

**U.S. Department of the Interior
Bureau of Land Management**

ENVIRONMENTAL ASSESSMENT
DOI-BLM-AZ-C030-2013-0027-EA

AZA 34759

Crossman Peak Road Right-of-Way

Applicant: GTP Acquisition Partners II, LLC

Mohave County

Lake Havasu Field Office
2610 Sweetwater Avenue
Lake Havasu City, AZ 86406

Prepared by: Sheri Ahrens
Date: 8/26/14



Compliance and assignment of responsibility: Lands Division

Monitoring and assignment of responsibility: Lands Division

Review:

Prepared by: /s/Sheri Ahrens	8/27/2014
Sheri Ahrens	Date
Realty Specialist	
Project Lead	

Reviewed by: /s/Jennifer House Authenticated by S.Ahrens	8/29/2014
Jennifer House	Date
Acting Assistant Field Manager	
Lands & Resources	

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CHAPTER 1 - INTRODUCTION

1.1 Identifying Information

CASEFILE/ PROJECT NUMBER: AZA 34759

PROJECT TITLE: Crossman Peak Road Right-of-Way

LEGAL DESCRIPTION:

Gila and Salt River Meridian, Arizona

T. 14 N., R. 19 W.,

sec. 13, Lot 2, S $\frac{1}{2}$;

sec. 14, S $\frac{1}{2}$;

sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 21, SE $\frac{1}{4}$;

sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 29, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

APPLICANT: GTP Acquisition Partners II, LLC

1.2 Introduction and Project Background

The Lake Havasu Field Office (LHFO) of the Bureau of Land Management (BLM) received an application for a road right-of-way, from Paso de Oro Drive to private property on Crossman Peak, on May 12, 2008 by GTP Acquisition Partners II, LLC (GTP) (see Appendix B- Map). The proposed road right-of-way is located east of Lake Havasu City, Arizona, within Mohave County and provides access to the Crossman Peak Communication Site on private property.

Crossman Peak Communication Site is located on private property on the northwest side of Crossman Peak Scenic Area of Critical Environmental Concern (ACEC). The road to the private property starts from Paso De Oro Drive in Lake Havasu City, Arizona, continuing up Falls Springs Wash into the Mohave Mountains. The road right-of-way would be 5.98 miles long and 20 feet wide (14.19 acres). There are 5 safety pullouts that would be maintained (0.30 acres). The total proposed right-of-way acreage is 14.49 of public lands administered by BLM LHFO, and is located within Township 14 North, Range 19 West (T. 14 N., R. 19 W.), Gila and Salt River Meridian, approximately 6 miles northeast of Lake Havasu City, Arizona.

The original road was built to access the now patented Sunrise Mine and has been upgraded over time. Land authorizations within and surrounding the project area include Bureau of Reclamation transmission line (AZA 00891), mineral exploration (AZA 34838, AZA 35838), communication site (AZA 34836), weather station rights-of-way (AZA 35081, AZA 35082), and Lake Havasu City irrigation rights-of-way (AZAR 0-034058).

1.3 Purpose and Need for the Proposed Action

The purpose of the action is to process a road right-of-way application from GTP Acquisition Partners II, LLC under the 43 Code of Federal Regulations (CFR) 2800. The need for the action is established by the BLM's responsibility under Federal Land Policy and Management Act (FLPMA) to respond to a request for a right-of-way grant for legal access to private land.

1.4 Decision to be Made

The decision the BLM would make is whether or not to grant the road right-of-way, and if so under what terms and conditions. The decision may include additional mitigation measures that are identified as a result of the analysis presented in this EA in order to prevent unnecessary or undue degradation of public lands, and protect sensitive resource values. The BLM may deny approval of the right-of-way if it is found that the proposal does not comply with 43 CFR 2800 regulations and the FLPMA mandate to manage for multiple uses on BLM-administered lands.

1.5 Conformance with Land Use Plan

The proposed action complies with the *Lake Havasu Field Office Resource Management Plan* (RMP) approved May 10, 2007. The specific management decision given in the RMP that apply to the Proposed Action is:

- LR-7 – Within the boundaries of Special Designations (such as but not limited to: ACEC, WSA, proposed Wild and Scenic Rivers, etc.) as identified in this Approved RMP, no new utility and roads ROWs will be authorized, with the exception of utilities and access roads that provide service to nonfederal land within these areas. One additional ROW will be issued in the proposed Crossman Peak Scenic ACEC to authorize an existing building and two towers on public land in T. 14 N., R. 19 W. section 13, lot 1.
- AC-5: Crossman Peak Scenic ACEC will be managed to protect and prevent irreparable damage to the relevant characteristics or important values.

1.6 Relationship to Statutes, Regulations, or Other Plans

The following section outlines statutes, regulations, and other requirements that apply to the Proposed Action.

National Environmental Policy Act (NEPA)

Any action conducted on federally-administered lands or an action that utilizes federal dollars must be evaluated to determine if significant economic, social, or environmental effects may occur as a result of the Proposed Action. The assessment of the Proposed Action must also identify a reasonable range of Action Alternatives and the associated environmental effects of the Actions.

Federal Land Policy and Management Act (FLPMA)

The BLM is mandated by the Federal Land Policy Management Act of 1976 to manage for multiple uses on BLM-administered lands. Land use planning is based on multiple use and sustained yield principles. This includes grazing, mining, recreation, travel management, land sales, acquisitions, and exchanges.

Clean Water Act

Section 313 of the Clean Water Act of 1972 requires federal agencies be in compliance with all federal, state, interstate, and local requirements. In Arizona, the Arizona Department of Environmental Quality (ADEQ) implements the Clean Water Act.

Migratory Birds

Executive Order 13186 expressly requires that Federal agencies evaluate the effects of proposed actions on migratory birds pursuant to the NEPA “or other established environmental review process;” restore and enhance the habitat of migratory birds, as practicable; identify where unintentional take reasonably attributable to agency actions is having, or is likely to have, a measurable negative effect on migratory bird populations; and, with respect to those actions so identified, the agency shall develop and use principles, standards, and practices that would lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the United States Fish and Wildlife Service (USFWS).

Cultural Resource Laws and Executive Orders

BLM is required to consult with Native American tribes to “help assure (1) that federally recognized tribal governments and Native American individuals, whose traditional uses of public land might be affected by a proposed action, will have sufficient opportunity to contribute to the decision, and (2) that the decision maker will give tribal concerns proper consideration” (U.S. Department of the Interior, BLM Manual Handbook H-8120-1). Tribal coordination and consultation responsibilities are implemented under laws and executive orders that are specific to cultural resources which are referred to as “cultural resource authorities,” and under regulations that are not specific which are termed “general authorities.” Cultural resource authorities include: the National Historic Preservation Act of 1966, as amended (NHPA); the Archaeological Resources Protection Act of 1979 (ARPA); and the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA). General authorities include: the American Indian Religious Freedom Act of 1979 (AIRFA); the National Environmental Policy Act of 1969 (NEPA); the Federal Land Policy and Management Act of 1976 (FLPMA); and Executive Order 13007-Indian Sacred Sites. The proposed action is in compliance with the aforementioned authorities.

1.7 Scoping, Public Involvement and Issues

The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

1.7.1 External Scoping

External scoping was conducted during the development of the approved Resource Management Plan (RMP). No additional external scoping was conducted as part of this assessment. External scoping documents can be found in the RMP administrative record.

1.7.2 Internal Scoping

The table in Section 3.1.1 summarizes the resources scoped by the interdisciplinary team on August 20, 2013, for the Proposed Action.

CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES

2.1 Introduction

The Crossman Peak communication site (AZA 34836), located within the Mohave Mountain range, is located on private property surrounded by public land. In order to access this communication site, a road right-of-way (ROW) has been requested. This ROW, the Proposed Action, includes 5.98 miles (14.19 acres) with five safety pullouts, from Paso de Oro Drive to the private property boundary. Due to steep terrain and severe weather patterns, routine maintenance is required as part of the ROW.

2.2 Alternatives Analyzed in Detail

2.2.1 Proposed Action

General:

The Proposed Action includes issuance of a thirty (30) year right-of-way on the existing road, beginning from Paso De Oro Drive, continuing up Falls Springs Wash into the Mohave Mountains. The road right-of-way would be 5.98 miles long and 20 feet wide (14.19 acres). There are 5 safety pullouts that would be maintained (0.30 acres). The total proposed right-of-way acreage is 14.49 of public lands administered by BLM LHFO. The road would be limited to authorized personnel at approximately one mile from the private property boundary, as designated in the Havasu Travel Management Plan (TMP). BLM will not be authorizing the route crossing state property (see Appendix B-Maps).

Maintenance:

The road will be maintained by the applicant on an as needed basis and will not be wider than 20 feet.

Authorization:

The road would be open to public use, as per the Havasu TMP, from State Land boundary off of Paso De Oro Drive to approximately one mile from the private property boundary. A gate would limit use of the road to authorized users approximately one mile from the private property boundary due to communication site hazards.

2.2.2 No Action Alternative

Under the No Action Alternative the road right-of-way would not be issued. The Havasu TMP designations would be maintained allowing public access to the gate. Any road maintenance required by the private property owner would not be approved.

CHAPTER 3 - AFFECTED ENVIRONMENT

3.1 Introduction/ Background

The Mohave Mountains are located east of Lake Havasu City, Arizona in southwestern Mohave County, in the Sonoran Desert. The area is has lower and upland Sonoran deserts scrub biomes, with palo verde and mixed cacti communities. Elevations within the project area range from approximately 2,100 to 4,300 feet above mean sea level (MSL). Crossman Peak rises to

approximately 5,100 feet above MSL. Drainage throughout the area is ephemeral, only flowing in response to rain events. The western end of the road begins at the northeastern edge of Lake Havasu City at Paseo de Oro Drive and continues east up the Mohave Mountains to the patented property.

3.2 Interdisciplinary Team Review

The following table is provided as a mechanism for resource staff to identify those resource values with issues or potential impacts from the proposed action and/or alternatives. Those resources identified in the table as potentially impacted will be brought forward for analysis.

Resource	Resource Status	Rationale for Dismissal from Analysis
Air Quality and Climate* <i>Project Lead</i>	PNI	Mohave County is not within a nonattainment area.
Areas of Critical Environmental Concern <i>George Shannon</i>	PI	See Section 3.3.1
Cultural, Historic & Paleontological Resources* <i>George Shannon</i>	PI	See Section 3.5.1
Environmental Justice <i>Project Lead</i>	NP	No minority or low-income groups would be disproportionately affected by health or environmental effects.
Farmlands (Prime or Unique) <i>Project Lead</i>	NP	By definition, there are no “prime or unique farmlands” on BLM – administered land within LHFO.
Fish Habitat* <i>Doug Adams</i>	NP	No aquatic habitat exists within the project area.
Floodplains* <i>Vacant</i>	NP	Portions of the Proposed Action are within Falls Spring Wash, an ephemeral wash only flowing in response to rain events. The Proposed Action would not alter this drainage.
Forest Management* <i>Vacant</i>	NP	This resource is not present within the project area.
Fuels/ Fire Management <i>Mike Trent</i>	NP	There would be no impact to Fire and Fuels Management.
Geology/ Minerals <i>Amanda Dodson</i>	PNI	Mineral exploration is active within the area. Access to mining notices and claims would not be limited by the Proposed Action.
Grazing/ Rangeland <i>Project Lead</i>	PNI	The project area is within the Crossman Peak grazing allotment. The Proposed Action would not limit access to range improvements nor impact ability to graze.
Invasive & Non-Native Species <i>Jennifer House</i>	NP	No invasive or non-native species are known to occur within the project area. The Proposed Action would not encourage the spread of invasive species

		due to routine maintenance.
Lands & Realty <i>Sheri Ahrens</i>	PNI	Multiple land use authorizations exist within and surrounding the project area. The Proposed Action would not impact or change these authorizations.
Law Enforcement	NP	No law enforcement actions are associated with this action.
Migratory Birds* <i>Jennifer House</i>	PI	See Section 3.4.1
Native American Religious Concerns* <i>George Shannon</i>	PNI	Crossman Peak is considered a sacred mountain by the Yuman River Tribes. ACEC management plans will be developed in the future with associated monitoring plans.
Noise <i>Project Lead</i>	NP	This project would not contribute to noise levels in the area.
Public Health & Safety <i>Vacant</i>	PNI	Communication site hazards exist on the private property. Access is limited through the Havasu TMP at the gate located one mile from private property.
Recreation <i>Amanda Deeds</i>	PNI	No special events or SRP's occur on this road nor would be limited by the Proposed Action.
Socioeconomics <i>Project Lead</i>	NP	The Proposed Action would not impact the socioeconomics of the surrounding areas.
Soils <i>Vacant</i>	PNI	The project area is defined as Cellar-Rock outcrop complex with 20 – 60 percent slopes. The Proposed Action would not alter this classification.
T & E Species* <i>Jennifer House</i>	NP	No federally listed threatened or endangered species are known to occur within or surrounding the project area.
Travel Management <i>Amanda Deeds</i>	PNI	The Proposed Action corresponds with the route designations within the Havasu TMP.
Vegetation <i>Jennifer House</i>	PNI	The road is pre-existing. Routine maintenance would not impact the sparse vegetation surrounding the road.
Visual Resources <i>Amanda Deeds</i>	PNI	The project area is within VRM Class IV. The Proposed Action would not impact this classification.
Wastes Hazardous or Solid* <i>Cathy Wolff-White</i>	NP	No hazardous or solid wastes have been identified within the project area.
Water Quality Surface and Ground* <i>Vacant</i>	NP	The Proposed Action does not access nor impact surface or ground water sources.
Wetlands and Riparian* <i>Doug Adams</i>	NP	No wetlands or riparian areas are present within the project area.
Wilderness, WSAs, Wild & Scenic Rivers <i>Amanda Deeds</i>	NP	No Wilderness, WSAs, or Wild & Scenic Rivers have been designated in the project area.

Wilderness Characteristics <i>Amanda Deeds</i>	NP	Wilderness characteristics have not been identified within the project area.
Wild Horses & Burros <i>Chad Benson</i>	PNI	The project area is within a Burro Herd Area and the Havasu-AZ Burro Herd Management Area. No burros are known to occur within the project area.
Wildlife Terrestrial <i>Jennifer House</i>	PI	See Section 3.4.3

*Consideration Required by Law or Executive Order

NP = Not Present

PNI = Present, Not Impacted

PI = Present and Potentially Impacted

The impacted resources brought forward for analysis include:

- Areas of Critical Environmental Concern
- Cultural, Historic & Paleontological Resources
- Migratory Birds
- Wildlife Terrestrial

3.3 Physical Resources

3.3.1 Areas of Critical Environmental Concern

Affected Environment:

Crossman Peak Scenic ACEC is 48,855 acres and will be managed to protect and prevent irreparable damage to the relevant characteristics or important values which include: significant places of traditional cultural importance, natural scenic backdrop or mountain preserve for Lake Havasu City, major lambing grounds for bighorn sheep, and large track of public land that exhibits high degree of naturalness with little human modification of the landscape and includes large area that provides the region with high opportunity for isolation from the sights and sounds of human development.

Environmental Consequences:

Proposed Action

Direct and Indirect Impacts:

The Proposed Action would allow for routine maintenance of the existing road. No new development would occur within the ACEC as part of the Proposed Action.

Protective/ Mitigation Measures:

Maintenance and repair will be necessary to keep the road in a serviceable condition and to prevent deterioration from natural erosion. Maintenance should include designs for long-term erosion control which may include drainage ditches as necessary to divert water to vegetated areas. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.

No Action Alternative

Direct/ Indirect Impacts:

Road will still be used by communication site users with no maintenance.

Protective/ Mitigation Measures: None

3.4 *Biological Resources*

3.4.1 *Migratory Birds*

Affected Environment:

The project area, within lower Sonoran desert scrub, includes nesting habitat for upland migratory birds. The following are some common species which may be found within and surrounding the project area: Common Raven (*Corvus corax*), White-winged Dove (*Zenaida asiatica*), Mourning Dove (*Zenaida macroura*), Gambel's Quail (*Callipepla gambelii*), Red-tailed Hawk (*Buteo jamaicensis*), Turkey Vulture (*Cathartes aura*), Northern Mockingbird (*Mimus polyglottos*), Bendire's Thrasher (*Toxostoma benirei*), and Curve-billed Thrasher (*Toxostoma curvirostre*).

Environmental Effects:

Proposed Action

The Proposed Action would allow for routine maintenance, as needed, along the 5.98 miles of route between Paso de Oro Drive and private property. Upland migratory bird nesting habitat does exist within the project area. Approximately, one mile and five miles of the Project Area would be within likely habitat for Burrowing Owl and Bendire's Thrasher, respectively.

Direct and Indirect Impacts:

Disturbance to nesting birds may occur from maintenance and use activities. Impacts are expected to be temporary if and when road maintenance actions occur during nesting season, typically after a monsoon event. Disturbance to nesting birds is expected to last not more than a few days, when the road is brought back to safe conditions.

Protective/Mitigation Measures: None.

No Action Alternative

The No Action Alternative would not issue a right-of-way to the applicant, therefore routine maintenance by the applicant would not be authorized. The Havasu TMP designates the existing road as open to OHV activities up until the first gate, where the road is designated as limited to authorized users.

Direct and Indirect Impacts: Disturbance to nesting birds may occur from recreational activities, but would be temporary.

Protective/Mitigation Measures: None.

3.4.2 Wildlife Terrestrial

Affected Environment:

The area is described as lower Sonoran desert scrub which provides habitat for a variety of upland species. The following are some common species which may be found within the project area: Mule Deer (*Odocoileus hemionus*), Black Tail Jackrabbit (*Lepus californicus*), Desert cottontail (*Sylvilagus auduboni*), Desert Woodrat (*Neotoma lepida*), Cactus Mouse (*Peromyscus eremicus*), Bobcat (*Lynx rufus*), Mountain Lion (*Felis concolor*), Coyote (*Canis latrans*), Kit Fox (*Vulpes macrotis*), Ringtail (*Bassariscus astutus*), Gilbert's Skink (*Eumeces gilberti*), Desert Spiny Lizard (*Sceloporus magister*), Desert Rosy Boa (*Charina trivirgata gracia*), Western Diamondback (*Crotalus atrox*), and the Sidewinder (*Crotalus cerastes*).

The Mohave Mountains includes important habitat for the Desert Bighorn Sheep (*Ovis canadensis*) and the Sonoran Desert Tortoise (*Gopherus morafkai*). Three miles of the project area are within Bighorn Sheep habitat; two miles within dispersed habitat, and one mile in sensitive habitat. The Crossman Peak ACEC includes relevant characteristics for Bighorn Sheep major lambing grounds. Additionally, the project area is completely within Category 3 Sonoran Desert Tortoise habitat and is proximate to Category 2 habitat.

Environmental Effects:

Proposed Action

The Proposed Action would allow for routine maintenance, as needed, along the 5.98 miles of route within Bighorn Sheep and Sonoran Desert Tortoise habitat. No evidence of tortoise presence or burrows was detected during a site visit of the project area on September 24, 2013. Although the road is within sensitive Bighorn Sheep habitat, there is no new construction of road and use of the road is limited to authorized users within sensitive habitat.

Direct and Indirect Impacts: Impacts would include potential take of tortoises within the roadway. Bighorn Sheep may be impacted through use and maintenance of the road during lambing season, but impact is expected to be temporary.

Protective/ Mitigation Measures:

1. For protection of Bighorn Sheep lambing, no blading or ground disturbing maintenance should occur between March and June northeast of the powerline.
2. Care shall be taken not to disturb or destroy desert tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Statute. Any sightings of desert tortoise shall be immediately reported to the LHFO, Wildlife Biologist at (928) 505-1200. If a desert tortoise is endangered by any activity that activity shall cease until the desert tortoise moves out of harm's way on its own accord or is moved following the attached guidelines "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects."
3. If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving the vehicles.
4. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to Arizona Game & Fish Department at (928) 342-0091.

5. Harassment of wildlife or destruction of private and public improvements, such as fences and gates, is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
6. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed.
7. Participants will be prohibited from approaching Bighorn Sheep on foot or by vehicle.

No Action Alternative

The No Action Alternative would not issue a right-of-way to the applicant, therefore routine maintenance by the applicant would not be authorized. The Havasu TMP designates the existing road as open to OHV activities up until the first gate, where the road is designated as limited to authorized users. Recreational use along this road may still impact individual tortoises which wander into the roadway. Additionally, use by authorized users along the limited portion of the route may still disturb Bighorn Sheep during lambing season.

Direct/ Indirect Impacts: Impacts would include potential take of tortoises within the roadway. Bighorn Sheep may be impacted through occasional use of the road during lambing season.

Protective/ Mitigation Measures: None.

3.5 Heritage Resources and Human Environment

3.5.1 Cultural, Historic, and Paleontological Resources

Affected Environment:

BLM is required to identify, evaluate, and protect all cultural resources on public lands under its jurisdiction. No sites have been located at the summit of Crossman Peak within the project area; however, recorded sites and artifacts found within the BLM Lake Havasu Field Office indicate continuous occupancy dating from about 5,000 B.C. Trails, sleeping circles, shrines, intaglios, lithic scatters, quarries, and trail markers indicate both Archaic and later Patayan occupations. During the Proto historic period the area along the lower Colorado River Valley was used by the Hualapai, Western Yavapai, and Halchidoma aboriginal groups. The Mojave were the dominant tribe found within this region at the time of historic contact. The Spanish traveled through the area between the 1500s and 1700s, searching for mines and Indian villages. In the 19th and early to mid-20th century's historic occupation centered on United States Military reconnaissance, settler farming and ranching and copper, gold, and silver mining.

Paleontological resources are important for understanding past environments, environmental change, and the evolution of life. In reference to the Project Area's paleontological potential, a review of the local geology indicates that bedrock at the proposed Project Area is Proterozoic-aged spotted leucocratic gneiss (Gneiss). This formation is light to medium gray, medium-grained granitic gneiss with localized pegmatite. Garnets and dark spots commonly form feathery or plumose trains several centimeters long in outcrop. Granulitic texture and pervasive

retrograded garnets suggest rock may have been metamorphosed to high grade (USGS, 1991). The physical remains of plants and animals are more typically preserved in soils of sedimentary rock formations. The metamorphic and igneous rocks that comprise the bedrock of Crossman Peak are not from the Quaternary Period and thus are not known for holding abundant vertebrate fossils. Therefore, paleontological concerns are minimal.

Environmental Effects:

Proposed Action

Direct and Indirect Impacts: Cultural resources should they be encountered within the Project Area would be directly impacted by the road maintenance operations; however, impacts would be minor due to the limited size of the operations and amount of material removed.

Protective/ Mitigation Measures: Permittee shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. 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 lands. The surface collection of artifacts (either historic or prehistoric) or fossils, by permittee on or near the project roadway is prohibited.

No Action Alternative

Direct/ Indirect Impacts: Cultural resources would not be encountered or impacted.

Protective/ Mitigation Measures: None.

3.6 Cumulative Impact Analysis

3.6.1 Introduction

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions (RFFA's) combined with the proposal within the area analyzed. A cumulative impact is defined as "the impact which results from the incremental impacts of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of which agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 Code of Federal Regulations 1508.7).

Potential cumulative impacts are assessed at the resource level. The cumulative impacts analysis area (CIAA) for past, present, and RFFA's that may generate cumulative impacts varies depending on the resource under consideration. Past, present, and RFFA's are analyzed to the extent that they are relevant and useful in analyzing whether the reasonably foreseeable effects of the Proposed Action and Alternatives may have an additive and significant relationship to those effects.

The CIAA for this proposal defined as the Crossman Peak Scenic ACEC. The effects would not extend outside the area because the proposed right-of-way would be conducted at such a small scale that none of the effects described below extend beyond the immediate area described.

3.6.2 Past, Present, and Reasonably Foreseeable Future Actions (RFFA)

Past and Present Actions

The original road was built to access the now patented Sunrise Mine and has been upgraded over time. The Bureau of Reclamation has a transmission line that crosses this road in section 21 (AZA 00891), GTP has a right-of-way for the expansion of the communication site on public lands (AZA 34836), Richard Sparks has a permit for mineral exploration in sections 21 & 28 (AZA 34838), Mohave County Flood Control District has two right-of-way grants for weather gauges in section 13 & 26 (AZA 35081 & AZA 35082), and Lake Havasu Irrigation has a right-of-way for dikes in section 29 (AZAR 0-034058).

Reasonably Foreseeable Future Actions

Bill Ripberger has an application pending for mineral exploration in section 13 (AZA 35838).

3.6.3 Cumulative Impact Conclusion

The Proposed Action would be the only route within this area currently authorized for maintenance on an as-needed basis. The cumulative impact of this maintenance would have minimal impact to Cultural Resources when the Cultural Resource Stipulations provided below are followed.

Within the Crossman Peak Scenic ACEC, Arizona Game and Fish Department (AZGFD) has identified likely habitat for Burrowing Owl and Bendire's Thrasher. Although other species of migratory birds occur within the ACEC, no GIS data currently exists for analysis. The Proposed Action would be the only route within this area currently authorized for maintenance on an as-needed basis. The cumulative impact of this maintenance would have minimal impact to migratory birds when mitigation measures are followed.

Within the Crossman Peak Scenic ACEC, 18,312 acres of dispersed and 10,542 acres of sensitive Bighorn Sheep habitat have been identified. The Havasu TMP authorizes OHV use on approximately 59 miles of routes, including the Proposed Action, which are within or lead to Bighorn Sheep habitat. An additional 2.8 miles of routes allow for OHV use by authorized users. The Proposed Action would be the only route within this area currently authorized for maintenance on an as-needed basis. The cumulative impact of this maintenance would have minimal impact to Bighorn Sheep when mitigation measures are followed.

Approximately 31,000 acres of Category III Sonoran Desert Tortoise habitat has been identified within the Crossman Peak Scenic ACEC. The Havasu TMP authorizes OHV use on approximately 97 miles of routes, including the Proposed Action, within Category III habitat. The Proposed Action would be the only route within this area currently authorized for maintenance on an as-needed basis. The cumulative impact of this maintenance would have minimal impact to Sonoran Desert Tortoise when mitigation measures are followed.

CHAPTER 4 – TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

4.1 List of Preparers and Participants

Sheri Ahrens, Project Lead
Amanda Dodson, Assistant Field Manager – Lands & Resources
Jen House, Wildlife Biologist
George Shannon, Archaeologist

4.2 Tribes, Individuals, Organizations, or Agencies Consulted

During the development of the Lake Havasu Field Office RMP, which included decision LR-7, the following tribes and agencies were consulted.

Chemeheuvi Indian Tribe
Colorado River Indian Tribes
Fort Mojave Indian Tribe
Hopi Tribe
Hualapai Tribe
Salt River Pima-Maricopa Indian Community
Yavapai-Prescott Tribe
Arizona Game & Fish Department
State Land Department

CHAPTER 5 – REFERENCES, GLOSSARY

5.1 *References Cited*

2007 U.S. Department of the Interior. Bureau of Land Management. Arizona State Office. Lake Havasu Field Office. Lake Havasu Field Office Record of Decision and Approved Resource Management Plan. BLM/AZ/PL-07/002.

<http://www.blm.gov/az/st/en/prog/planning/lhfo-final.html>

2013 U.S. Department of the Interior. Bureau of Land Management. Arizona State Office. Lake Havasu Field Office. Havasu Travel Management Plan.

5.2 *Glossary of Terms*

ACCESS: The ability to legally make use of route or way across public or private lands; without barriers to use by the public or a specified user.

AUTHORIZED: Invested with legal authority through a written agreement, permit, or other legal document by the BLM.

BIOLOGICAL EVALUATION: The gathering and evaluation of information on proposed endangered and threatened species and critical and proposed critical habitat for actions that do not require a biological assessment.

CAMPING, SHORT TERM: Camping for short terms of up to 14 days (in any 28-day period) on BLM-managed primitive or undeveloped public land.

DECISION RECORD: A manager’s decision on a categorical exclusion review or an environmental assessment. Comparable to the record of decision for an environmental impact statement, the decision record includes: 1) a finding of no significant impact, 2) a decision to prepare an environmental impact statement, or 3) a decision not to proceed with a proposal. Also see RECORD OF DECISION.

DESIGNATED ROADS AND TRAILS: Legal term used in CFR 8340 — OFF ROAD VEHICLES as a type of limited area designation. The term “roads and trails” includes all types routes use by off highway vehicles.

THREATENED AND ENDANGERED SPECIES: An animal or plant species that is in danger of extinction throughout all or a significant portion of its range (as defined in the Endangered Species Act Amendments of 1982).

ENVIRONMENTAL ASSESSMENT (EA): A concise public document for which a federal agency is responsible. An EA serves: 1) to briefly provide enough evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact and to aid an agency’s compliance with the National Environmental Policy Act when no EIS is needed; and 2) to facilitate preparing an EIS when one is needed.

EXISTING ROADS AND TRAILS: Legal term used in CFR 8340 — OFF ROAD VEHICLES as a type of limited area designation. The term “roads and trails” includes all types routes use by off-highway vehicles. For the LHFO RMP “existing roads and trails” would be those roads and trails identified on the Route Inventory Maps as of the date of the Record of Decision.

FEDERAL LAND POLICY AND MANAGEMENT ACT (FLPMA): The act that: 1) set out, for the Bureau of Land Management, standards for managing the public lands including land use planning, sales, withdrawals, acquisitions, and exchanges; 2) authorized the setting up of local advisory councils representing major citizens groups interested in land use planning and management; 3) established criteria for reviewing proposed wilderness areas; and 4) provided guidelines for other aspects of public land management such as grazing.

HABITAT: The natural environment of a plant or animal: 1) Specific parameters of physical conditions used by a single species, a group of species, or a large community. The major components of habitat are generally considered to be food, water, cover, and living space;

LAND USE PLAN DECISION: Establishes desired outcomes and actions needed to achieve them. Decisions are reached using the BLM planning process. When they are presented to the public as proposed decisions, they can be protested to the BLM Director. They are not appealable to Interior Board of Land Appeals.

MANAGEMENT ACTIONS: Land use plans must identify the actions needed to achieve the desired outcomes, including actions to restore or protect land health. These actions include proactive measures (e.g., measures that will be taken to enhance watershed function and condition) as well as measures or criteria that will be applied to guide day-to-day activities occurring on public land.

MINING CLAIM: A mining claim is a selected parcel of Federal Land, valuable for a specific mineral deposit or deposits, for which a right of possession has been asserted under the General Mining Law. This right is restricted to the development and extraction of a mineral deposit. The rights granted by a mining claim protect against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit. The two types of mining claims are lode and placer. In addition, mill sites and tunnel sites may be located to provide support facilities for lode and placer mining.

MONITORING: The collection of information to determine the effects of resource management and detect changing resource trends, needs, and conditions.

NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED (NHPA): A federal statute that established a federal program to further the efforts of private agencies and individuals in preserving the Nation's historic and cultural foundations. NHPA 1) authorized the National Register of Historic Places, 2) established the Advisory Council on Historic Preservation and a National Trust Fund to administer grants for historic preservation, and 3) authorized the development of regulations to require federal agencies to consider the effects of federally assisted activities on properties included on or eligible for the National Register of Historic Places.

OFF-HIGHWAY VEHICLE (OHV): Any vehicle capable of or designed for travel on or immediately over land, water, or other natural terrain, deriving motive power from any source other than muscle. OHVs exclude: 1) any non-amphibious registered motorboat; 2), any fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; 3) any vehicle whose use is expressly authorized by a permit, lease, license, agreement, or contract issued by an authorized officer or otherwise approved; 4) vehicles in official use; and 5) any combat or combat support vehicle when used in times of national defense emergencies.

PALEONTOLOGICAL RESOURCES (FOSSILS): The physical remains of plants and animals preserved in soils and sedimentary rock formations. Paleontological resources are important for understanding past environments, environmental change, and the evolution of life.

PUBLIC LANDS: As defined by Public Law 94-579 (Federal Land Policy and Management

Act of 1976), lands and interest in land owned by the United States and administered by the Secretary of the Interior, through BLM, regardless of how the United States acquired possession. In common usage, public lands may refer to all federal land, no matter what agency manages it.

PUBLIC USE: A cultural property is eligible for consideration as an interpretive exhibit-in place, a subject of supervised participation in scientific or historical study, a subject of unsupervised collecting under permit or related educational and recreational uses by members of the general public.

RESOURCE MANGEMENT PLAN (RMP): A BLM planning document that is prepared in accord with Section 202 of FLPMA that presents systematic guidelines for making resource management decisions for a resource area. An RMP is based on an analysis of an area's resources, its existing management, and its capability for alternative uses. RMPs are issue oriented and developed by an interdisciplinary team with public participation.

ROUTE: any motorized, non-motorized, or mechanized transportation corridor. Corridor may either be terrestrial or a waterway. "Roads," "trails," and/or "ways" are considered routes.

SPECIAL RECREATION PERMIT (SRP): An authorization that allows for specific nonexclusive permitted recreational uses of the public lands and related waters. SRPs are issued to control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors, and accommodate commercial recreational uses.

TRAVEL MANAGEMENT NETWORK: A system that addresses access requirements to public lands. This includes, but is not limited to: Title 5 rights-of-way, RS 2477 Roads, OHV routes, county maintained roads, trails (hiking, equestrian, bike, and vehicular), authorized or permitted uses (ranchers, miners, and other agencies), and ADA needs. The network aims to also improve the lack of legal access to public lands over private or state lands.

TREAD LIGHTLY: A not-for-profit organization whose mission is to increase awareness of ways to enjoy the great outdoors while minimizing human impacts

WASH: A channel or miniature valley cut by concentrated runoff but through which water commonly flows only during and immediately after heavy rains, or while snow is melting.

WILDERNESS: Area designated by Congress to protect their wilderness values or characteristics as described under the Wilderness Act of 1964.

WILDLIFE: A broad term that includes birds, reptiles, amphibians, and non-domesticated mammals.

5.3 List of Acronyms Used in this EA

ACEC – Area of Critical Environmental Concern

AZGFD – Arizona Game & Fish Department

BLM – Bureau of Land Management

CFR – Code of Federal Regulations

CIAA – Cumulative Impact Analysis Area

EA – Environmental Assessment

FLPMA – Federal Land Policy and Management Act

LHFO – Lake Havasu Field Office

MSL – Mean Sea Level

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NP – Not Present

OHV – Off-Highway Vehicle

PI – Present and Potentially Impacted

PNI – Present Not Impacted

RFFA – Reasonably Foreseeable Future Actions

RMP – Resource Management Plan

ROW – Rights-of-Way

TMP – Travel Management Plan

APPENDICES

Appendix A – Stipulations

1. For protection of Bighorn Sheep lambing, no blading or ground disturbing maintenance should occur between March and June northeast of the powerline.
2. Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all activity, special care should be given to watch for and avoid any desert tortoise that may be present within the project area.
3. If a tortoise is endangered by any activity, that activity shall cease until either the tortoise moves out of harm's way of its own accord, or until the authorized biologist is able to remove the tortoise to safety. Tortoises shall be handled only by a BLM authorized Wildlife Biologist, and shall be moved solely for the purpose of preventing death or injury. The authorized biologist shall be responsible for taking appropriate measures to ensure any desert tortoise relocated from the project site is not exposed to temperature extremes which could be harmful to the animal.
4. If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving the vehicles. If a desert tortoise is beneath the vehicle, the authorized biologist shall move the tortoise from harm's way. Alternatively, the vehicle shall not be moved until the tortoise has left of its own accord.
5. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to Arizona Game & Fish Department at (928) 342-0091.
6. Harassment of wildlife or destruction of private and public improvements, such as fences and gates, is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
7. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed.
8. Participants will be prohibited from approaching Bighorn Sheep on foot or by vehicle.
9. Permittee shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. 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 lands.

10. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prohibited and is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall 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. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
11. Special collection of artifacts (either historic or prehistoric) or fossils, by permittee or participants on or near any designated route is prohibited. The definition of an artifact is anything over 50 years old that has been made, used or modified by a human. Collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.
12. The Holder shall conduct all activities associated with the construction, operation, maintenance and termination of the Right-of-way within the authorized limits of the right-of-way.
13. The Holder shall give written notice to the Bureau of Land Management (BLM) of any anticipated changes in the Plan of Development and management, construction timetables, and shall obtain approval from the BLM prior to initiating changes.
14. The Holder shall maintain the facilities constructed on the lands in a satisfactory condition.
15. The Holder shall remove trash, rubbish, and other construction debris shall be removed from the site and disposed of at a designated sanitary landfill, and the grounds shall be maintained in a neat and orderly manner at all times.
16. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.
17. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.

As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

18. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the right-of-way stipulations.
19. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the Holder, and during the term of this right-of-way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the right-of-way.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the Holder and during the term of this right-of-way.

20. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder would cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this right-of-way, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

21. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.
22. In the event that the public land underlying the right-of-way encompassed in this right-of-way, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/and the Holder.



