

Categorical Exclusion Documentation
DOI-BLM-CA-C060-2016-0003-CX

A. Background

BLM Office: Bakersfield

Lease/Serial/Case File #NA

Project Title: Research Permit – Robert Hansen, Millerton Lake Cave

Location: San Joaquin River Gorge Special Recreation Management Area

Fresno County; T10S, R22E, Section 15, MDB&M.

Description of Proposed Action, including any Stipulations:

Robert Hansen, editor of Herpetological Review and slender salamander species expert, Dr. Theodore Papenfuss, Museum of Vertebrate Zoology, U.C. Berkeley, and Dr. David B. Wake, Museum of Vertebrate Zoology, U.C. Berkeley propose to sample salamanders on BLM managed land surrounding and within the Millerton Lake Cave, located within the San Joaquin River Gorge Special Recreation Management Area. The sampling is to determine what species of salamander occurs within the Millerton Lake Cave.

Based on photographs published in the May 2009 issue of San Francisco Bay Chapter of the National Speleological Society, Mr. Hansen believes it is possible a previously unidentified species of *Hydromantes* (web-toed salamanders) occurs within and/or around the cave system. If this is a new record of *Hydromantes*, it will represent a major scientific discovery. Furthermore, it would be the first documented occurrence of the *Hydromantes* group at a lower elevation and south of the Merced River.

BLM has previously authorized biological surveys of Millerton Lake Cave in April 2010 and May 2013. At that time, the salamander in question was not observed.

Visual surveys will be conducted in the area surrounding the cave as well as in the cave. Night surveys outside of the cave will also be conducted. During these surveys, salamanders will be identified by sight and will be trapped by hand.

Additional passive surveys include placing plastic “cover sheets” over suitable rock jumbles and crevices that salamanders can take refuge under. The covers are approximately 30 inches by 35 inches and will be placed in areas off the trail and hidden from view of trail users. The covers will be secured by placing a few small rocks on the corners. A label printed on “Rite in the Rain” waterproof paper and identifying the project name and contact information of the researcher will be affixed to each cover. Up to 20 covers will be placed at the study site. Covers will be checked every few weeks until they are removed, which will occur as soon as the survey concludes and no later than May 2016. Removed covers will be disposed of properly.

For safety purposes, limited portions of the study area may be temporarily designated with pin flags or small wooden stakes with reflective tape or paint. Placement of these markings will be overseen by the San Joaquin River Gorge Special Recreation Management Area manager or her

designated representative. Markers will not be placed within 50 feet of any archaeological feature. At the conclusion of the study period or as soon as the markers are no longer necessary, they will be removed and disposed of properly.

The following stipulations will be included in the permit:

1. Access to BLM lands must be on public roads and across public land.
2. The study site authorized is shown on the attached map. The study site includes the interior of lower, middle, and upper Millerton Lake Cave, which are identified as “significant” in the 2014 Bakersfield Resource Management Plan.
3. A black plastic trash bag, approximately 30 inches by 35 inches, will be placed over suitable rock jumbles and crevices in areas off the trail and hidden from view of trail users. The cover will be secured by placing a few small rocks on the corners. Up to 20 covers will be placed at the study site.
4. A label will be affixed to each cover identifying the project name and contact information for the researcher. A copy of the **research pocket card** will also be affixed to each cover.
5. The GPS coordinates (NAD83 and lat-long in **decimal degrees**) of each cover location will be provided to BLM in electronic format.
6. The covers will be placed onsite in November 2015 and will be removed once the survey has concluded and no later than May 2016. The covers will be examined every few weeks for salamanders. Removed covers will be disposed of properly.
7. A maximum of 2 salamanders will be collected from the site, as approved by your California Department of Fish and Wildlife Scientific Collecting Permit. These samples will be used for genetic tissue and also made into preserved whole body specimens for morphological analysis. BLM will be provided with the GPS coordinates of each specimen collected.
8. The voucher specimens will be deposited into the Museum of Vertebrate Zoology (U.C. Berkeley). BLM will be provided with collection data for each specimen, including ascension numbers, collection dates and collection locations.
9. Prior to conducting each bout of field work, the BLM contact will be notified of the approximate field dates, vehicle descriptions, license plate number, and planned activities. A voicemail or email is sufficient.
10. BLM will be provided with a detailed report and copies of publications. Photographs of specimens will also be provided.
11. All vehicles will remain on existing roads. Precautions will be taken when parking vehicles to avoid ignition of vegetation. All gates will be left as found (either open or closed).

12. A vehicle placard will be prominently displayed in the front windshield of the vehicle during research activities. The research pocket card will be carried on your person while in the field.
13. Placement of the covers will avoid archaeological and paleontological sites by a buffer of 100 feet. Artifacts from prehistoric and/or historic sites shall not be disturbed. This includes bedrock milling features, stone tools, and historic rock walls and trash dumps, or any other item made by the original inhabitants of the area. These items are protected by law and regulation.
14. For safety purposes, limited portions of the study area may be temporarily designated with pin flags or small wooden stakes with reflective tape or paint. Placement of these markings will be overseen by the San Joaquin River Gorge Special Recreation Management Area manager or her designated representative. Markers will not be placed within 50 feet of any archaeological feature. At the conclusion of the study period or as soon as the markers are no longer necessary, they will be removed and disposed of properly.

B. Land Use Plan Conformance

LUP Name: Bakersfield Resource Management Plan, approved December 2014.

This action conforms to the Bakersfield Resource Management Plan because it is specifically provided for or is clearly consistent with the RMP objectives and decisions as follows:

Goal BR-G-1: Contribute to maintaining the biotic diversity within the Planning Area. Ensure public lands provide for a diversity of native species, ecosystems, and ecosystem processes. (Bakersfield RMP, 2014, page 18)

Decision IE-D-5: Accommodate permit request for scientific research by qualified individuals or institutions and educational uses of public lands by academic entities. Authorization may be given for any resource program and provide for appropriate access. (Bakersfield RMP, 2014, page 124)

Allowing BLM lands surrounding and within Millerton Lake Cave to be researched for a previously unknown species of salamander will contribute to our knowledge of biotic diversity in the region and will inform future management decisions in the area.

C. Compliance with the National Environmental Policy Act

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(e):

Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research and monitoring activities.

This categorical exclusion is appropriate for this action because the survey methods are nondestructive in nature and there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply (see attached).

D. Signature

There are no issues with the sampling of salamanders and there will be no surface disturbance. As such I considered the proposed action, NEPA compliance statement and review of extraordinary circumstances and it is my determination that there is no potential for significant impacts from this project.

_/s/ Maria Soto (Acting for)___
Stephen Larson
Assistant Field Manager, Resources

November 9, 2015
Date

E. Contact

For more information, contact Carly Summers, Wildlife Biologist, 661-391-6146

Review of Extraordinary Circumstances

The Department of the Interior regulations at 43 CFR 46.205 require review of the following “extraordinary circumstances” (43 CFR 46.215) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

1) *Have significant impacts on public health or safety.*

Yes No

Comments: Placement of the covers and sampling for salamanders will not have any impacts on public health or safety.

2) *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

Yes No

Comments: The proposed activity is located within a Special Recreation Management Area and is consistent with and implements the RMP goals, objectives, and management decisions for the area. The San Joaquin River Gorge is a popular recreation area, thus the covers will be placed in locations and in such a manner as to not interfere with recreational activities. The proposed research involves no surface disturbance, as such there will be no impacts to natural and cultural resources nor unique geographic characteristics beyond the individual salamanders sampled or collected. The sampling is being conducted according to an approved California Department of Fish and Wildlife Scientific Collecting Permit. There are no park or refuge lands, wilderness areas, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or national monuments in the project area; therefore there will be no impacts to these resources. A segment of the San Joaquin River (Segment 1, Kerckhoff Dam to Kerckhoff Powerhouse) has been determined to be suitable for inclusion in the National Wild and Scenic Rivers System; however, the research surveys will take place entirely outside of the 1/4-mile river corridor, and therefore will have no impact on the outstandingly remarkable scenic, wildlife, and cultural values of the river. Birds, including migratory birds, may be temporarily displaced by human activity. Temporarily displacing birds from perches or foraging areas is not expected to have a measurable negative impact. Displacing birds during egg incubation or when immature chicks are present in the nest could result in loss of individual birds, including migratory birds. Significant impacts to migratory birds will be avoided because the proposed activity will occur outside of the nesting season. Millerton Lake Cave is designated a “significant cave” to be managed as Class 1 by the Bakersfield RMP, thereby allowing for scientific research as well as casual recreational use. The research surveys are of short duration, low level of impact, and will be confined to existing trails and Gorge infrastructure; therefore, the surveys will not impact the significance of the cave. Any unexpected discovery is required to be immediately reported to the authorized officer.

3) *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

Comments: The sampling methodology will not have highly controversial environmental effects. As much as possible, photographs, measurements and DNA samples will be utilized so that the number of individuals collected is the minimum necessary to complete the study. The

sampling is being conducted according to an approved California Department of Fish and Wildlife Scientific Collecting Permit. There are no unresolved conflicts concerning this proposed research project.

4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

Comments: The proposed survey techniques are commonly used and the environmental effects are well known and negligible. No surface disturbance is involved. As much as possible, photographs, measurements and DNA samples will be utilized so that the number of individuals collected is the minimum necessary to complete the study. The sampling is being conducted according to an approved California Department of Fish and Wildlife Scientific Collecting Permit. There are no unique or unknown environmental risks associated with this research project.

5) *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

Comments: Issuing permits for collection and sampling of animals is a common practice on public lands and is not precedent setting. Furthermore, the collection of native species in California is regulated by the California Department of Fish and Wildlife and the researcher has a permit from the State to undertake this project.

6) *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No

Comments: This project does not have a direct relationship to other actions and will not have a cumulatively significant environmental effect.

7) *Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.*

Yes No

Comments: The proposed action does not have a surface disturbing component and does not have the potential to impact properties listed, or eligible for listing, on the National Register of Historic Places. In addition, activities with less than 2 square meters of surface disturbance are exempt from further review under the 2014 California Cultural Protocol (Exemption A1).

8) *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat.*

Yes No

Comments: Federally listed species and critical habitat (such as the vernal pool fairy shrimp and succulent owl's clover) occur in the general area, but do not occur in the research survey area. For these reasons, there will be no effect to listed species or critical habitat. Consequently, significant impacts to listed or proposed species or designated critical habitat are not expected.

9) *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No

Comments: State regulations require a permit for collection of native reptiles and mammals.

The researcher is being conducted under a Scientific Collecting Permit issued by the California Department of Fish and Wildlife. No other Federal, State, local or tribal law or regulation is expected to pertain to this project.

10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No

Comments: The project does not have an effect on any human population, including low income or minority populations.

11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes No

Comments: The proposed research will not limit access to any areas or affect the physical integrity of any area, including Indian sacred sites.

12) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes No

Comments: Weed seed contained on shoes or tires of participants are likely to be from species already present and established in the general area, such as bromes, filaree, wild oats, burr clover, and wild carrot. For this reason the proposed action is not expected to contribute to the introduction, continued existence or spread of noxious weeds or non-native invasive species.

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Reviewers

___/s/ Carly Summers_____	November 6, 2015
Project Lead	
___/s/ Denis Kearns_____	October 29, 2015
Botany/Invasive Species	
___/s/ Amy Girado /s/ Tamara Whitley	November 9, 2015
Cultural Resources	
___/s/ Carly Summers_____	November 6, 2015
Wildlife	
___/s/ Susan Porter_____	November 9, 2015
Planning & Environmental Coordinator	

Decision Record for a Categorically Excluded Action Documented in C060-2016-0003-CX

Introduction and Background

Robert Hansen, editor of Herpetological Review and slender salamander species expert, Dr. Theodore Papenfuss, Museum of Vertebrate Zoology, U.C. Berkeley, and Dr. David B. Wake, Museum of Vertebrate Zoology, U.C. Berkeley propose to sample salamanders on BLM managed land surrounding and within the Millerton Lake Cave, located within the San Joaquin River Gorge Special Recreation Management Area. The sampling is to determine what species of salamander occurs within the Millerton Lake Cave.

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Decision and Rationale

It is my decision to authorize research surveys to sample salamanders on BLM managed land surrounding and within the Millerton Lake Cave, located within the San Joaquin River Gorge Special Recreation Management Area within the Bakersfield Field Office.

A research authorization will be issued to Robert Hansen, editor of Herpetological Review and slender salamander species expert, Dr. Theodore Papenfuss, Museum of Vertebrate Zoology, U.C. Berkeley, and Dr. David B. Wake, Museum of Vertebrate Zoology, U.C. Berkeley to conduct the research project on BLM land as described above. The following stipulations will be included in the research authorization:

1. Access to BLM lands must be on public roads and across public land.

2. The study site authorized is shown on the attached map. The study site includes the interior of lower, middle, and upper Millerton Lake Cave, which are identified as “significant” in the 2014 Bakersfield Resource Management Plan.
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other item made by the original inhabitants of the area. These items are protected by law and regulation.

14. For safety purposes, limited portions of the study area may be temporarily designated with pin flags or small wooden stakes with reflective tape or paint. Placement of these markings will be overseen by the San Joaquin River Gorge Special Recreation Management Area manager or her designated representative. Markers will not be placed within 50 feet of any archaeological feature. At the conclusion of the study period or as soon as the markers are no longer necessary, they will be removed and disposed of properly.

I have considered the Land Use Plan Conformance statement, NEPA compliance statement, and Review of Extraordinary Circumstances and determined that there will be no significant impacts from this action. There are no issues with the sampling of salamanders and there will be no surface disturbance.

Compliance with Laws, Regulations, Policies and Land Use Plans

LUP Name: Bakersfield Resource Management Plan, approved December 2014.

This action conforms to the Bakersfield Resource Management Plan because it is specifically provided for or is clearly consistent with the RMP objectives and decisions as follows:

Goal BR-G-1: Contribute to maintaining the biotic diversity within the Planning Area. Ensure public lands provide for a diversity of native species, ecosystems, and ecosystem processes. (Bakersfield RMP, 2014, page 18)

Decision IE-D-5: Accommodate permit request for scientific research by qualified individuals or institutions and educational uses of public lands by academic entities. Authorization may be given for any resource program and provide for appropriate access. (Bakersfield RMP, 2014, page 124)

Allowing BLM lands surrounding and within Millerton Lake Cave to be researched for a previously unknown species of salamander will contribute to our knowledge of biotic diversity in the region and will inform future management decisions in the area.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

_/s/ Maria Soto (Acting for)___
Stephen Larson
Assistant Field Manager, Resources

November 9, 2015
Date