



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Needles Field Office
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September 8, 2010

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NOTIFICATION OF PROPOSED ACTION ON PUBLIC LANDS DESIGNATED PART OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

STATE: California

DISTRICT: California Desert District

FIELD OFFICE: Needles Field Office

COUNTY: San Bernardino and Inyo County

TOWNSHIP & RANGES: Township 8 North, Range 18 East, Section 18, 19, 20, and 28; San Bernardino Base and Meridian

WILDERNESS AREA: Piute Mountains Wilderness

In the Bureau of Land Management's efforts to inform affected or interested public about proposed actions, specific emergencies, or unauthorized activities occurring within wilderness areas, the following information is provided.

The following actions are in accordance with the 1964 Wilderness Act, the Federal Land Policy and Management Act of 1976, the California Desert Protection Act of 1994 (P.L. 103-433), Title 43 Code of Federal Regulations 6300, and the California Desert Conservation Area (CDCA) Plan (1980).

Pursuant to the Wilderness Act, Section 4(c) "...for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area." In accordance with the section's Special Provisions, (d) the following special provisions are hereby made: "In addition, such

measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.”

In accordance with Title 43 Code of Federal Regulations 6303.1, as necessary to meet minimum requirements for the administration of the wilderness area, the Bureau of Land Management (BLM) may: (d) Prescribe measures that may be used in emergencies involving the health and safety of persons in the area, including, but not limited to, the conditions for use of motorized equipment, mechanical transport, aircraft, installations, structures, rock drills, and fixed anchors. BLM will require any restoration activities that we find necessary to be undertaken concurrently with the emergency activities or as soon as practicable when the emergency ends.

1. Background

On Thursday, August 19, 2010, a local rancher reported to the Needles Field Office that a number of wild burros had died near Fenner Spring within the Piute Mountains Wilderness unit and that some animals were still alive and needed assistance.

The Field Office Manager implemented an immediate emergency response to the situation by mobilizing the BLM fire crew, a helicopter, a county water tender, temporary water tanks, the wild horse and burro team from Ridgecrest, a veterinarian, an excavator for on-site burial due to the advanced state of animal decomposition, protection of public health and safety, and the welfare of the local wildlife populations.

It was discovered that the tunnel containing the spring site had become blocked by deceased burros, preventing the remaining burros' access. A total of 56 animals succumbed due to dehydration, and possible water contamination. Thirteen burros survived, but were in a weakened state. No other wildlife or burro mortalities have been observed in the spring area.

Fenner Spring is located within the abandoned Fenner Spring Claim 1-4 mining site. The spring was recorded in 1932 as a subterranean water course developed by means of a cross-cut tunnel. The site is not a dependable source; it was abandoned by the Santa Fe Railroad between 1915 and 1920, and it was recorded as a “Dry” spring on the 1984 Fenner Spring Quadrangle San Bernardino Co. 7.5 Minute Series topographic map. Water from Fenner Spring could contain hazardous constituents. The area is known to be mineralized with barium and other toxic metals which may have leached into the spring water. Body fluids from dead and decomposing burros likely have entered the spring waters and, in addition to bio-contaminants, these fluids may have changed the chemistry of the water to promote leaching of metals from the rocks.

Water samples have been collected and submitted to a laboratory for analysis, however BLM has not received analysis results at this time.

During the emergency response including motor vehicle and equipment use, portable water trough placement and aircraft water delivery, the utmost care was taken to stay within the original footprint of the former mining operation. Monitors were assigned to assist vehicle operators into the area to assure minimal impact. Through the use of an excavator, the tunnel was collapsed directly behind the spring source, burying ten dead animals that could not be extricated.

2. Description of Activity

The BLM, Needles Field Office anticipates undertaking the following activities:

- Continue sampling spring water periodically for a period of time regardless of initial sample analysis results. If toxic constituents are detected in water samples the BLM will restrict access to the spring water and assure the availability of an alternate source of water. Sampling will continue as long as necessary dependent upon sample analysis results.
- Rescue and remove the surviving burros. This will include the placement of temporary holding pens, staging areas and vehicle parking outside of wilderness. The action will also include aerial search and herding efforts through the use of a helicopter inside and outside of wilderness. The burros will be transported to the Ridgecrest Regional Wild Horse and Burro Corrals and be prepared for adoption.
- Contour the area immediately around the spring through the use of heavy mechanized equipment to prevent erosion.
- Install a gated post and cable barrier outside of the wilderness area at the end of the Piute Crossing cherrystem to prevent vehicle intrusion into the wilderness area.
- Restore surface disturbance on approximately one acre of land at the emergency response site and its access.
- Follow a site-specific health and safety plan.
- Employ minimum impact analyses of all project activities within wilderness.

Once the project is completed, the Needles Field Office will consider if any further actions are required. If the determination that further actions are required then the Needles Field Office will disclose any such planning through a future Notice of Proposed Action (NOPA).

ADVISORY:

This notice is for disclosure purposes. Specific comments are not required. Your questions are welcome concerning this or any other actions reviewed by the Needles Field Office. Should you have any questions regarding this NOPA please contact the Needles Field Office at 760-326-7000 (email: ca690@ca.blm.gov).

Field Manager, Needles Field Office

Date