



“protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values....and that will provide for outdoor recreation and human occupancy and use.” Under 43 CFR 2800 the BLM is authorized to issue ROW grants to other Federal agencies.

## **LAND USE PLAN CONFORMANCE and REGULATORY COMPLIANCE**

### A. Land Use Plan Conformance

In compliance with 43 CFR 1610.5-3, the proposed action described in this environmental assessment has been reviewed and has been found to be in conformance with the approved Land Use Plan: *South Coast Resource Management Plan* (1994).

### B. Threatened and Endangered Species

In accordance with tables and maps provided by the U.S. Fish and Wildlife Service (USFWS) to BLM’s wildlife biologist during informal consultation, there are no known occurrences of threatened and endangered species or critical habitat within the Smith Canyon area. In compliance with the Endangered Species Act of 1973, as amended and 50 CFR 402, formal consultation with the USFWS is not required as a result of this “No Effect” determination.

### C. Cultural

Authorities for managing cultural resources and programs of historic preservation exist under the National Environmental Policy Act, Executive Order 11593, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, the Historic Sites Act of 1935, the Antiquities Act, the American Indian Religious Freedom Act, Executive Order 13007 ("Sacred Sites"), and the National Historic Preservation Act of 1966 (NHPA). BLM responsibilities for Section 106 of the National Historic Preservation Act are implemented through an alternative procedure pursuant to the State Protocol Agreement between The California State Director of The Bureau of Land Management and the California State Historic Preservation Officer (1998).

## **DESCRIPTION of ALTERNATIVES**

### A. Proposed Action

The BLM proposes to amend the BP’s existing ROW (CACA-38154) for realignment of the road across the bottom of Smith Canyon. The road realignment is an extension of the proposed drainage structure analyzed in the “Final Environmental Assessment for Various Road Improvements from Canyon City, California to the Imperial County Line, San Diego County, California” (March 2003). Refer to Location Map - A and Figure 1 – Road and Drainage Structure design.

The realigned road would be located approximately 40 feet to the south of the existing road which crosses the bottom of Smith Canyon. The new road would align with a cement drainage structure to be constructed in the canyon. The finished road, including drainage features (water bars and trenches) would be approximately 20 to 24 feet in width and extend approximately 300

to 350 feet across the canyon bottom. The road would cross a flat alluvium covered with scattered vegetation, Mormon tea (*Ephedra* sp.) being the dominant species. Less than .10 of an acre would be disturbed by the realignment of the road. Road construction would not take place during heavy rain events. Work crews would not exceed 50 persons. Construction equipment would consist of a water truck, dump truck, excavator, and grader.

**The following actions would be incorporated into the amended right-of-way as stipulations:**

Work would take place during daylight hours. Work crews would not camp on site. Equipment would be stored and staged from the authorized storage area located between Smith and La Gloria Canyons.

Public access along the road may be limited during construction for safety purposes. Reasonable measures would be taken to maintain access for interdiction and fire fighting.

Abandoned segments of the existing road would be ripped, blocked, or re-contoured. The re-contoured segments and disturbed slopes above and below the realigned road would be re-seeded if warranted. A native seed mix would be specified by the BLM. All final graded areas completed prior to September 1 shall be hydro-seeded by December 1 of that same year.

Cactus (*Cylindropuntia* sp.) located within the alignment of the new route would be removed and transplanted in another section of the canyon.

All construction equipment and motorized vehicles would have a fire extinguisher in the cab, and a muffler and/or spark arrester to reduce the potential for wildfires. Equipment would possess properly working mufflers and be kept in a proper state of tune to reduce backfires. Equipment would be washed before arriving at the project site to minimize spread of noxious weeds.

The BP would implement strict dust control measures during construction. This will include the watering of the road and the use of dust suppressant. All construction equipment and vehicles would be required to be kept in good operating condition to reduce oil leaks and other potential fluid leaks.

A storm water pollution prevention plan (SWPPP) would also be implemented. A Spill Prevention Control and Countermeasure Plan would be in place prior to the start of construction and all construction personnel would be briefed on the implementation and responsibilities of this plan.

Equipment refueling and repair would occur off-site, out of the canyon bottom and riparian area. A spill containment area would be established, and all equipment would be refueled and repaired within the containment area. Drip pans would be used at the staging area to minimize any impacts from spills of petroleum, oils, or other lubricants. All fuels, waste oils, and solvents would be collected and stored in tanks or drums. All waste oil and solvents would be recycled where possible. All non-recyclable hazardous and regulated wastes would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

Several field trips were made to the project area by BLM and USFWS staff. No threatened and endangered species (T&E) or their critical habitat was identified during those field visits, or prior to those field visits, when biological surveys were conducted by contractors for the Army Corps of Engineers. Because construction would occur during the nesting season for birds, a migratory bird survey would be conducted in Smith canyon prior to realignment of the road. If threatened and/or endangered species are detected during the survey, the BP must contact the USFWS prior to starting construction activities to determine if formal section 7 consultation is required.

An extensive cultural survey (*Cultural Resource Survey for Proposed United States-Mexico International Border Infrastructure Improvements from Tecate to Jacumba San Diego County, California by TRC – December 2002*) was conducted in the project area. The survey was completed for the construction of a cement drainage structure across the bottom of Smith Canyon. The survey incorporated the area proposed for the road realignment. No sites were identified during the survey. During the road improvement project if any archaeological artifacts or sites are uncovered, work would stop immediately and the BLM authorized officer contacted. Work would not continue until the BLM authorized officer give notification.

Prior to construction activities, the designated BP representative and the project engineer would meet with the BLM for a pre-construction meeting to discuss specific environmental and engineering considerations.

Any additional construction or use that is not in accord with the approved plan of development would not be initiated without prior written approval of the BLM authorized officer. A copy of the complete rights-of-way grant, including all stipulations and approved plan(s) of development, shall be made available in the area prior to construction.

#### B. No Action

Under this alternative, the BLM would deny amending the Bureau of Customs and Border Protection's right-of-way grant for the realignment of the road through Smith Canyon.

### **AFFECTED ENVIRONMENT**

The project site is located in Smith Canyon, a fairly deep canyon undeveloped except for the access road. Coarse sandy loam soils covered with large granitic rock boulders dominate the canyon's landscape. The canyon supports a chaparral vegetation community of chamise (*Adenostoma fasciculatum*), manzanita (*Xylococcus bicolor*), and California lilac (*Ceanothus tomentosus*). The bottom of Smith Canyon supports a narrow drainage which is dry most of the year. The bottom portion of the canyon supports a riparian community with species consisting of four-winged saltbush, Yerba santa (*Eriodictyon californicum*), elderberry (*Sambucus* sp.) and needle grass (*Achnatherum* sp.). Vegetation directly in the path of the road realignment is Mormon tea (*Ephedra* sp.), Yerba santa, and scattered cactus (*Cylindropuntia* sp.).

The project area is not designated as critical habitat for any T&E species. During site visits by USFWS staff in 2004 and a BLM biologist in 2006, no T&E species were detected. Biological surveys conducted by contractors for Army Corp of Engineers in 1994, 1997, and 2002 also did not identify any T&E species.

An extensive cultural survey was conducted in the project area in 2002. The survey was completed for the cement drainage structure across the bottom of Smith Canyon. The survey incorporates the area within the bottom of Smith Canyon where the realignment of the road is proposed to occur. No sites were identified during the survey. For a detailed description of the cultural history of the area, refer to this report (*Cultural Resource Survey for Proposed United States-Mexico International Border Infrastructure Improvements from Tecate to Jacumba Sand Diego County, California* by TRC – December 2002).

The *South Coast RMP* designates all lands outside of Areas of Critical Environmental Concern (ACEC's) as VRM Class III. Class II guidelines allow for moderate change to landscape character. Management actions may attract attention but should not attract the view of the casual observer.

For a detailed description of the affected environment refer to the *Final Environmental Assessment for Various Road Improvements from Canyon City, California to the Imperial County Line, San Diego County, California* – March 2003.

## ENVIRONMENTAL CONSEQUENCES

### A. Critical Elements

The following table summarizes potential direct, indirect, residual and cumulative 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 will not be discussed further in this document.

| Environmental Element       | Proposed Action      | No Action Alternative |
|-----------------------------|----------------------|-----------------------|
| Air Quality                 | See discussion below | No Impact             |
| ACECs                       | No Impact            | No Impact             |
| Cultural Resources          | No Impact            | No Impact             |
| Native American Concerns    | No Impact            | No Impact             |
| Farmlands                   | No Impact            | No Impact             |
| Floodplains                 | No Impact            | No Impact             |
| Energy (E.O. 13212)         | No Impact            | No Impact             |
| Minerals                    | No Impact            | No Impact             |
| T&E Animal Species          | No Impact            | No Impact             |
| T&E Plant Species           | No Impact            | No Impact             |
| Invasive, Nonnative Species | See discussion below | No Impact             |

|                                     |                      |                      |
|-------------------------------------|----------------------|----------------------|
| Wastes (hazardous/solid)            | See discussion below | No Impact            |
| Water Quality (surface and ground)  | See discussion below | See discussion below |
| Wetlands/Riparian Zones             | See discussion below | No Impact            |
| Wild and Scenic Rivers              | No Impact            | No Impact            |
| Wilderness                          | No Impact            | No Impact            |
| Environmental Justice               | No Impact            | No Impact            |
| Health and Safety Risks to Children | See discussion below | See discussion below |
| Visual Resource Mgmt.               | No Impact            | No Impact            |

## B. Discussion of Direct, Indirect, Residual and Cumulative Impacts

### 1. **Proposed Action**

**Air Quality.** Road construction would release dirt and debris into the air. Keeping the site watered down and applying dust suppressant would reduce the amount of dirt and debris released into the air and settling on nearby plants. The small amounts of dirt and debris released on windy days would most likely dissipate very quickly, traveling no further than onto lands in close proximity to the project site. The dirt and debris would not be released in large enough amounts to reduce visibility or air quality on BLM or adjacent lands. Air quality during construction of the road is expected to remain good and well below standards.

**Invasive/Non-native Species.** To minimize the spread of invasive/non-native species, all vehicles would be washed down daily before entering the work site. A negligible amount of seeds could be transported into the site, even with daily washing of the vehicles.

**Waste/Hazard.** Measures would be taken to prevent any spills from occurring at the project site. All fueling and repair of equipment would take place off-site in a spill containment area. If equipment should leak fuel or other oils at the project site, the spill would be contained immediately and spill containment procedures would be implemented immediately.

**Water Quality.** Water quality would not be affected during construction as the drainage is ephemeral in nature and construction would take place during dry months. Drainage features built into the road, such as water bars and trenches would help to reduce soil erosion and sedimentation.

**Wildlife.** Wildlife in the project area could be affected by noise made during realignment of the road but, the noise would be temporary, lasting only about one week.

Ground dwelling species such as lizards would be displaced by the construction of the road. These species would be able to relocate in other portions of the canyon, as habitat is plentiful.

**Riparian Zone/Vegetation.** Within the riparian zone of Smith Canyon less than .10 of an acre would be disturbed by realignment of the existing road. Existing vegetation would be removed from within the road realignment. Disturbed vegetation would consist primarily of grasses, brush and Mormon tea. Cholla would be transplanted to other areas within the canyon.

**Health & Safety Risks to Children.** Realignment of the road is designed to make the area safer to drive and allow for increases in patrols by Border Patrol agents. Increased patrols would help to reduce drug trafficking and other crimes within the area making a safer living environment for children in the U.S. and in Mexico.

### 2. **No Action**

**Air Quality.** Currently, there is very little motorized vehicle within the canyon. The Border Patrol is the most frequent visitor to the area. Motorized vehicle use is the most likely contributor to dust in the area. This use is to minimal, that air quality remains good and well below standards

**Invasive/Non-Native Species.** The potential spread of invasive/non-native species would come from general motorized vehicle activity in the canyon. As motorized vehicle use in the canyon is minimal, it is likely that the spread of invasive weeds would remain low.

**Waste.** The potential for the release of hazardous waste would not exist under the No Action Alternative.

**Water Quality.** Implementation of the No Action Alternative would have no significant adverse impacts on the area's water quality.

**Wildlife.** Under the No Action Alternative, wildlife in the area would not be displaced or bird nesting patterns disrupted from the construction of the road or because of the noise from the use of heavy equipment.

**Riparian Zone/Vegetation.** Under the No Action Alternative, there would be no new loss of vegetation.

**Health & Safety Risks to Children.** Implementation of the No Action Alternative would not result in disproportionately high or adverse environmental health or safety impacts to children on either side of the border.

**Cumulative Effects.** Several projects are proposed for the Smith Canyon area including the construction of a cement drainage crossing in conjunction with the proposed road realignment, storage tank and well, and widening and placement of culverts along the existing road. Marginal vegetation would be lost with all three projects, less than one acre. Construction activity for the drainage crossing and the road maintenance would occur at the same time as the road realignment. Noise from the construction activity would be extended beyond the week of the road realignment activity. Disturbances to vegetation and wildlife would be increased relative to the No Action Alternative. Cumulative impacts from the projects are projected to be minimal.

C. Mitigation Measures

Mitigation measures were incorporated into the description of the proposed action as stipulations to the amended right-of-way. These stipulations are to ensure that construction of the road would be carried out in a manner that provides for protection of natural and cultural resources. As a result of the analysis, no additional mitigation measures were identified.

**CONSULTATION and COORDINATION**

A. Persons/ Agencies Consulted

U.S. Border Patrol – San Diego Sector  
Therese O’Rourke – US Fish and Wildlife Service

B. List of Preparers

Janaye Byergo, BLM San Diego Project Manager - PSSCFO  
Rolla Queen, BLM Archaeologist – California Desert District  
Joyce Schlachter, BLM Wildlife Biologist-PSSCFO  
Tom Gey, BLM Realty Specialist - PSSCFO

**FREEDOM OF INFORMATION ACT CONSIDERATIONS**

Public comments submitted for this environmental assessment, including names and street addresses of respondents, will be available for public review at the Palm Springs-South Coast Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**REVIEWED BY:**

\_\_\_\_\_ Environmental Coordinator

\_\_\_\_\_ Date

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

**DECISION RECORD  
CA-660-06-27**

**NAME of PROJECT:** Smith Canyon Road Realignment

**DECISION:** It is my decision to approve the amending of right-of-way CACA-38154 authorizing the Bureau of Customs and Border Protection to realign the road through Smith Canyon as described in the accompanying Environmental Assessment (EA) CA-660-06-27. Compliance with the amended right-of-way as described in the environmental assessment is hereby required and incorporated into this decision record as stipulations attached to the "Notice to Proceed".

**RATIONALE:**

**FINDING OF NO SIGNIFICANT IMPACT:** Environmental impacts associated with the proposed action have been assessed in environmental assessment CA-660-06-27. Based on the analysis provided in the attached EA, I conclude the approved action is not a major federal action and will 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 581260, 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 shall 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.

**APPROVED BY:** \_\_\_\_\_

Field Manager  
Palm Springs-South Coast Field Office  
USDI Bureau of Land Management  
690 W. Garnet Avenue; P.O. Box 581260  
North Palm Springs, CA 92258-1260

\_\_\_\_\_ Date