

Moore Road Right-of-Way at Honeydew Creek

EA # DOI-BLM-CA-N030-2016-0011

Case File #: CACA 56326

Applicant: Alex Moore

**U.S. Department of the Interior
Bureau of Land Management (BLM)
Arcata Field Office
Arcata, CA**

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1. Introduction

Background and Setting

In August of 2014, the Bureau of Land Management (BLM) received an application for a road right-of-way from Alex Moore. The applicant has an easement across public land on the Honeydew Creek parcel. This easement was an encumbrance on the title when the BLM acquired the property. The easement has not been actively used since BLM acquired the property in 1987. In spring 2015, BLM staff met with the applicant regarding the proposed project to construct a road and a bridge across public land. The applicant had the easement professionally surveyed and was working with a consulting engineering firm to get the required permits from the State and County. During the onsite consultation with the applicant, it was suggested that it would benefit BLM if he moved the proposed road further away from the campground. However, in moving the road away from the campground, the proposed road would fall outside the applicants' easement footprint. BLM agreed with the applicant and requested he apply for a 100 foot by 25 foot right-of-way that would facilitate moving the proposed road away from the campground to reduce the impact to campground and hopefully reduce potential trespass issues on private land.

The proposed action is near the Honeydew Campground off Wilder Ridge Road. The location is more specifically described as Humboldt Meridian, T.3S.,R.1E., Section 6, SW¼ (Figure 1). King Range National Conservation Area (NCA) includes 58,000 acres along the rugged northern California coast about 60 miles south of Eureka and 200 miles north of San Francisco.

Purpose and Need for Action and Decision to be Made

The purpose of the action is to respond to an application for a right-of-way as directed by Federal Land Policy Management Act (FLPMA). The need for the action is for a private landowner to construct, maintain and use a road across BLM land to access their private property.

The BLM would decide whether or not to grant a right-of-way and if so, under what terms and conditions.

Conformance with Land Use Plan

The King Range National Conservation Area Resource Management Plan (USDI-BLM 2005) allows for the BLM to issue rights-of-way on, over, or across public land under the authority of Federal Land Policy Management Act of 1976. According to the plan, proposed rights-of-way would be considered on a case-by-case basis and must meet the overall objectives and resource conditions of the specific management zone where they are located. The proposed right-of-way is located within the Frontcountry zone (RMP 2005 p.4-1) which is considered an acceptable zone for rights-of-way as long as the right-of-way proponent is consistent with local planning and California Coastal Commission regulations.

Relationship to Statutes, Regulations or Other Plans

The right-of-way would be governed by the regulations in 43 CFR 2800.

The Endangered Species Act (ESA) of 1973 provides protection for threatened and endangered species and a means for conserving ecosystems upon which they depend. Federal agencies are required to initiate Section 7 consultation if they propose activities which may result in take (i.e. harming, harassing, or killing) of a threatened or endangered species or cause the destruction of or adverse modification of its habitat.

The Honeydew Creek Road Right-of-Way Project is consistent with the Arcata Resource Management Plan (1996) as amended by the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (2001 ROD), as modified by the 2011 Settlement Agreement.

Scoping and Issues

This proposed right-of-way was presented to the Arcata Field Office staff on November 9, 2015. No issues or concerns were brought up for further discussion and analysis.

2. Proposed Action and Alternatives

Proposed Action

The proposed action is to authorize the construction, maintenance, and use of an existing 100 foot by 25 foot road that provides access to private property. This access road was constructed as part of an easement across public land at the Honeydew Creek campground. The easement development consists of the construction of a road, bridge abutments, and a flat car bridge across Honeydew Creek (Figure 2). The applicant applied for and received all the necessary permits from the State of California and Humboldt County (see Appendices 1-3). The easement part of this project is not being analyzed because the BLM does not have the jurisdiction of the area where the private easement encumbered the public land. The applicant met with BLM staff to discuss the proposed construction of the road and bridge and discussed ways of minimizing disturbance to the existing campground.

Honeydew Creek ROW Proposal

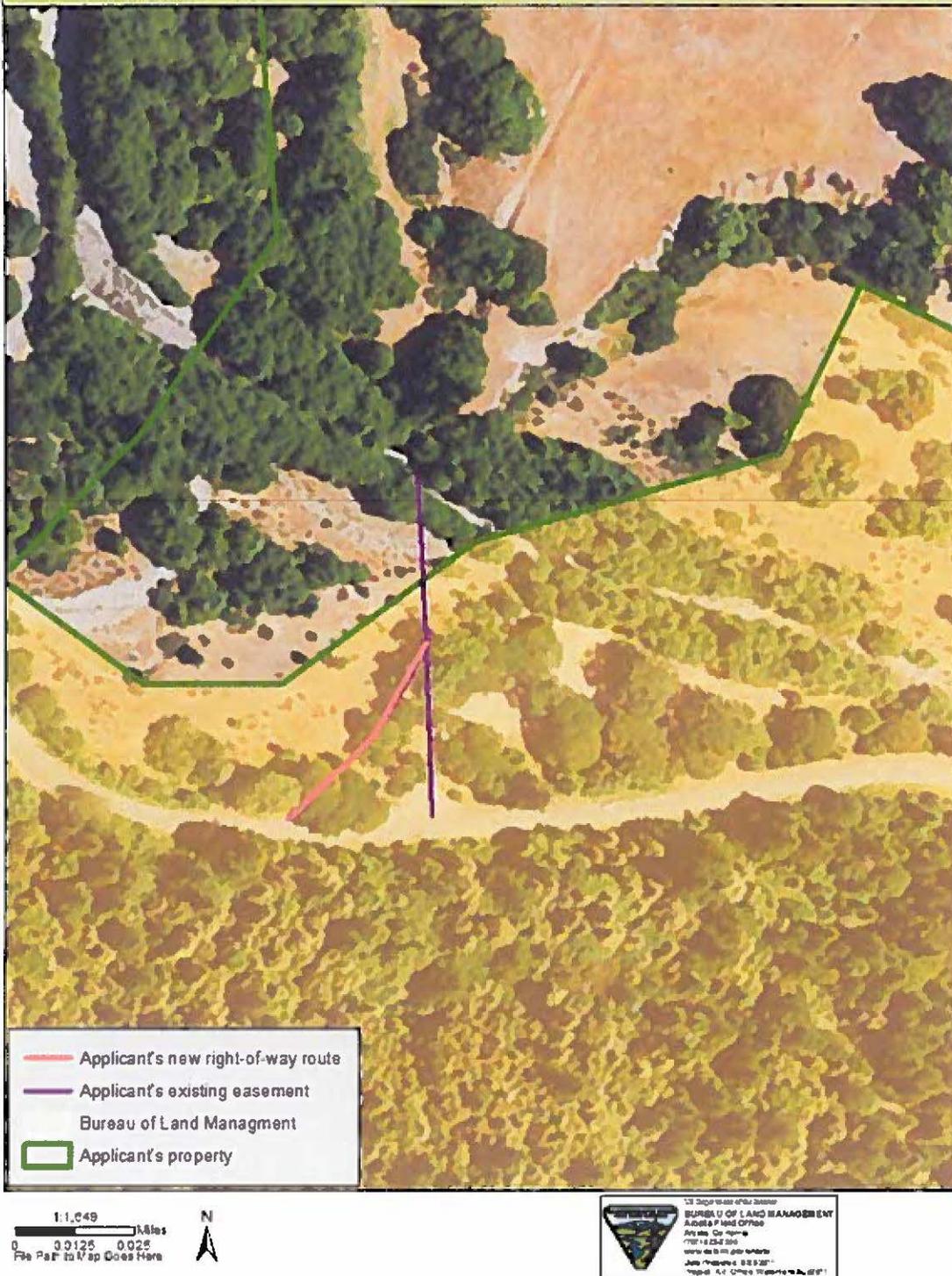


Figure 2. Location of the proposed right-of-way and the existing easement.

Preventive maintenance would be performed as needed on the access route as specified in the BLM right-of-way stipulation (Appendix 4). This would include cross ditching and removing ruts or other surface irregularities to assure proper water drainage.

Prior to development of the proposed access route, inspection of vehicles or equipment should occur to ensure they are not carriers of invasive plant parts capable of growth or reproduction. Should any invasive, non-native plant individuals become established on this right-of-way corridor following development; the right-of-way holder should notify the BLM, and if possible, manually remove and dispose of them in such a manner as to ensure that they do not have an opportunity to spread or reproduce.

The use of the access road would consist of the applicant accessing their private property on the other side of Honeydew Creek for ranching purposes. It is anticipated the road would be used several times a month

Alternative 1 (No Action)

The no-action alternative would be to not authorize the 100 foot by 25 foot road right-of-way on the Honeydew Creek parcel in the King Range National Conservation Area.

3. Affected Environment

Terrestrial Wildlife

The project area is home to wildlife typical of coastal northern California. Prominent mammalian species in the area include: black bear (*Ursus americanus*), bobcat (*Lynx rufus*), mountain lion (*Felis concolor*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), and black-tailed deer (*Odocoileus hemionus*). Mammalian species less often observed include ringtail cat (*Bassariscus astutus*), spotted skunk (*Spilogale gracilis*), raccoon (*Procyon lotor*), and dusky-footed woodrats (*Neotoma fuscipes*). Avian species commonly observed in the area include red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), barn owl (*Tyto alba*), flammulated owl (*Otus flammeolus*), saw-whet owl (*Aegolius acadicus*), pygmy owl (*Glaucidium gnoma*), western screech owl (*Otus kennicottii*), varied thrush (*Ixoreus naevius*), American robin (*Turdus migratorius*), dark-eyed junco (*Junco hyemalis*), chestnut backed chickadee (*Poecile rufescens*), and California quail (*Callipepla californica*).

Recreation

Much of the recreation use within the southern portion of the King Range occurs via access along Shelter Cove Road. Visitor attractions and facilities include Mal Coombs Park, Seal Rock Picnic Area, Black Sands Beach, and several developed campgrounds. Backcountry use in the King Range wilderness is also a popular activity. The Paradise Royale Mountain Bike Trail is located nearby and numerous bikers use Shelter Cove Road to access this trail. During the late spring, summer, and early fall, an estimated 50-75 recreation-related vehicles pass back and forth through the project area on a daily basis.

Invasive, Non-native Species

The roadsides in the project watershed contain French broom (*Genista monspessulana*), however, these do not currently exist in the proposed project area.

French broom is an invasive, perennial shrub that produces prolific amounts of very long-lived seed. Its seed bank can remain viable in the soil for decades. French broom is common in disturbed places, such as road cuts, but easily colonizes in undisturbed grasslands, shrublands, and open canopy forests below 4,000 feet elevation. French broom can dominate plant communities attaining a biomass of over 44,000 pounds per acre in just 3 to 4 years (Bossard and Rejmanek 1994). Seeds are toxic to wildlife and livestock. Mature shoots are unpalatable and are not grazed by wildlife or livestock. Scotch broom burns readily and carries fire to the tree canopy, increasing both the frequency and intensity of fires (Parsons 1992).

Geology and Soils

The proposed project is located in a geologically active area with high rates of topographic uplift, frequent earthquakes, and landslides. This high rate of geologic activity is the result of the intersection of three large geologic plates, the Mendocino Triple Junction, located just offshore of the King Range NCA (McLaughlin et al. 2000).

High uplift rates, fractured and folded rocks from faulting, and intense rainfall in the King Range typically form watersheds that have deeply incised drainage systems and steep slopes. These slopes are susceptible to erosion and landslides, especially where the rocks are weak. Slopes of this type are commonly found on the western slopes of the King Range. The project area lies within the floodplain and on top of geologically recent alluvial deposits of Honeydew Creek. The area is vegetated with evidence of historic overflow channels created during high flow events.

There are no important mineral deposits in the project area.

Climate Change

The Intergovernmental Panel on Climate Change defines climate change as "any change in climate over time, whether due to natural variability or as a result of human activity." An ever-increasing body of scientific research attributes these climatological changes to greenhouse gases, particularly those generated from the human production and use of fossil fuels. As atmospheric concentrations of greenhouse gases rise, so do temperatures, because less heat is able to escape the atmosphere (California Climate Change Portal 2011).

The average global surface temperature has increased by 1.1 degrees Fahrenheit since the 19th century. The 10 warmest years of the last century all occurred within the last 15 years — 1998 was the warmest year on record. Sea level has risen 4–10 inches since 1900. A continued increase in greenhouse gas emissions, and the associated temperature rise, is likely to accelerate the rate of climate change, producing further impacts (California Climate Change Portal 2011).

The climate of the project area can be described as a Mediterranean climate with dry, mild summers and cool, wet winters. Precipitation occurs primarily as rainfall with the bulk of the precipitation occurring between October and April. This area experiences

high rainfall rates as a result of the adjacent King Range. In wet years, annual rainfall can exceed 120 inches with average rainfall values ranging from 70 to 100 inches depending on specific location in the watershed.

Cultural Resources

The project area is within the ethnographic territory of the Mattole Tribe, an Athapascan-speaking people who are closely related to the neighboring Bear River and Sinkyone tribes. Ethnographer Pliny E. Goddard reports that during his 1908 interview with Joe Duncan, a Mattole Indian, a village site was described that is located at the confluence of Honeydew Creek and the Mattole River. The location of this site is thought to be several hundred meters downstream from the proposed bridge crossing on Honeydew Creek.

The project applicant hired Roscoe and Associates to do a cultural resources investigation of the Moore Property and Honeydew Creek Crossing Project in 2014 (Roscoe and Rich 2014). The intensive pedestrian field investigation revealed no artifacts, features, buildings, structures, sites or other cultural resources.

4. Environmental Effects – Direct, Indirect and Cumulative

Proposed Action

Geology and Soils

As part of the proposed action, approximately 250 feet of the access road would cross the floodplain of Honeydew Creek. The road would not impound or otherwise alter the path of water down the floodplain. Following high flows, some maintenance of the running surface may be required to restore accessibility. Any sediment generated from the road surface during these high flow events and following maintenance would be undetectable given the large sediment loads that accompany high flows in Honeydew Creek.

Invasive, Non-Native Species

Upon site assessment, there would be negligible impact from implementation of work associated with the proposed project.

Risk of French broom infestation by bird or wildlife dissemination is low. However, risk of introduction from tainted fill/or road base associated with the access route development would depend on the contractors source of material which has not yet been determined. Preventative language is incorporated into the proposed action to offset this risk. Further, standard invasive, non-native species prevention measures and cleaning clauses are incorporated into the right-of-way grant stipulations.

Cultural Resources

An intensive, pedestrian archaeological inventory was conducted within the APE, and resulted in a negative finding of cultural resources. Hence, the proposed action will have no effect on cultural resources.

Cumulative Effects

Geology and Soils

No cumulative impacts to the Mattole River watershed are expected from implementation of the proposed action. Soil disturbance during construction and high flow events would be a minor quantity in relation to the large sediment loads carried by Honeydew Creek and the nearby Mattole River. No cumulative effects are anticipated.

Invasive, Non-Native Species

No cumulative impacts are anticipated to the Mattole River watershed from implementation of the proposed action, as preventative and follow-up monitoring actions are included in the proposed action to reduce and eliminate risk of introductions.

Cultural Resources

An intensive, pedestrian archaeological inventory was conducted within the APE, and resulted in a negative finding of cultural resources. Hence, the proposed action will have no cumulative effect on cultural resources.

Alternative 1 (No Action)

Geology and Soils

Under the no action alternative, no road construction would occur across the Honeydew Creek floodplain. No effects would occur.

Invasive, Non-Native Species

Under the no action alternative, no road construction would occur and there would be no additional risk of invasive, non-native species infestation.

Cultural Resources

An intensive, pedestrian archaeological inventory was conducted within the APE, and resulted in a negative finding of cultural resources. Hence, the proposed action will have no effect on cultural resources.

Cumulative Effects

Geology and Soils

Under the no action alternative, no road construction would occur across the Honeydew Creek floodplain. No cumulative effects would occur.

Invasive, Non-Native Species

Under the no action alternative, no road construction would occur and therefore no additional risk to cumulative effects would occur.

Cultural Resources

An intensive, pedestrian archaeological inventory was conducted within the APE, and resulted in a negative finding of cultural resources. Hence, the proposed action will have no cumulative effect on cultural resources.

5.0 Tribes, Individuals, Organizations and Agencies Consulted

On October 20, 2015, the BLM sent letters to initiate government-to-government consultation with the Sinkyone Intertribal Wilderness Council and the Bear River Band of Rohnerville Rancheria (BRBRR) informing them of this proposed action. BLM received an email back from BRBRR stating they did not have any concerns regarding the proposed action.

6.0 References

Bossard, C., and M. Rejmanek, 1994. *Herbivory, seed production, growth, and resprouting of Cytisus scoparius in California*. Biological Conservation. 67:193-200.

Parsons, W.T. 1992. *Noxious Weeds of Australia*. Inkata Press, Melbourne, Australia.

Roscoe, James, M.A. and William Rich, M.A., R.P.A., September 2014. *A Cultural Resources Investigation of the Moore Property and Honeydew Creek Crossing Project, Assessor Parcels: 107-102-011, 107-101-012, 107-101-014 and 107-101-015 Located near Honeydew, Humboldt County, California*.

U.S. Department of the Interior Bureau of Land Management. 2005. *King Range National Conservation Area Approved Resource Management Plan and Record of Decision*. Record of Decision, Environmental Impact Statement, Arcata, CA.

U.S. Department of Agriculture and U.S. Department of the Interior. 2001. *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*. January 2001. Portland, OR.

Appendix 4- Stipulations

Notification

1. Holder shall designate a representative who shall have the authority to act upon and to implement instructions from the Authorized Officer. Holder's representative(s) shall be available for communication with the Authorized Officer when construction or other surface disturbing activities are underway.

Holder's Representative _____ Telephone _____
Number _____

Notice to Proceed

Holder shall not initiate any repair work or surface disturbing activities on the right-of-way without the prior written authorization of the Authorized Officer. Such authorization shall be in the form of a written Notice to Proceed issued by the Authorized Officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location(s) or use therein described. Failure to comply with this stipulation will result in the forfeiture of the \$5,000 bond.

1. Holder will notify the BLM 5 days prior to any maintenance or ground disturbing activities. The BLM contact person is Clara Sander, Realty Specialist, at (707) 825-2348.

General

1. Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way

Standard Cultural

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by a qualified archaeologist to determine appropriate actions to prevent the loss of significant cultural or scientific values. Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with Holder.

Any new surface disturbing activities, including maintenance, will require notification to the BLM, and may require a BLM approved cultural resource survey prior to the issuance of a notice to proceed for the activity. A cultural monitor may be required, at the discretion of BLM, during the surface disturbing activities.

Weed Abatement

In order to comply with Executive Order 13112, all vehicles, and heavy equipment (paying special attention to the body and undercarriage) shall be inspected for any attached invasive, nonnative weed seeds or other plant parts capable of reproduction or spread, and be removed before entering BLM roadways or land.

Vegetation Removal

1. Hazard Tree cutting is not permitted without prior authorization from BLM Authorized Officer. Permission for cutting hazard trees will be done on a case-by-case basis. If a hazard tree cutting is permitted, it cannot be moved from the site unless absolutely necessary to enable safe road

use. If a hazard tree is moved, it shall only be moved to the extent necessary to enable safe road use and no further.

2. Brush Disposal must be conducted in a manner so as to cause no harm to riparian resources. Brush may not be piled within, or burned within, Riparian Reserves.
3. Holder shall request approval by the Authorized Officer prior to any clearing of vegetation. Clearing shall be accomplished without mixing topsoil or subsoil with vegetation. Cleared vegetative materials shall be disposed of by lopping and scattering the material or as otherwise directed by the Authorized Officer. Should vegetation clearing require the cutting of merchantable trees, Holder shall purchase a vegetative material permit from the Bureau for the cutting and removal of the trees.

Dust Abatement

1. Holder shall furnish and apply water or use other means satisfactory to the Authorized Officer for dust control, sufficient to prevent surface fines from being lost.
2. Holder shall provide dust abatement during construction and use, if necessary.
 - a. If lignin sulfonate is used, the application rate shall be 0.5 gallons per square yard.
 - b. If magnesium chloride shall be applied as per the manufacturers guidelines.

End-of-Season or End-of-Term

1. Holder shall perform preventative road maintenance as needed. This may include, but shall not be limited to, slide repair, cross-ditching, blading to remove ruts or other surface irregularities which would interfere with normal runoff of water, the construction of waterbars, rolling dips and the cleaning of ditches and culverts.
2. Holder should ensure that all drainage features of the road are functional prior to the wet season (October 15) and inform BLM of any deficiencies. This would include inspection of all culvert inlets, functionality of rolling dips, outsloped segments and ditches. Holder would repair any deficiencies noted if such repairs can be accomplished using hand tools, minor blading or limited excavation work. With the exception of hand work, all repairs would require BLM authorization. Holder would notify BLM of any corrective measures taken.
3. The Bureau's Authorized Officer shall be notified five (5) days prior to the removal of road maintenance equipment for the annual and final road inspections. Should Holder's road maintenance equipment not be available at the site for additional required work, it will be Holder's responsibility to return the necessary equipment to the site at Holder's expense. Call Clara Sander, Realty Specialist, at (707) 825-2348 for the inspection.
4. Holder shall rehabilitate the road encroachment to its natural condition prior to termination of the grant.
5. Prior to termination of the right-of-way, Holder shall contact the Authorized Officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.