

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
PALM SPRINGS-SOUTH COAST FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT  
EA Number CA-660-03-59**

---

**DATE:** Friday, August 29, 2003

**TITLE / PROJECT TYPE:** Blomgren Road Right-of-Way and Permit Application; Including Access through Mecca Hills Wilderness Area

**CASE FILE / PROJECT NO.:** CACA 40227

**BLM OFFICE:** Palm Springs-South Coast Field Office  
690 W. Garnet Avenue, P.O. Box 581260  
North Palm Springs, CA 92258-1260

**APPLICANT / PROPONENT:** Bill Blomgren  
15142 Sierra Hwy.  
Saugus, CA 91350

**LOCATION OF PROPOSED ACTION ON BLM LAND:** San Bernardino Meridian  
Township 6 South, Range 9 East  
Section 18

**USGS TOPOGRAPHIC MAP:** Thermal Canyon 7.5 Minute Quadrangle

**LAND USE PLAN CONFORMANCE and Other Regulatory Compliance:**

In accordance with Title 43, Code of Federal Regulations 1610.5-3, the proposed action and alternatives are in conformance with the following approved land use plans: The California Desert Conservation Area Plan of 1980, as amended (CDCA) and the California Desert Conservation Area Plan Amendment for the Coachella Valley, dated December, 2002. The non-wilderness public lands are classified under the Multiple-Use Class Moderate (M) and the designated wilderness lands are classified as Class C (Controlled).

Class M lands are managed for a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources that permitted

uses may cause.

Designated wilderness, identified as Multiple Use Class C lands, are managed to protect wilderness values under the California Desert Protection Act of October 31, 1994 (Public Law 103-433 – Oct. 31, 1994) and regulations at Title 43, Code of Federal Regulations (CFR) §6300. Access to non-federal in-holdings within wilderness areas is regulated under Section 708 of the California Desert Protection Act as follows:

“The Secretary would provide adequate access to nonfederally owned land or interests in land with the boundaries of the conservation units and wilderness area designated by this Act, which will provide the owner of such land or interest the reasonable use and enjoyment thereof.”

Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is charged with managing public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values. Section 106 of the National Historic Preservation Act, as implemented under 36 CFR Part 800, requires Federal agencies to take into account the effects of their undertakings on historic properties. The 1998 State Protocol Agreement between the California State Director of the BLM and the California State Historic Preservation Officer (SHPO) defines the roles and relationships between the SHPO’s office and the BLM under the National Programmatic Agreement. The State protocol is intended to insure that the California BLM operates efficiently and effectively in accordance with the intent and requirements of the NHPA. The protocol streamlines the 106 process by not requiring case by case consultation with the SHPO on most individual undertakings.

The US Army Corps of Engineers (COE) is responsible for protecting navigable waters of the United States under Section 404 of the Clean Water Act of 1972, as amended. Under their jurisdiction, the COE regulates the discharge of dredged and fill material into waters of the United States, including wetlands, and insures that no discharge of these material is allowed if a practicable alternative exists or if the nation's waters would be significantly degraded. The Supreme Court Case, *A Solid Waste Agency of Northern Cook County vs. United States Army Corp of Engineers et al*, however, limited the jurisdiction of the COE to those waterways and washes that drain into a major water source, such as the Salton Sea. As the wash involved in this road proposal does not drain into the Salton Sea, the only major water source in the area, this project is not considered to be under the jurisdiction of the COE and, therefore, no Section 404 permitting is required.

## **NEED FOR THE PROPOSED ACTION**

Mr. Bill Blomgren has applied for a 20 foot wide access road across BLM lands in Township 6 South, Range 9 East, Section 18 to his privately owned lands in the north half of Section 17 (see attached maps). Mr. Blomgren held a permit to mine sand and gravel on these lands, under the California State Surface Mining and Reclamation Act, from February 7, 1995 to February 7,

2000. Mr. Blomgren is presently working with the County of Riverside to have this permit reinstated. This proposed access would be utilized as a legal access to these lands for purposes of inspecting this property and for vehicle and equipment access while performing any required studies for pursuing a mining permit.

This Environmental Assessment analyzes only the proposed access road on BLM lands. Any changes of use of this access road, such as for a mining haul road, would require an amendment to the access authorizations and additional environmental review.

## **DESCRIPTION OF THE PROPOSED ACTION and ALTERNATIVES**

### 1. Proposed Action

The BLM would issue a temporary use permit for the portion of this access that is within designated wilderness lands and a right-of-way grant for the access located on non-wilderness lands (see maps). The temporary use permit would be issued for a term of three years with a provision for renewal. The right-of-way grant would be issued for the standard term of thirty (30) years for roads of this type. This right-of-way grant and access permit could be terminated if they were determined to be no-longer necessary for the purposes for which they were granted.

Bill Blomgren proposes to construct a 20 foot wide graveled road for the purposes of vehicular access to inspect his property and to complete studies related to reinstatement of the mining permit. A 20 foot road width is an accepted BLM standard for roads designed to safely accommodate low levels of two-way traffic in level to rolling terrain (see BLM manual 9113, Road Standards, publication BLM-YA-PT-84-001-9113).

This proposed access would involve approximately 2,700 linear feet (1.24 acres) within non-wilderness public lands and approximately 2,000 linear feet (.92 acres) on public lands within the designated Mecca Hills Wilderness Area. The non-wilderness portion of the proposal involves an existing 20 foot wide graded road (see Photo #6). For the wilderness portion of this proposed access, an existing graded road is located on the eastern 1,000 linear feet (.46 acres) of this alignment (see Photos #s 8-10). However, this road is presently obliterated on the western 1,000 linear feet (.46 acres) of this proposed access as it is located within a wash that is subject to intermittent stream flows including flash floods (see Photo #11).

The limits of the proposed roadway would be delineated and staked prior to construction. Construction would involve use of grading equipment; dump trucks to supply aggregate; a water truck for both dust suppression and effective grading; and support vehicles to transport tools, fuel and personnel to the site. Actual construction would be expected to last less than one week and would involve up to five equipment operators and workers. Approximately .5 acres of temporary surface disturbance would result from equipment use during construction. This temporary soil disturbance would involve areas adjacent to the road shoulder as well as equipment turn-around areas and parking areas.

Equipment would be staged within the confines of the previously disturbed sand and gravel operation, operated by West Coast Aggregate. A six-inch layer of gravel would be placed on the roadway. Once constructed, maintenance would be infrequent depending on flash floods and other rain events that would erode portions of the roadway. Usage of the road would be expected to average five vehicle trips per week. This road would not be open to public vehicular use as it would begin within the existing West Coast Aggregate sand and gravel mining operation that is not open to the public.

## 2. Reduced Impact Alternative

This alternative is the same as the Proposed Action with the exception that the wilderness portion of the access road would be reduced to 12 feet in width and would not be surfaced with gravel. This reduced width would result in .55 acres of surface disturbance within the Mecca Hills Wilderness.

## 3. No Action Alternative

The BLM would not issue a temporary use permit for the portion of this access that is within designated wilderness lands or a right-of-way grant for the access located on non-wilderness lands (see maps). No authorization would be provided to operate motorized vehicles or mechanical equipment within the Mecca Hills Wilderness Area.

# **AFFECTED ENVIRONMENT**

## Area Description

This proposed project is located three miles east of the community of Thermal, California. Lands involved in this proposal are within the designated Mecca Hills Wilderness Area as well as within or in close proximity to heavily impacted lands associated extensive agriculture, the Coachella Canal, two electrical transmission lines (161 and 230 kilovolt), a mining haul road maintained by Granite Construction Company, and three sand and gravel mining operations.

The southern end of the proposed road begins adjacent to an 80 acre sand and gravel mine that is operated by West Coast Aggregate and owned by the applicant, Mr. Bill Blomgren. This mining operation includes a large pit, processing plant, maintenance shop, administrative building, numerous stock and waste piles, and other ancillary facilities (See photos #s 1-3). The gravel pit is on BLM lands while the mine facilities, including stock and waste piles, processing plant, office, equipment storage areas and maintenance buildings are on private lands. The mining pit is administered by the BLM under an approved mining plan.

The Granite Construction Company operates a sand and gravel operation, referred to as the Thermal Mine, located directly east of the right-of-way portion of this proposed access (see map # 3) in T6S, R9E, Sec. 17 S½ . Although operated intermittently, this sand and gravel mine has a projected life of 30 years, a production potential of 600,000 tons per year and reserves of 18 million tons.

The County of Riverside manages a sand and gravel mining and processing operation located approximately .6 mile NNE of this proposed access road. This mine, referred to as the New Thermal Canyon Pit, was opened in 1998, involves 320 acres, produces an average of 75,000 tons annually, has mineral material reserves of 6,000,000 tons, has a project life of 80 years and is in continuous use. This mine is used primarily for road base and asphaltic aggregate. In addition to this mine, the county maintains a linear asphalt-mixing table at this facility.

On the west side of the Coachella Canal are located extensive and well developed agricultural fields, irrigation facilities, scattered homes, and other related facilities. This canal and these agricultural areas are located less than one mile west of this proposed access road.

### Geology

The Mecca Hills is a badland area of low but extremely rugged relief located at the northern end of the Salton Trough. A basement of Proterozoic gneiss and related rocks and the Mesozoic Orocopia Schist underlies the area. The basement rocks are overlain mainly by a deformed sequence of upper Pliocene and Pleistocene non-marine sedimentary rocks. The San Andreas fault crosses the general area. This fault is a major strike-slip fault that forms the eastern boundary of the Salton Trough. The Mecca Hills comprise a northeast-oriented and elongated dome that was formed by movement along the San Andreas fault. The area surrounding this fault is well marked by scarps and offset drainages.

The general geology of the project site is that of recent alluvium, Pleistocene non-marine sedimentary deposits, and Quaternary non-marine terrace deposits. Although the Mission Creek Fault traverses the proposed access area, the potential for liquefaction is very low due to the depth of groundwater.

### Soils

The soil type in the project area is almost entirely Badlands with limited Carsitas gravelly sand and Carsitas cobbly sand areas. The badland soils consists of very steep, excessively drained, and severely eroded areas broken by numerous and deeply entrenched channels and many steep side drainages. Active weathering and erosion has resulted in freshly exposed surfaces throughout the area.

The Carsitas gravelly sand areas are located on level to moderately sloping areas (0 to 9%) found on the alluvial fans near the entrance to the wash and in the non-wilderness portions of the proposed access route. Small and slightly entrenched stream channels are found throughout

these areas that form an indefinite pattern of braided stream channels. Runoff is slow and the erosion hazard is moderate. The incidence of soil becoming airborne is slight if left undisturbed.

The Carsitas cobbly sand areas are similar to the Carsitas gravelly sand areas with the exception of cobbles and stones being present on the surface and in the profile. Some of these areas have an undeveloped form of desert pavement. Runoff is rapid and the erosion hazard is moderate. The hazard of soil becoming airborne is slight if undisturbed.

### Air Resources

The South Coast Air Quality Management District (SCAQMD) is the air pollution control agency for a four-county region including Los Angeles and Orange counties and parts of Riverside and San Bernardino counties. The Coachella Valley, located in the Salton Sea Air Basin and under SCAQMD's jurisdiction, has been designated a serious non-attainment area for small-suspended particulate matter, 10 microns or less in diameter, referred to as PM-10.

Under the federal Clean Air Act (CAA), an area can request an extension of up to five years to attain the PM10 National Ambient Air Quality Standards (NAAQS), if certain requirements are met. These requirements include developing a State Implementation Plan (SIP) that outlines an expeditious attainment schedule to meet these standards. The Draft Final 2002 Coachella Valley PM10 State Implementation Plan (CVSIP) addresses the recent rise in PM10 levels above the standard by establishing additional controls needed to demonstrate expeditious attainment of the PM10 standards. This plan also details additional control measures for construction and earth-moving activities, farming, paved roads, unpaved roads and parking lots, vacant lands, and farming.

In addition, this area is in non-attainment with both federal and state ambient air quality standards for ozone. Ozone is an irritant of the respiratory system and inhibits proper functioning of the lungs. The primary source of ozone is from the Los Angeles Basin and additionally from motor vehicle use and other non-point sources throughout the area.

### Cultural Resources

Ancient Lake Cahuilla, created with water from the Colorado River, filled the Salton Basin several times during the past 1500 years and dominated the landscape surrounding this project. Lake Cahuilla rose to approximately 42 feet above mean sea level during these intermittent periods. Prehistoric Native American encampments, involving fishing, hunting, gathering, and work sites, have been found in association with the ancient Lake Cahuilla shoreline. Older sites are rare in the region and may be concealed by lake deposits.

Ethnographically, the project area is within Desert Cahuilla territory. A Cahuilla village, affiliated with Chief Cabazon, once existed at the mouth of Painted Canyon that is located approximately 5 miles southeast of the proposed project. Flooding, however, has destroyed much of the evidence of this village site. The Mecca Hills were important to these people for a

variety of reasons, including as a source of pottery clay.

On June 9, 2003, BLM Cultural Resources Specialist, Wanda Raschkow, conducted a Class III cultural resources inventory of this project area. This inventory included undisturbed ground surfaces adjacent to the existing roadbed as well as the road itself. Much of the proposed road lies either in an active wash or an area of active sheet flows during intermittent storm events. For this reason, there is a very low potential for cultural resources in this area. No cultural resources were identified as a result of this inventory. The proposed action would, therefore, have no effect on historic properties.

### Wildlife

The Sonoran creosote scrub community dominates the project area with small amounts of desert dry wash woodlands within the wash bottoms. Sonoran creosote scrub is characterized by creosote bush (*Larrea tridentate*), brittle-bush (*Encelia farinose*), burrobrush (*Ambrosia dumosa*), and cheese bush (*Hymenoclea salsola*). The desert dry wash woodland community is characterized by cat-claw (*Acacia greggii*), smoke tree (*Dalea spinosa*), and palo verde (*Cercidium floridum*).

Typical wildlife species found in the general vicinity of this site are as follows:

#### Reptiles:

- Coachwhip (*Masticophis flagellum*)
- Desert banded gecko (*Coleonyx variegates*)
- Zebra-tailed lizard (*Callisaurus draconoides*)
- Collared lizard (*Crotaphytus insularis*)
- Desert iguana (*Dipsosaurus dorsalis*)
- Western whiptail lizard (*Cnemidophorus tigris*)

#### Birds:

- Red-tailed hawk (*Buteo jamascensis*)
- Turkey vulture (*Cathartes aura*)
- Mourning dove (*Zenadia macroura*)
- Raven (*Corvus corax*)
- Loggerhead shrike (*Lanius ludovicianus*)

#### Mammals:

- Coyote (*Canis latrans*)
- Bobcat (*Lynx rufus*)
- Kangaroo rat (*Dipodomys sp.*)

- Black-tailed jackrabbit (*Lepus californicus*)
- Ground Squirrel (*Spermophilus beechyi*)

Special status species known to occur in the area are as follows:

- Colorado Valley Wood Rat (*Neotoma albigula vensuistra*) is a State Species of Special Concern that occurs in a variety of habitats including the low desert and in washes where organic debris gathers. The most important threats are loss of habitat and reduction in habitat quality by removal of nest materials such as cactus and woodlands.
- Le Conte's Thrasher (*Toxostoma lecontei*) is a State Species of Special Concern that are distributed throughout the region.
- California Leaf-Nosed Bat, (*Macrotus californicus*) is a State Species of Special Concern that occurs in desert lowland habitat in close proximity to desert wash vegetation. The decline in populations is attributed to roost disturbance and loss of foraging habitat.
- Townsend's Big-Eared Bat (*Plecotus townsendii*) is a State Species of Special Concern that is distributed throughout the western states, however, this specie is experiencing a marked decline in California. This decline is due mainly to disturbance of roosts as well as loss of foraging habitat.
- Pocketed Free-tailed Bat (*Tadarida femorosaccus*) is a State Species of Special Concern that occur from March through August, when they migrate out of the area. This specie is found mostly in creosote bush and chaparral habitats in proximity to granite boulders, cliffs or rocky canyons.
- Western Mastiff Bat (*Eumops perotis*) is a State Species of Special Concern that roost on cliff faces and are vulnerable to blasting, vandalism, and pesticide spraying.
- Pallid Bat (*Antrozous pallidus*) is a State Species of Special Concern that is apparently in decline due to destruction of buildings, disturbance in caves and mines and pesticide spraying.
- Desert tortoise (*Gopherus agassizii*), both Federally and State listed as threatened, is considered to possible occur in the area in very low numbers. This area is outside of the Chuckwalla Desert Wildlife Management Area (DWMA) and is not under any special wildlife habitat management designations.

Desert tortoise surveys were completed in this vicinity during preparation of the July, 1994 report entitled, Mine/Reclamation Plan, Channel and Basin Reclamation, Inc. Section 17 Facility, Mecca Hills, Riverside County, California. This report was prepared by the Lilburn Corporation, San Bernardino, California, as part of the mine permitting process under requirements of the California State Surface Mining and Reclamation Act (SMARA). This report documented surveys on lands proposed to be mined for sand and gravel, within Section 17, N½, as well as a proposed haul road in the adjacent Section 18. The results of this survey, summarized in Section 1.9 of the report, are as follows:

“No live tortoises, tortoise signs (scats, tracks, remains) or burrows were detected on the site. Tortoises do not currently occupy the site and probably have not for a number of

years.”

In May, 1997, the BLM conducted a 100% survey of the alluvial fan area of Section 18 resulting in the observation of a class 5 burrow (good condition; possibly tortoise) and class 3 desert tortoise scat (dried; light brown to pale yellow, loose material; scaly appearance) in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18. The location of this scat is in close proximity to the proposed access road.

In May, 2000, one live tortoise was observed approximately 3 miles north of this proposed access in Thermal Canyon. On September 7 & 8, 2000, Biological Consultant Victor M. Horchar completed biological surveys of the BLM lands encompassing this proposed access. Although the survey did not meet all desert tortoise survey protocols, no signs of desert tortoises were detected in this area.

In general, the alluvial fan portion of Section 18, encompassing the non-wilderness portion of this proposed access, is considered to have a very low probability of desert tortoise occurrence due to on-going mining activities and very harsh conditions in the area. Although no desert tortoise sign has been discovered in Section 17, N $\frac{1}{2}$ , the habitat in this area is considered to be more conducive to tortoise occupancy than the alluvial fan in Section 18.

In summary, desert tortoises may occupy the general vicinity of this project site in very low numbers and on an intermittent basis. This probable occupancy is evidenced by the desert tortoise observation in Thermal Canyon, to the north of this site, and the identified tortoise scat found in the wash area of this proposed access road.

### Recreation

The Mecca Hills Wilderness Area is an important and very scenic recreational destination in the Coachella Valley. The public is attracted to this area for its narrow steep-walled canyons, very colorful badlands, natural mazes, microphyll woodlands, and scenic vistas. The close proximity of the Mecca Hills to major population centers in both the Coachella Valley and the large metropolitan centers of Southern California results in high levels of recreational use in this area. The majority of this recreation, however, is concentrated in the Box and Painted Canyon areas, located over 4 miles southeast of this project area. Hiking destinations in these canyons include Sheep Hole Oasis, Ladder Canyon, the Grotto and Hidden Spring.

In general, use of this area is heaviest during the fall, winter and spring seasons. Visitor use is especially heavy during the Thanksgiving and Easter Holidays when family groups from Coachella Valley have traditionally gathered in these canyons for dispersed family recreation. During 2002, recreation counts for Painted and Box Canyons were 112,425 and 58,200 visits respectively. BLM personnel based these numbers on the use of traffic counters as well as observations. This year, these canyons are experiencing a 10% increase in visitor use over the 2002 levels.

However, there is far less recreation use in the immediate vicinity of this proposed access road. This is due to this area being less well known, to access problems created by existing mining operations and private lands in the immediate vicinity, to a lack of improved roads accessing the area, and to much greater scenic and recreational values being available elsewhere in the Mecca Hills.

### Wilderness

Wilderness areas, designated by Congress, are managed as components of the National Wilderness Preservation System in accordance with the Wilderness Act of 1964 (Public Law 88-577). The BLM considers wilderness areas as places of solitude where people can experience freedom from an increasingly fast-paced industrialized society. In addition, they are places where people can renew the human spirit through association with the natural world. For all their uses, values, and scenic wonders, the BLM manages wilderness as a land heritage of global importance.

The Wilderness Act of 1964 defines wilderness as follows:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is recognized as an area where the earth and its community of life are untrammelled by man, and where man himself is a visitor who does not remain. An area of wilderness is further defined as an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Section 4 of the Wilderness Act establishes that, subject to existing private rights, there shall be no commercial enterprise and no permanent roads within any designated wilderness area and, except as necessary to meet minimum requirements for the administration of the area (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary roads, no use of motor vehicles or motorized equipment, no landing of aircraft, no form of mechanical transport, and no installation of structures.

The Mecca Hills Wilderness was designated by Congress under the California Desert Protection Act of October 31, 1994 (Public Law 103-433 – Oct. 31, 1994). The boundary of this area encompasses 24,200 acres that includes state and private land in-holdings. Congress established this and other wilderness areas in the California Desert to preserve the unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes; to perpetuate the

natural state of diverse ecosystems represented by these areas; to protect and preserve important historical and cultural values; to provide opportunities for compatible wilderness recreation; and retain and enhance opportunities for scientific research in undisturbed ecosystems.

The BLM allows access to private land in-holdings in wilderness if criteria established in Title 43, Code of Federal Regulations (CFR) §6305.10 are met. These criteria are as follows:

- The route and mode of travel must have existed on the date of wilderness designation;
- The route and mode of travel must serve the reasonable purposes for which the non-Federal lands are held or used and cause the least impact on wilderness character;
- If the in-holding is completely surrounded by designated wilderness lands and if no routes or modes of travel existed to the in-holding on the date of designation, the BLM only approves that combination of routes and non-motorized modes of travel that serves the reasonable purposes for which the non-Federal lands are held or used and cause the least impact on wilderness character.
- No new access routes will be authorized to private lands within wilderness.
- The BLM will not allow improvements to access routes to a condition more highly developed than that which existed on the date Congress designated the area as wilderness, except where such improvements are determined by BLM to be necessary to protect wilderness resources from degradation.

Access to in-holdings, within the Mecca Hills Wilderness, is also regulated under Section 708 of the California Desert Protection Act:

“The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act, which will provide the owner of such land or interest the reasonable use and enjoyment thereof.”

The BLM had completed wilderness inventory and suitability reports on the Mecca Hills Wilderness Study Area (WSA #343) prior to this wilderness designation. However, the area surrounding this access proposal had been eliminated from wilderness study during this inventory process and was not considered in the subsequent wilderness suitability reports. For this reason, no references have been found in the wilderness study reports of any roads existing in the vicinity of this proposed access alignment. Although eliminated from wilderness consideration during this BLM process, these lands were added to the Mecca Hills Area by the proponents of the California Desert Protection Act and were ultimately designated upon passage of the Act.

There is evidence, however, that a road existed in this area when the area was designated as wilderness. In July, 1994, Mr. Blomgren submitted a mining plan to the County of Riverside entitled, Mine/Reclamation Plan, Channel and Basin Reclamation, Inc. Section 17 Facility, Mecca Hills, Riverside County, California. This plan was prepared by the Lilburn Corporation, San Bernardino, California, as part of the mine permitting process under requirements of the

California State Surface Mining and Reclamation Act (SMARA). An access road was identified in this plan as follows: “A dirt road travels north and parallel with the Coachella Canal approximately ½ of a mile, then due east approximately one mile to the site.”

The plan also provides that this existing road would have to be upgraded for use as a mine haul road. During the preparation of this 1994 plan and other reports, this road was being used by project personnel as a means to access the proposed mine site in order to complete resource surveys and other studies.

Aerial photos of this area, taken March 18, 1995, confirm that a road existed along the non-wilderness portion of this proposed access. This road entered the wash just beyond the boundary of the Mecca Hills Wilderness, however, photo evidence of this road decreases the further the road progresses up the wash in the direction of the private lands in T6S, R9E, Sec. 17, N½.

In mid-August, 1998, Mr. Blomgren caused a road to be constructed in the Mecca Hills Wilderness Area, without authorization, along this proposed access alignment. Mr. Blomgren was subsequently convicted of unlawfully constructing this road within a designated wilderness area. Since construction, the first 1,000 feet of this road has been obliterated by the passage of water in the effected wash (photo 11). However, the eastern 1,000 feet of this trespass road has been slow to rehabilitate (photos 9 & 10).

### Visual Resources

The objective of the BLM’s Visual Resource Management (VRM) system is to identify, set, and maintain scenic values and visual quality. Once visual resources have been inventoried and analyzed, lands are assigned relative visual ratings, or management classifications. These classifications establish broad visual objectives for public lands on an area-specific basis. Generally, these classifications are approved through the Resource Management Planning (RMP) process.

Wilderness lands are designated as VRM Class 1. However, no Visual Resource Management (VRM) objectives were approved for the non-wilderness lands involved in this proposal. [Note: the Coachella Plan identified lands located west of the Coachella Canal in Sec. 18 as VRM Class 4, however, the lands in this proposal were not assigned as they are in the Coachella Plan/NECO overlap area]. In accordance with BLM policy, therefore, interim visual management objectives have been established for the proposed project area. A Contrast Rating System is then used to measure the degree of contrast between the proposed activity and the existing landscape. The score is compared with allowable levels of contrast for the appropriate Management Class. The comparison determines if mitigation is required to reduce visual impacts.

Landscape differences in Section 18 yield two different interim VRM classes relative to the proposed project area. The first area includes the section of road on non-wilderness lands

located between the gravel pit and undisturbed hills directly to the east. Along this segment of the road, the following landscape features were inventoried and evaluated to determine scenic quality:

- Landform: interesting, detailed landscape features are few;
- Vegetation: some variety of vegetation is present, but forms, textures, and patterns are not particularly interesting;
- Water: no natural water is apparent;
- Color: subtle color variations, generally muted tones;
- Adjacent Scenery: moderately enhances overall visual quality
- Scarcity: fairly common within the region; and
- Cultural Modifications: modifications (canal, power lines, Granite road right-of-way, sand and gravel operation) substantially reduce the area's scenic qualities.

Accordingly, this first area possesses a Scenic Quality Class of AC, that is, it is an area in which the features are fairly common to the physiographic region. This classification combined with a Sensitivity Level of A-medium (medium use volume and moderate concern about proposed changes in scenic quality) and a Distance Zone of A foreground/midground results in an interim VRM classification of A4. In VRM Class 4 areas, project contrasts may attract attention and be a dominant feature of the landscape in terms of scale.

The second area includes the section of proposed road that is located in the Mecca Hills Wilderness. Along this segment, the following landscape features were inventoried and evaluated to determine scenic quality:

- Landform: interesting erosional patterns and variety in shape of landforms;
- Vegetation: some variety of vegetation is present, but only one or two types;
- Water: absent;
- Color: some variety in colors and contrast of the soil, rock and vegetation, but not a dominant scenic element;
- Adjacent Scenery: adjacent scenery strongly enhances visual quality;
- Scarcity: distinctive, though somewhat similar to other landscape features within the region; and
- Cultural Modifications: scenic quality is somewhat depreciated by inharmonious intrusions visible to the west (existing road, powerline, and gravel mining improvements), but not so extensively that it is entirely negated.

This second area possesses a Scenic Quality of AB, that is, it is an area in which there is a combination of some outstanding features and some that are fairly common to the physiographic region. This classification combined with a Sensitivity Level of A high (low use volume and high concern about proposed changes in visual quality) and a Distance Zone of A foreground / middle-ground results in an interim VRM classification of A2. In VRM Class 2 areas, changes in any of the basic elements of the characteristic landscape (form, line, color, texture) should not

be evident; contrasts can be seen, but must not attract attention.

A. Land Status

**Land Use Classification:** The Proposed Action is within Multiple-Use Class M (Moderate) and Class C (Controlled) under the California Desert Conservation Area Plan (CDCA) of 1980, as amended by the CDCA Plan Amendment for the Coachella Valley, dated December, 2002. Class M lands are managed for a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources that permitted uses may cause.

Class C or designated wilderness lands are managed to protect wilderness values under the California Desert Protection Act of October 31, 1994 (Public Law 103-433 – Oct. 31, 1994) and regulation at Title 43, Code of Federal Regulations (CFR) §6300. In general, wilderness areas are open to uses consistent with the preservation of their wilderness character and their future use and enjoyment as wilderness. The building of temporary and permanent roads and the use of motorized vehicles or other forms of mechanical transport are prohibited unless provided for under special provisions.

**Valid Existing Rights:** This proposed access would intersect the following electrical transmission line and mining haul road rights-of-way:

- ▶ CARI 000141, a 161kV power transmission line granted to Imperial Irrigation District in 1971 to expire in 2021.
- ▶ CACA-36119, a 40 foot wide mining haul road granted to Granite Construction Company. This access road is 5,000 feet in length. The grant is due to expire in 12/31/2026.

## **ENVIRONMENTAL CONSEQUENCES**

A. Critical Elements

The following table summarizes potential impacts to various elements of the human environment, including the “critical elements” listed in BLM Manual H-1790-1, Appendix 5, as amended. Elements for which there are no impacts would not be discussed further in this document.

<b>Environmental Element</b>	<b>Proposed Action</b>	<b>Alternative 1</b>	<b>No Action Alternative</b>
Air Quality	potential impacts	potential impacts	no impacts
ACECs	no impacts	no impacts	no impacts
Cultural Resources	no impacts	no impacts	no impacts
Native American Concerns	N/A	N/A	N/A
Farmlands	N/A	N/A	N/A
Floodplains	no impacts	no impacts	no impacts
Minerals	no impacts	no impacts	no impacts
T&E Animal Species	may affect	may affect	no impacts
T&E Plant Species	no impact	no impact	no impacts
Invasive, Nonnative Species	potential impacts	potential impacts	no impacts
Wastes (hazardous/solid)	potential impacts	potential impacts	no impacts
Water Quality (surface and ground)	potential impacts	potential impacts	no impacts
Wetlands/Riparian Zones	no impacts	no impacts	no impacts
Wild and Scenic Rivers	N/A	N/A	N/A
Wilderness	impacts	impacts	no impacts
Environmental Justice	no impacts	no impacts	no impacts
Visual Resource Management	potential impacts	potential impacts	no impacts

B. Discussion of Impacts

1. **Proposed Action**

**Surface Impacts**

Proposed Access	Acres Surface Disturbance
In non-wilderness	1.24
In wilderness (within wash)	.46
In wilderness (outside wash)	.46
Total	2.16

Air Quality

As soils are disturbed during construction and become susceptible to wind erosion, there would be an increase in the fugitive dust levels in the vicinity of this site. During high wind events common to the Coachella Valley, these dust levels could substantially impact down wind areas up to 1 to 2 miles of the site. Vehicle use on the completed road would cause an increase in these dust (PM-10) levels. These fugitive dust emissions, however, would contribute only slightly to the overall PM-10 levels in the general vicinity of this project given the extensive level of mining, agriculture and other human activities on nearby lands.

The gravel surface placed on the road would decrease both windborne and vehicle related PM-10 emissions. In addition, the very low projected use of this road, anticipated to be intermittent and averaging not more than 10 trips per week, would result in an unnoticeable increase in vehicle caused airborne particulates.

Soils

The proposed action would result in up to .5 acres of temporary soil disturbance during construction and 2.16 acres of soil rendered non-productive by placement and use of the road surface. Temporary soil disturbance during construction would involve areas adjacent to the road shoulder as well as equipment turn-around areas and parking areas.

This temporary disturbance would include soil compaction by vehicles and equipment and soil loss due to wind and water erosion as vegetation is removed and soil crusts are disturbed. Unless protected, any existing topsoil would also be lost and the long-term productivity of these areas reduced.

Plants Including Invasive, Nonnative Species

Since previously constructed roads exist on nearly 80 percent of this proposed access alignment, only those plants within .46 acres of the wash habitat would be killed and their habitats degraded. This plant loss would be minimal as the plant diversity and density within this wash area is very low (see photo 11).

The additional .5 acres of temporary disturbance, however, would add to this disturbance of plants and their habitats. After rehabilitation, any disturbed soils outside the existing roadway, amounting to .5 acres, would gradually be recolonized by pioneer plant species. These species would modify the site allowing for later successional species that, over time, would approximate nearby and partially revegetated areas.

If not renewed, this site degradation would last for 30 or more years after expiration of the access authorizations due to the low rainfall of the region, degradation of soil structure and the potential loss of topsoil. Over time, the 2.16 acres of roadway would gradually be recolonized by pioneer plant species. The length of time it takes for restoration of existing plant communities is directly related to the measures taken to restore soil structure and contour, retard wind and water erosion and prepare seed beds for maximum regrowth of successional plant species.

Noxious weeds are a serious problem in the western region of the United States. Weed species in this area are estimating to be spreading at a rate of 2,300 acres per day on BLM-administered lands. Many weed species are non-native and have no natural enemies to keep their populations in balance. As a result, these undesirable species rapidly invade healthy ecosystems, displace native vegetation, reduce species diversity, and degrade special areas such as designated wilderness. Noxious weed invasions also reduce the success of rehabilitation and landscape restoration efforts, increase soil erosion and stream sedimentation, generally out-compete native plants, and are generally less palatable to wildlife. These species are often contributors to the decline of federally protected plants and animals.

These non-native and aggressive weed species would likely be the first plants to recolonize the disturbed areas associated with this proposed project. Once established, these species would propagate and spread to adjacent areas. In addition, seeds of weed species would likely be transported into this area on project related vehicles and equipment. Importation of these weed species is most pronounced on earthmoving and related equipment that are not thoroughly washed of soil and debris prior to entry into the area.

### Animals

Since previously constructed roads exist on nearly 80 percent of this proposed access alignment, only those animals and their habitats within .46 acres of the wash habitat would be displaced, injured or killed during road construction and their habitat degraded. This loss would be minimal as the animal diversity and density within this wash area is

very low (see photo 11). The additional .5 acres of temporary disturbance, however, would add to this disturbance of animals and their habitats.

Impacts would be largely limited to animals moving through the site or potentially burrowing species along the edge of the road. Increased human activities resulting from the use of this road would displace some species from the vicinity of the site. As use of this road is not anticipated to substantially increase, this wildlife displacement is anticipated to be minimal.

### Special Status Species

Although essentially no desert tortoise sign has been located within the project area, the potential exists for tortoises to wander into the proposed project area. Use of vehicles and heavy equipment during construction activities could result in injury or death to tortoises if not first detected by a qualified or authorized biologist or other personnel. The use of water for dust abatement and roadbed compaction could attract both desert tortoise and ravens to the project area. If missed by project personnel or qualified/authorized biologist, desert tortoises seeking shade under vehicles or equipment could be run over when the vehicles are started and moved.

Invasion of weed species within the disturbance areas would decrease suitable forage for desert tortoises as these plant species are less palatable and nutritious, and tend to out-compete native plants preferred by tortoises. Although the incidence of fire is very low in this area, these weed species are much more prone to fire than native species. An increase in fire occurrence in this area would inhibit plant succession and the growth of native plant species.

One cause for the decline in desert tortoise populations in the area is predation of juveniles by common ravens (*Corvus corax*). Raven populations have increased 1,000 percent over the past 25 years due to the increase in human activity in these desert areas. This loss of juveniles through raven predation affects the stability and recovery of tortoise populations as the recruitment of new individuals into breeding age is reduced.

Most raven predation of tortoises probably occurs in the spring when tortoises are active and ravens are feeding their young. Although ravens are known to fly up to 65 km in a day, much of the spring foraging takes place within .8 km of nests when young are present. Any trash, refuse or surface water left at this project site would attract ravens by providing food and water sources. Although tortoise predation by individual ravens is dependent on a variety of factors, the overall impact of raven predation on tortoise populations is considered to be substantial.

In order to reduce potential impacts to desert tortoises, any authorization would have to include mitigation, such as a clearly defined road construction area, and involvement of a Field Contact Representative (FRC) and/or qualified/authorized biologists. This proposed

action meets criteria outlined in the Small Disturbance BO for desert tortoise habitat in the California Desert (1-8-97-F-17). If the project is authorized and applicable terms and conditions are implemented as part of the proposed action, Federal Endangered Species Act requirements would be met.

### Valid Existing Rights

This proposed access would be in proximity to but would not directly affect the existing electrical transmission lines. Given the close proximity of the proposed non-wilderness portion of this access to the existing mining operation, operated by West Coast Aggregate, the road may be subject to mine slope subsidence. This potential subsidence could endanger users of this road if portions of the roadway begin sloughing into the pit. The proposed access road would also cross the existing Granite Construction Company haul road (CACA-36119). Use of this proposed access road could result in safety issues as drivers encounter haul trucks and other vehicles associated with the Granite mining operation at this uncontrolled intersection.

### Diesel Spills and Waste Disposal

During construction activities, diesel fuel and other petroleum products, such as hydraulic fluid, could be spilled or discharged during equipment use and refueling. Trash, refuse and septic wastes could also be discharged, buried, or scattered. Trash could be carried off-site by the wind, for example, or human waste from construction crews could contaminate surface soils unless disposed of properly.

### Wilderness

The California Desert Protection Act of 1994 designated wilderness lands in the California Desert to preserve the unrivaled scenic, geologic and wildlife values associated with these unique landscapes, to perpetuate significant and diverse natural ecosystems in their natural state, and to provide opportunities for compatible outdoor public recreation in order to promote an understanding and appreciation of these wilderness areas. The Mecca Hills Wilderness Area is well recognized for providing these values and wilderness recreation opportunities.

The public generally seeks and has a right to encounter undeveloped land in this wilderness area that has retained its primeval character and influence, has no permanent improvements or human habitation, is protected and managed so as to preserve its natural conditions, provides solitude, and is free from motorized vehicles or mechanical equipment. However, this proposal would result in a 20 foot wide and 2,000 foot long graveled road that would substantially impact the natural character of this area throughout the life of the access road and until reclamation is successful upon road closure. Disturbance of wildlife during construction and use of the access road would also impact natural processes protected under the wilderness designation.

In addition, use of earth moving equipment during construction and use of motorized vehicles on this access throughout the life of the access would impact opportunities for solitude and would be incompatible with the non-motorized and non-mechanical character of the area. This affected area includes both the .92 acres of roadbed along with numerous viewpoints in the hills located just north of the access where the road would be visible and sounds of vehicles would be evident. This visual impact would be especially noticeable as the graveled surface would contrast with the surrounding soils. Overall, these impacts would degrade the experience of these wilderness users.

In July, 1994, Mr. Blomgren submitted a mining plan to the County of Riverside that identified a road along the same alignment as this proposed access. Vehicles had been used on this road to access the private lands in Section 17 in order to perform studies and prepare this 1994 mine plan. At a minimum, a road existed at the time of wilderness designation that was created and maintained by the passage of vehicles. Therefore, this route and mode of vehicular travel existed on the date of wilderness designation.

However, the proposed access, involving a 20 foot wide graveled road, would not meet the other criteria for allowable access in wilderness for the following reasons (see Title 43, Code of Federal Regulations §6305.10):

- A 20 foot wide graveled road would not cause the least impact on wilderness character given the intended use of the road (i.e. to inspect this parcel using vehicle access and for vehicle and equipment access while performing any required studies for pursuing a mining permit on these lands). These intended use could effectively be accomplished using a non-graveled and narrower roadway.
- The BLM will not allow improvements to access routes to a condition more highly developed than that which existed on the date Congress designated the area as wilderness, except where such improvements are determined by BLM to be necessary to protect wilderness resources from degradation. Although it is evident that a road existed on the date of wilderness designation, this road was clearly not graveled and was far less than 20 feet wide. In addition, no rationale exists to justify a 20 foot wide graveled road as a means of protecting wilderness resources.

## Visual Resource Management

*Non-wilderness section within Section 18:* The proposed road would constitute a flat linear form located in a narrow corridor between the authorized mining area and the rolling hills located directly to the east. The road would be similar in form and line to the other features in the vicinity (canal, electrical transmission lines, Granite haul road and roads associated with the mining operation), though much smaller in scale; and would be somewhat contrast the color of the adjacent soils; and be of slightly different texture than the nearby landscape. Accordingly, the overall contrast of the road in this area is weak. The project at this location does not exceed the allowable contrast and conforms to VRM Class 4 objectives.

*Area within designated wilderness:* The proposed road would constitute a flat linear form in the relatively flat wash bottom, a VRM Class 1 area. The road would not be built on a raised base, thereby minimizing contrasts with the surrounding landscape. The similarity of form to the wash bottom and mimicking of line where canyon walls meet the wash, in conjunction with minor contrasts in color and texture results in an overall contrast of weak.

### **2. Alternative 1: Reduced Impact Alternative**

#### **Surface Impacts**

Alternative 1 Access	Acres Surface Disturbance
In non-wilderness	1.24
In wilderness (within wash)	.275
In wilderness (outside wash)	.275
Total	1.79

Note: The impacts of Alternative 1 would be the same as the Proposed Action with the following exceptions:

#### Air Quality

The gravel surface placed on the 1.24 acres of road outside of the wilderness area would decrease both windborne and vehicle related PM-10 emissions on this road segment. However, the wilderness access segment would not be graveled and would not have the same positive effect rendered from a gravel surface. Given the .55 acres of non-graveled surface and the numerous other sources of PM-10 in the vicinity, this negative effect would be negligible.

#### Soils

A total of 1.79 acres of soil would be rendered non-productive by placement and use of the road surface in comparison to 2.16 acres rendered non-productive in the Proposed Action.

#### Plants, Including Invasive, Nonnative Species

Since previously constructed roads exist on nearly 80 percent of this proposed access alignment, only those plants within .275 acres of the wash habitat would be killed and their habitats degraded, in comparison to .46 acres of wash habitat in the Proposed Action alternative. This plant loss, however, would be minimal in both alternatives as the plant diversity and density within this wash area is very low (see photo 11).

If not renewed, this site degradation would last for 30 or more years after expiration of the access authorizations due to the low rainfall of the region, degradation of soil structure and the potential loss of topsoil. Over time, the 1.79 acres of roadway would gradually be recolonized by pioneer plant species in comparison to 2.16 acres in the Proposed Action alternative. The length of time it takes for restoration of existing plant communities is directly related to the measures taken to restore soil structure and contour, retard wind and water erosion and prepare seed beds for maximum regrowth of successional plant species.

#### Animals

Since previously constructed roads exist on nearly 80 percent of this proposed access alignment, only those animals and their habitats within .275 acres of the wash habitat would be displaced, injured or killed during road construction and their habitat degraded in comparison to .46 acres in the Proposed Action. This plant loss would be minimal, however, as the animal diversity and density within this wash area is very low (see photo 11).

#### Wilderness

As with the Proposed Action alternative, use of earth moving equipment during construction and use of motorized vehicles on this road, throughout the life of the access, would impact opportunities for solitude and would be incompatible with the non-motorized and non-mechanical character of the area. Disturbance of wildlife during construction and use of the access road would also impact natural processes protected under the wilderness designation.

However, the reduced width of the road and no use of gravel surfacing would lessen the impact of this road on the naturalness of this wilderness area. This includes a decrease in the visual impact of the road from viewpoints located within the wilderness boundary and in the hills to the north of the access route. Although this impact would degrade the

experience of wilderness users, the impact would be substantially less than that of the Proposed Action alternative as the ungraded road surface would approximate the color of the surrounding desert surfaces (see photos 6 through 11) and the reduced road width would be less noticeable.

Restricting this access road to one vehicle in width and no gravel surfacing would minimize impacts to wilderness character while providing vehicular access to the in-holding for the stated purposes of the proposed access. This minimization of impacts more closely adheres to the regulatory criteria, governing access to wilderness in-holdings, than the Proposed Action alternative. This criteria provides that, at a maximum, only the same type of road and mode of travel can be authorized through wilderness that existed on the October 31, 1994 wilderness designation date for the Mecca Hills.

The road that existed on the date of designation was apparently maintained by the passage of vehicles. Authorizing the grading of a 12 foot wide road would insure that vehicle use is restricted to this alignment and would eliminate the potential for a proliferation of vehicle tracks in the wash if a roadway was not clearly delineated. Minimizing these vehicle related impacts would protect wilderness values from degradation.

In 1998, Mr. Blomgren constructed the 20 foot wide unauthorized road that is still very visible on the eastern 1,000 linear feet (.46 acres) of this proposed access alignment (see Photos #s 8-10). Authorizing a 12 foot wide graded road within this existing roadway would constrict vehicle use to this 12 foot wide alignment in lieu of allowing vehicle use over the entire 20 foot wide roadway. Given the slow rehabilitation of this area, however, the .18 acres of the unauthorized roadway located directly adjacent to this access would continue to impact the naturalness and wilderness values of this area.

3. **No Action Alternative:**

No impacts would occur under the No Action Alternative. Mr. Blomgren would not be granted a legal right of access across the identified public lands to his private lands.

C. **Mitigation Measures**

1. **Proposed Action**

**General Measures**

- a. To mitigate against the generation of fugitive dust, the operator would be required to comply with all reasonable measures to control PM-10 emissions during construction including the application of dust suppressants and/or water. Affected surfaces should be kept moist before and during the construction of the

road. Sufficient quantity and frequency of water would be applied to prevent visible emissions from being transported more than 100 feet downwind from the point of origin. On high wind days, watering would need to occur 3-4 times within one working day. The operator would curtail construction activities when wind speeds exceed 30 miles per hour.

- b. The gravel cap would be maintained to a depth of at least four inches. In order to further reduce vehicle related PM-10 emissions, water would be occasionally applied to the road in order to wash away accumulations of fine dust from the road surface.
- c. No hazardous materials or substances would be used or stored on-site without specific written authorization of the authorized officer. Diesel fuel, solid wastes, sewage from holding tanks, and waste oil would not be discharged or buried on-site. The operator would be required to quickly clean up and properly dispose of any waste spills, discharge, or deposits, per local, State, and Federal laws.
- d. One portable chemical toilet would be provided for crews during construction.

**Invasive Weed Species Mitigation**

- e. The Operator would not plant, seed, or otherwise introduce invasive exotic plant species to the construction areas. Exotic plant species to be strictly avoided include those species listed on the California Exotic Pest Plant Council (CalEPPC) web site: <http://www.caleppc.org>.
- f. All equipment would be washed of seed bearing dirt and debris prior to entering the project area to prevent the spread of invasive weeds from other areas. Construction supervisors and managers would be educated, during a pre-construction tailgate session, on the importance of controlling and preventing the spread of invasive non-native species infestations.

**Habitat Restoration Mitigation**

- g. Upon completion of construction, the operator would be required to rip all areas disturbed as part of this project that are not directly associated with the roadbed. Tamarisk would be removed from the reclaimed area annually for the first five years of the authorization. The operator would also broadcast the following seed mixture throughout all of these ripped areas:

Seeds of these species	Pounds of seed/acre

Saltbush species, <i>Atriplex polycarpa</i>	4 lbs.
<i>Atriplex canescens</i>	7 lbs (de-winged) or 14 lbs. (winged)
Sweetbush, <i>Bebbia juncea</i>	3 lbs.
Cheesebush, <i>Hymenoclea salsola</i>	4 lbs.

- h. Upon termination of the access authorizations, all disturbed areas would be ripped and seeded. In addition, Palo Verde and Smoke Tree seedlings would be planted in the wash area to the satisfaction of the authorized officer. All tamarisk seedlings would be removed from the site. This reclamation would occur between November and March in order to take advantage of winter precipitation.

**Cultural Mitigation**

- i. If new cultural resources are discovered during construction and determined to be significant, the proponent would notify the appropriate agencies in accordance with State and Federal regulations. Specifically, the proponent would immediately bring to the attention of the Palm Springs-South Coast Field Office any previously unidentified cultural resources (prehistoric/historic sites, features or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
- j. Actions other than those explicitly approved by the BLM that result in impacts upon archaeological or historical resources would be subject to the provisions of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public land.

**Biological Mitigation**

- k. Desert Tortoise Mitigation

Stipulations from Biological Opinion for small disturbances of desert tortoise habitat in the California Desert (1-8-97-F-17) that apply to this project are as follows:

In the following measures, a "qualified biologist" is defined as a trained wildlife biologist who is knowledgeable concerning desert tortoise biology, tortoise mitigation techniques, tortoise habitat requirements, identification of tortoise sign, and procedures for surveying for tortoises. Evidence of such knowledge may include one or more of the following: employment as a field biologist working on desert tortoise or successful completion of a contract dealing with desert tortoise fieldwork. Attendance at the training course sponsored by the Desert Tortoise Council would be a supporting qualification.

An "authorized biologist" is defined as a wildlife biologist who has been authorized to handle desert tortoises. An authorized biologist must be approved by the USFWS, the CDFG, and the BLM (see measure 3).

- 1) The project proponent would designate a FCR who will be responsible for overseeing compliance with protective stipulations for the desert tortoise and for coordination on compliance with the BLM. The FCR must be on-site during all project activities and would have a copy of all stipulations when work is being conducted on the site. The FCR would have the authority to halt all project activities that are in violation of the stipulations. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the project proponent, or a contracted biologist.
- 2) All employees of the project proponent who work on-site would participate in a tortoise education program prior to initiation of field activities. The project proponent is responsible for ensuring that the education program is developed and presented prior to conducting activities. New employees would receive formal, approved training prior to working on-site. The employee education program must be received, reviewed, and approved by the BLM Resource Area Office at least 15 days prior to the presentation of the program. The program may consist of a class presented by a qualified biologist (BLM or contracted) or a video. Wallet-sized cards or a one-page handout with important information for workers to carry are recommended. The program would cover the following topics at a minimum:
  - i. distribution of the desert tortoise,
  - ii. general behavior and ecology of the tortoise,
  - iii. sensitivity to human activities,
  - iv. legal protection,
  - v. penalties for violations of State or Federal laws,
  - vi. reporting requirements, and

- vii. project protective mitigation measures.
- 3) Only biologists authorized by the USFWS, CDFG, and the BLM would handle desert tortoises. The BLM or project proponent would submit the name(s) of proposed authorized biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of activities. No handling activities would begin until an authorized biologist is approved. Authorization for handling would be granted under the auspices of the Section 7 consultation.
  - 4) The area of disturbance would be confined to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. Work area boundaries would be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as burrows, identified by the qualified biologist would be avoided to the extent possible. To the extent possible, previously disturbed areas within the project site would be utilized for the stockpiling of excavated materials, storage of equipment, location of office trailers, and parking of vehicles. The qualified biologist, in consultation with the project proponent, would ensure compliance with this measure.
  - 5) No new access road would be bladed to the project site. Except when absolutely required by the project and as explicitly stated in the project permit, cross-country vehicle use by employees is prohibited during work and non-work hours.
  - 6) Desert tortoises may be handled only by the authorized biologist and only when necessary. In handling desert tortoises, the authorized biologist would follow the techniques for handling desert tortoises in "Guidelines for Handling Desert Tortoises during Construction Projects" (Desert Tortoise Council 1996).
  - 7) The authorized biologist would maintain a record of all desert tortoises handled. This information would include for each tortoise:
    - i. the locations (narrative and maps) and dates of observations;
    - ii. general condition and health, including injuries and state of healing and whether animals voided their bladders;
    - iii. location moved from and location moved to;
    - iv. diagnostic markings (i.e., identification numbers or marked lateral scutes); and
    - v. slide photograph of each handled desert tortoise as described in a previous measure.

- 8) No later than 90 days after completion of construction or termination of activities, the FCR and authorized biologist would prepare a report for the BLM. The report would document the effectiveness and practicality of the mitigation measures, the number of tortoises excavated from burrows, the number of tortoises moved from the site, the number of tortoises killed or injured, and the specific information for each tortoise as described previously. The report may make recommendations for modifying the stipulations to enhance tortoise protection or to make it more workable. The report would provide an estimate of the actual acreage disturbed by various aspects of the operation.
- 9) Upon locating a dead or injured tortoise, the project proponent or agent is to notify the BLM Resource Area Office. The BLM must then notify the appropriate field office (Carlsbad or Ventura) of the USFWS by telephone within three days of the finding. Written notification must be made within five days of the finding, both to the appropriate USFWS field office and to the USFWS Division of Law Enforcement in Torrance. The information provided must include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death, if known, and other pertinent information.
- 10) An injured animal would be transported to a qualified veterinarian for treatment at the expense of the project proponent. If an injured animal recovers, the appropriate field office of USFWS should be contacted for final disposition of the animal.
- 11) The BLM would endeavor to place the remains of intact tortoise carcasses with educational or research institutions holding the appropriate State and Federal permits per their instructions. If such institutions are not available or the animal's remains are in poor condition, the information noted above would be obtained and the carcass left in place. If left in place and sufficient pieces are available, the BLM (or its agent) would attempt to mark the carcass to ensure that it is not reported again. Arrangements for disposition to a museum would be made prior to removal of the carcass from the field.
- 12) Except on county-maintained roads, vehicle speeds would not exceed 20 miles per hour through desert tortoise habitat.
- 13) Workers would inspect for tortoises under a vehicle prior to moving it. If a tortoise is present, the worker would carefully move the vehicle only when necessary and when the tortoise would not be injured by moving the vehicle or would wait for the tortoise to move out from under the vehicle.

- 14) No dogs would be allowed at a work site in desert tortoise habitat.
- 15) All trash and food items would be promptly contained within closed, raven-proof containers. These would be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.
- 16) Project proponents would stockpile any vegetation grubbed or bladed from the project site and access road. Following completion of the project, the access road and project site (if a temporary disturbance) would be recontoured to approximate pre-project condition and the stockpiled vegetation randomly spread across the recontoured area.
- 17) Compensation for loss of habitat would be obligatory per BLM requirements. Current requirements are based on a formula presented in the *California Statewide Desert Tortoise Management Policy* (BLM 1992) and NECO Plan June 2002.

### **Wilderness Reclamation Measures**

1. Prior to any required reclamation, the access permit holder would be required to submit a wilderness reclamation plan to the Authorized Officer, for approval, that would fully address reclamation measures using agency minimum tool standards. Minimum tool is defined as the least impactful method, equipment, device, force, practice, or use that will meet the reclamation objective in a wilderness context. This plan would ensure implementation of actions that would minimize impact on social and biophysical wilderness values. The holder would then complete reclamation to the satisfaction of the Authorized Officer.

### **Valid Existing Rights**

- m. Prior to initiating road construction, the proponent would notify Granite Construction, holder of the intersecting haul road right-of-way grant, to outline proposed activities and insure that no rights under this haul road grant are compromised and that public safety measures are adhered to.

### **2. Alternative 1: Reduced Impact Alternative**

Mitigation measures for Alternative #1 would be the same as for the Proposed Action with the following exceptions:

### **General Measures**

- a. Only water would be used on wilderness lands as a dust suppressant to avoid

unnecessary impacts to wilderness values from chemical dust suppressant compounds.

- b. No gravel would be used on the wilderness portions of this proposed access.

### **Biological Mitigation**

- c. No handling of desert tortoises would be authorized in order to minimize the impacts of wildlife values within wilderness. This would be consistent with the purposes of the wilderness designation in providing protection to natural processes.

### **Wilderness Reclamation Measures**

- d. In addition to minimum tool measures, the access permit holder would reclaim the portions of the 20 foot wide unauthorized access road on wilderness lands that are not within the 12 foot wide graded access. Reclamation measures would be the same as identified in the mitigation for the Proposed Action.

## **D. Residual Impacts**

For both the Proposed Action and Alternative 1:

After application of effective reclamation measures on the disturbed areas outside of the road, these areas would slowly revegetate and habitat productivity would approach pre-project conditions in the long term. The removal of tamarisk seedlings from the site would prevent invasion of the area by this weed species. Broadcast seeding of the specified seed mixture would facilitate establishment of native species.

Following reclamation, the abundance and diversity of plants would be less than pre-operation conditions. Natural plant succession and reclamation measures would return the site to approximately pre-operation conditions in 10 to 30 years. The length of time it takes for restoration of existing plant communities is directly related to the measures taken to restore soil structure and contour, retard wind and water erosion and prepare seed beds for maximum regrowth of successional plant species. Wildlife populations would return to this site as plant communities become established.

This action would result in the partial loss of some top soil and the loss of soil structure throughout the site. There would be a slight increase in fugitive dust emissions from this area due to use of the road, however, the overall contribution to regional PM-10 levels would be very small.

1. Proposed Action

The proposed action would result in up to .5 acres of temporary soil disturbance during construction and 2.16 acres of soil rendered non-productive by placement and use of the road surface. The temporary disturbance would rehabilitate over time with the addition of the specified reclamation measures.

This proposal would result in a 20 foot wide and 2,000 foot long graveled road that would substantially impact the natural character of this wilderness area throughout the life of the access and until reclamation is successful upon road closure. Disturbance of wildlife during construction and use of the access road would also impact natural processes protected under the wilderness designation.

In addition, use of earth moving equipment during construction and use of motorized vehicles on this road would impact opportunities for solitude and would be incompatible with the non-motorized and non-mechanical character of the area. This affected area includes both the .92 acres of roadbed along with numerous locations in the hills located just north of the access where the road would be visible and sounds of vehicles would be evident. This impact would be especially noticeable as the graveled surface would contrast with the surrounding soils. This impact on the wilderness character of the area would remain after proposed mitigation is completed.

## 2. Alternative 1: Reduced Impact Alternative

A total of 1.79 acres of soil would be rendered non-productive by placement and use of the access road. As with the Proposed Action alternative, use of earth moving equipment during construction and use of motorized vehicles on this access throughout the life of the access would impact opportunities for solitude and would be incompatible with the non-motorized and non-mechanical character of the area. Disturbance of wildlife during construction and use of the access road would also impact natural processes protected under the wilderness designation.

However, the reduced width of the road and no use of gravel surfacing would lessen the impact of this road on the naturalness of this wilderness area. This includes a decrease in the visual impact of the road from viewpoints located within the wilderness boundary and in the hills to the north of the access route. Although this impact would degrade the experience of these wilderness users, the impact would be substantially less than that of the proposed action as the ungraveled road surface would approximate the color of the surrounding desert surfaces (see photos 6 through 11) and the reduced road width would be less noticeable.

## 5. Cumulative Impacts

Canals, agriculture, electrical transmission lines and gravel mining operations over the last 75 years have extensively impacted much of the area in close proximity to the

proposed action. This portion of the access road on non-wilderness lands would add slightly to the overall impacts to the landscape in the general vicinity. These overall impacts are expected to increase over the next 30 years as demands for aggregate materials and agricultural areas increase in the Coachella Valley. In addition, human impacts are anticipated to increase in this region as the population of Thermal, California and the overall Coachella Valley increases. These impacts are anticipated to increase PM-10 levels, reduce the scenic quality of the valley and vicinity, and reduce overall ecological diversity in this arid region.

This road within the Mecca Hills Wilderness Area would add to the few imprints of man found within this 24,200-acre area. These include remnants of roads, some scattered evidence of past mining activity and areas frequented by wilderness users. As this proposed access road would be located parallel to and within 500 feet of the wilderness area boundary (see map), the impact would be less intrusive than a similar impact would be if it were located within the pristine interior of the wilderness area.

**PERSONS / AGENCIES CONSULTED:**

- US Fish and Wildlife Service
- Individuals and interest groups on the BLM recipient list for Notices of Proposed Actions.

**PREPARED/REVIEWED BY:**

Wanda Raschkow, Cultural Resources Specialist  
Lisa South, Wildlife Biologist  
Mona Daniels, Outdoor Recreation Planner  
Steve Kupferman, BLM Geologist  
Greg Hill, Environmental Coordinator  
John Kalish, Supv., Lands Minerals and Recreation

**REVIEWED BY:**           /s/ Greg Hill            
Environmental Coordinator

                                          9/11/03                                            
Date

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
PALM SPRINGS-SOUTH COAST FIELD OFFICE**

**DECISION RECORD  
CA-660-03-59**

**NAME of PROJECT:** Blomgren Road Right-of-Way and Permit Application; Including Access through Mecca Hills Wilderness Area

**DECISION:** It is my decision to approve the Alternative 1: Reduced Impact Alternative as described in Environmental Assessment (EA) number CA-660-03-59. Compliance with the mitigation measures identified in the EA is required. These measures are incorporated into this decision record as stipulations by reference. A copy of this Decision Record and attendant conditions of approval (stipulations) are to be in the possession of the on-site operator during all undertakings approved herein.

**RATIONALE:** The surface impacts of Alternative 1 would be .37 acres or 18 % less than the Proposed Action. Although both alternatives would degrade the experience of wilderness users, the ungraveled road surface in Alternative 1 would approximate the color of the surrounding desert surfaces and the reduced road width would be less noticeable. The reduced width of the road and no use of gravel surfacing would lessen the impact of this road on the naturalness of the Mecca Hills Wilderness Area over the Proposed Action. This includes a decrease in the visual impact of the road from viewpoints located within the wilderness boundary and in the hills to the north of the access route.

Restricting the access road to one vehicle in width and no gravel surfacing would also minimize impacts to wilderness character while providing vehicular access to the in-holding for the stated purposes of the proposed access. This minimization of impacts more closely adheres to the regulatory criteria, governing access to wilderness in-holdings, than the Proposed Action alternative. This criterion provides that, at a maximum, only the same type of road and mode of travel can be authorized through wilderness that existed on the October 31, 1994 wilderness designation date for the Mecca Hills.

Alternative 1 has several other factors that are an improvement over the Proposed Action. Only water would be used on wilderness lands as a dust suppressant to avoid unnecessary impacts to wilderness values from chemical dust suppressant compounds that could be used in the Proposed Action. No handling of desert tortoises would be authorized with Alternative 1 in order to minimize the impacts of wildlife values within wilderness. This would be consistent with the purposes of the wilderness designation in providing protection to natural processes. In addition, portions of the 20 foot wide unauthorized access road, on wilderness lands that are not within the 12 foot wide graded access, would be reclaimed in Alternative 1. This reclamation would reduce the on-going impacts associated with this unauthorized road.

**FINDING OF NO SIGNIFICANT IMPACT:** Environmental impacts associated with the proposed action have been assessed. Based on the analysis provided in the attached EA, I conclude the approved action is not a major federal action and would result in no significant impacts to the environment under the criteria in Title 40 Code of Federal Regulations 1508.18 and 1508.27. Preparation of an Environmental Impact Statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

**APPEALS:** This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 1260, North Palm Springs, California 92258, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal would show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellant's success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.

During the appeal to the State Director, all decisions from which the appeal is taken would be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department as it affects the mining claim(s). No appeal, protest or petition for reconsideration would be entertained from this decision after the appeal period has expired.

**CONCUR:**

/s/ Mitchell Leverette, Acting  
Field Manager  
Palm Springs-South Coast Field Office  
USDI Bureau of Land Management  
690 W. Garnet Avenue; P.O. Box 1260  
North Palm Springs, CA 92258-1260

9/16/03  
Date

**APPROVED:**

/s/ Linda Hansen  
District Manager  
California Desert District  
USDI Bureau of Land Management  
22835 Calle San Juan De Los Lagos  
Moreno Valley, CA 92553

9/23/03  
Date