resource Management System, Surprise Canyon received the highest Scenic Quality Rating available (Class A). This was a reflection of the continued stream flow and riparian vegetation and the narrow slot canyon and waterfalls. At the far eastern edge of the BLM managed segment of the canyon, along the north wall is a remarkable seep formation known as Limekiln Spring. This spring has a shaded grotto that is covered with thick growths of maidenhair fern and moss and is fed by a steady dripping curtain of water - a spectacular verdant feature set against the rough and parched canyon wall.

### **Private Land Access**

The Surprise Canyon route provides one means of access (i.e., by certain, highly modified four wheel drive vehicles) to private lands within Death Valley National Park at Panamint City. Access by motorized vehicle now is extremely difficult due to the flood damage and alteration of the former road through the canyon. At least three individuals own property at this site, however, it is unlikely that they access the property on a regular basis due to the extreme condition of the road and the demands motorized access places upon a 4-wheel drive vehicle. There is no other motorized access into the private land parcels. Access by foot through the canyon is also available, in addition to helicopter access by flying into Panamint City on patented land, which may require special authorization from the National Park Service.

### **Wild & Scenic Rivers**

Surprise Canyon was the subject of an eligibility study in December 2000 examining potential additions to the National Wild and Scenic Rivers System for riverine systems in the Northern and Eastern Mojave Desert Management Planning Area. This eligibility report evaluated Surprise Canyon under the guidelines presented in the National Wild and Scenic River Act and within BLM Manual 8351. This report concluded that the 4.0 mile long stream reach from the boundary of Death Valley National Park to Chris Wicht Camp was eligible under a classification of Scenic to be further studied to determine suitability for designation. The stream reach qualified as eligible due to the Surprise Canyon stream having a number of outstandingly remarkable features such as supporting a Class "A" Scenic Quality Rating; habitat for a large number of sensitive plants/animals; exemplary riparian, ecological, and geological features; and having

outstanding opportunities for semi-primitive recreation.

## CHAPTER 5

### ENVIRONMENTAL CONSEQUENCES

This chapter discloses the anticipated impacts of the proposed action to affected resources in Surprise Canyon.

<u>Critical Element</u>	<u>Affected</u>		<u>Critical Element</u>	<u>Affected</u>	
	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Air Quality		*	T & E Species	*	
ACEC	*		Wastes, Haz. Mat.		*
Cultural Res.	*		Water Quality	*	
Farmlands		*	Wetlands/Riparian	*	
Floodplains		*	Wild & Sc. Rivers		*
Native American		*	Wilderness	*	

### Vegetation

The proposed action would have a positive impact on the extensive riparian/wetland vegetation located throughout the canyon bottom. While the short term effects of the interim closure action would be difficult to measure, depending on the duration of the interim closure, a more long-term closure would eventually result in the development of mature riparian vegetation across the entire stream channel. Floods that carry silt and debris down through this site will be slowed by the vegetation and drop material throughout the zone. This deposited material will fill in the road ruts and eventually build up the base of the channel. The development of natural channels meandering through the riparian area will be more stable and ensure less vegetation is removed in future floods. As the channel builds, more water will be retained in the system and released over a longer period of time resulting in a more stable stream flow. With the removal of motorized vehicles from the canyon, the riparian habitat could be restored to the point where the system exceeds the BLM's national standards for a properly functioning riparian system

The Basic Saxicole Plant Assemblage would largely be unaffected by the proposed action. Most of the vehicle activity is confined to the canyon bottom and the associated riparian habitat zone. The Federal sensitive species that are confined to limestone outcrops and talus slopes, including Panamint dudleya, Death Valley round-leaved phacelia and Panamint daisy, would receive additional protection through this proposed action via the reduction of potential threats posed by motorized vehicle use in the canyon.

Monitoring conducted during October 2000 strongly indicates that the system is not meeting the BLM's standards for a properly functioning riparian system due to the effects of vehicle use on the canyon erosion processes. Of particular concern is the loss of sinuosity apparent in the streambed where vehicle use has

channeled the water into deep wheel ruts. The trailbed created by vehicle use is below the level of the adjacent riparian vegetation and is accelerating drainage, increasing erosion and weakening the system's ability to absorb large streamflow events.

### **Wildlife**

The proposed action would have a positive effect on wildlife that depend on the riparian and aquatic environment in Surprise Canyon. Allowing the canyon riparian areas to mature into a stable, multistory riparian woodland would increase the available nesting, cover and foraging components of the habitat and provide increased solitude for species sensitive to human disturbance such as the desert bighorn sheep.

As vegetation litter builds in the affected riparian habitat, an increase in the diversity and abundance of reptiles would be expected. Greater and regular surface water flow, and increased habitat for aquatic insects would benefit insectivorous species such as bats.

The Panamint alligator lizard, a California BLM sensitive species and a California Department of Fish and Game special concern and protected species, would receive additional protection through this proposed action. The lizard inhabits the rocky canyon bottom near permanent water overgrown with riparian vegetation where vehicle use is currently occurring.

The rich assemblage of bird species dependant on the canyon bottom riparian system would benefit from the proposed action through a reduction in disturbance during the breeding and nesting season. Over 70 species have been reported in the Surprise Canyon riparian area including several Federal sensitive species - yellow warbler (1978) and prairie falcon (1978 & 2000). The suitability of the canyon as potential habitat for the Southwestern willow flycatcher and the least Bells' vireo, both Federal endangered species, would be improved by the restoration of the willow riparian habitat brought about through the elimination of motorized vehicle use.

The desert bighorn sheep that inhabit the region surrounding the canyon would benefit from the proposed action through a reduction in the frequency of disturbance while seeking water and during the lambing season. The water sources in Surprise Canyon are an essential resource for the desert bighorn sheep population in the Panamint Mountains, a California BLM sensitive and a California Department of Fish and Game fully protected species.

A reduction in the amount of disturbance and the enhancement of riparian habitat resulting from the proposed action would provide positive benefits for the foraging and roosting habitat of a number of California BLM and California Department of Fish and Game sensitive bat species. These include the spotted bat, western mastiff bat, Townsend's big-eared bat, pallid bat, fringed myotis, Western small-footed myotis and long-eared myotis.

Aquatic habitat would be enhanced by the elimination of vehicle impacts to the stream substrate and water

pollution caused by sediment, spilled gasoline and lubricating oils. This will increase the quality and extent of this habitat and have a positive effect on the native springsnail population in the stream environment.

### **Wilderness**

The proposed action would provide a positive impact to wilderness values in the Surprise Canyon Wilderness within the segments of the canyon where the motorized vehicle route crosses into designated wilderness. The restoration of riparian habitat in these sections would enhance the naturalness of these areas and the elimination of motorized vehicle use would improve the opportunity for solitude.

### **Water Quality**

The proposed action would have a positive impact on water quality through the reduction of sediment discharge and by the elimination of accidental oil and gas discharges from damaged vehicles. Overall water quality would improve along with the restoration of the riparian system.

A field inspection conducted on October 31, 2000 by an Engineering Geologist from the Lahontan Regional Water Quality Control Board observed that a significant part of the route traveled by motorized vehicles in Surprise Canyon is located in the creek bed and that vehicles driving in the creek bed has resulted in a significant discharge of earthen material into the creek. The discharge of earthen material to surface waters is a violation of the Porter-Cologne Water Quality Control Act and the Water Quality Control Plan for the Lahontan Region.

BLM conducted water testing in the canyon in November 2000 before, during and after the Panamint Valley Days four wheel drive vehicle event. Water quality testing was conducted for total dissolved solids, total suspended solids, and hydrocarbon (oil and grease). Overall the test results showed an increase in dissolved and suspended solids during the event that returned to nearly original levels within 72 hours. No hydrocarbon oil or grease was detected through the sampling period.

The BLM is aware of several recent vehicle accidents in the stream bed. The likelihood of additional accidents occurring if the route is not closed could result in resource damage to water quality and riparian systems.

### **Area of Critical Environmental Concern**

The proposed action would have a positive impact on the Surprise Canyon Area of Critical Environmental Concern. The management plan for the ACEC stressed the protection and enhancement of the riparian habitat, sensitive plant and animal species and cultural resources in the canyon. Other multiple uses were to be provided for in the area only to the extent that they remain compatible with the overall ACEC goals of protecting and enhancing natural resources. The deterioration of the riparian area and water quality due

to motorized vehicle recreation has exceeded the compatibility threshold of the ACEC.

### **Cultural Resources**

The proposed action would increase the level of protection to the remaining cultural resources within Surprise Canyon from collection and damage. The collection of artifacts would be reduced by the fact that these items would have to be carried out of the canyon rather than transported by a motor vehicle.

### **Outdoor Recreation**

The proposed action would have a positive impact on non-motorized recreation in the canyon such as hiking, birdwatching, plant study, photography and backpacking. The opportunity to experience naturalness and solitude would be enhanced by the elimination of the sight and sound of motorized vehicles.

The proposed action would have a negative impact on motorized recreation in the Panamint Mountains. The closure of P 71 would eliminate one of the most challenging 4-wheel drive routes still available in California. The proposed action would adversely affect a portion of the four wheel drive users seeking a unique, motorized vehicle experience and technical challenge in a remote backcountry setting. BLM estimates that less than 100 four wheel drive vehicles are operated in Surprise Canyon per year. As the riparian habitat is restored in the canyon, the potential for allowing motorized vehicle use to continue in an environmentally compatible manner at some point in the future becomes increasingly difficult.

While 4-wheel drive opportunities still remain open in the Panamint on BLM managed lands in Goler, Redlands, South Park, Middle Park, Pleasant, Jackpot, Coyote and Jail canyons and within Death Valley National Park in Butte Valley and Johnson, Hanaupah, Trail, Wood, Telephone and Lemoigne canyons. While none of these routes offer the opportunity to drive up a flowing stream or winch a motor vehicle up a waterfall, it is unlikely that this kind of opportunity exists anywhere else in the United States due to environmental concerns.

BLM would cease to issue a special recreation permits involving the use of motorized vehicles on Route P 71 for the duration of the closure. This would include the traditional four wheel drive event through Surprise Canyon sponsored by the California Association of 4-Wheel Drive Clubs Inc. during the Panamint Valley Days event. The BLM would still consider authorizing four wheel drive vehicle events into the remaining open routes in the Panamint and the adjacent Argus Range.

### **Private Land Access**

Motorized access into Surprise Canyon beyond Chris Wicht Camp for the owners of private property at Panamint City would be provided for under the proposed action through a written authorization from the Field Office Manager. Such an authorization would include certain stipulations deemed necessary to reduce the impact of motorized vehicle use on sensitive resources of Surprise Canyon.

## **CUMULATIVE IMPACTS**

The action of closing a five mile section of motorized vehicle trail in the Panamint Mountains will not have a significant affect, in and of itself, on the overall OHV recreation route network in the Panamint Mountains. Within the Panamint Mountains on BLM and National Park Service managed lands, fourteen other canyons and other areas remain open for OHV recreation use on over 150 miles of semi-primitive motorized routes and trails. Motorized access within the lower 4.5 miles of Surprise Canyon will remain open under this alternative and motorized access would be authorized for private land owners to Panamint City.

The adverse cumulative impact of this proposed action is that this closure will add to the overall trend in the California Desert Conservation Area to further restrict off-highway vehicle recreation. Reasonably foreseeable developments such as the West Mojave and North East Mojave Habitat Management Plans and the California Desert Conservation Area route designation process will collectively eliminate a significant number of routes and trails currently available for OHV recreation use in the Southern California region.

## **CHAPTER 6**

### **MITIGATION MEASURES AND RESIDUAL IMPACTS**

Since this proposal is not expected to cause any significant adverse environmental impacts, no mitigation measures are proposed and no residual impacts are anticipated. Vehicle use by owners of private property in the vicinity of Panamint City would be allowed under controlled conditions so that the type of vehicle, number of vehicles, time of year, and other necessary measures would be addressed by BLM on a case by case basis in coordination with the California Department of Fish and Game and the Regional Water Quality Control Board.

## **CHAPTER 7**

### **LIST OF PREPARERS (INTERDISCIPLINARY TEAM)**

Resource Management Specialist/Environmental Coordinator	Ahmed Mohsen
Outdoor Recreation Planner	Dave Wash
Outdoor Recreation Planner	Craig Beck
Natural Resources Specialist	Glenn Harris
Wildlife Biologist	Bob Parker
Wildlife Biologist	Joyce Schlachter
Wilderness Specialist	Katie Wash
Resources Management Branch Chief	Jeffrey B. Aardahl

**FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD**

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the proposed action as described in the environmental assessment.

Approved By:

Authorized Officer: /s/ \_\_\_\_\_ Date: \_\_\_\_\_  
Hector Villalobos, Field Office Manager