

**DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT FOR THE
PROPOSED BALD HILLS ROAD IMPROVEMENT PROJECT MILE POST
13.46 TO MILE POST 16.05, REDWOOD NATIONAL PARK, HUMBOLDT
COUNTY, CALIFORNIA**

AGENCY

Bureau of Indian Affairs

ACTIONS

Finding of No Significant Impact and Decision to Fund the Project.

SUMMARY

The Proposed Bald Hills Road Improvement Project (Project) is a federal action subject to compliance with National Environmental Policy Act (NEPA). National Park Service, Redwood National Parks is a federal agency that owns and manages lands adjacent to and within the project area. The Lead NEPA Agency for the Project is the Bureau of Indian Affairs (BIA), with National Park Service, Yurok Indian Tribe, and Humboldt County as a Cooperating Agency. The Bald Hills Road is owned and managed by Humboldt County. The Yurok Tribe is the Project proponent, proposing that Federal Lands Access Program (FLAP) and BIA funds under the Tribal Transportation Program (TTP) be approved to complete the Project.

Based upon the analysis and recommended mitigation measures documented in the Environmental Assessment (EA), responses to comments received during the public review period, the BIA has reached a Finding Of No Significant Impact (FONSI). This finding constitutes a determination that the Proposed Action, and subsequent development of the Proposed Project, is not a federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required.

BACKGROUND

Bald Hills Road is the primary route connecting the upper and lower portions of the Yurok Reservation. The road is an extremely important route connecting residents of the reservation with employment, educational opportunities, cultural-use areas, and improvements to Bald Hills Road are identified as the second highest priority project in the 2006 Yurok Tribe Transportation Plan. The entire length of road is listed on the Bureau of Indian Affairs (BIA) Indian Reservation Roads inventory. Bald Hills Road is the primary access road to the Bald Hills portion of

Redwood National Park, and provides access to private property which includes residences and private timberland. The road also provides connectivity between the coast and inland communities such as Weitchpec, Orleans, and Hoopa. The measured average daily traffic (ADT) on Bald Hills Road using an electronic counting instrument near the intersection with Johnson Road (Post Mile 10.1) in May 2006 was 120.

In recent years, the Yurok Tribal Government has grown in response to increased activities and services provided by the tribe. As the main office for the Yurok Tribe is in Klamath, California, the Bald Hills Road is the primary route between the main office and satellite offices in Weitchpec and Tulley Creek. Tribal staff is continually using this road in order to conduct business for the Tribe. Additionally, employees regularly use this road to commute to work, either to Klamath or Weitchpec.

Bald Hills Road begins at Highway 101 approximately 1.5 miles north of Orick, California (about 19 miles south of the mouth of the Klamath River) and runs for approximately 32- road-miles to Martin's Ferry Bridge that crosses the Klamath River near Weitchpec. The road is paved for the first 13.4 miles, and then becomes a dirt and gravel road for the next approximately 5.5 miles. The road is paved from the Redwood National Park boundary (mile marker 19.04) to the reservation boundary (approximately mile marker 27). The final 4.6 miles are chip sealed.

The road passes through 9.2 miles of private property, 18.39 miles of the Redwood National Park, and 4.6 miles through the Yurok Reservation. Large portions of the 77,716-acre Redwood National Park are accessible only through Bald Hills Road, and the road serves as the primary access to and from the coast for the Hoopa Valley Tribe and the Yurok Tribe.

Redwood National Park is managed by the National Park Service for perpetual stewardship of park resources and for the enjoyment, education, and inspiration of people forever. (National Park Service, 2016) The project area is associated with the Lyons Ranch Rural Historic Landscape District (NPS 2004) and the Bald Hills Archeological District (NPS 1982), which are both included in the National Register of Historic Places. As such, it is sensitive for archeological deposits and has special status as a protected cultural landscape.

The federal legislation (Public Law 95-250) passed in 1978 that expanded Redwood National Park states, "The Secretary shall permit, at existing levels and extent of access and use, continued access and use of acquired portions of the Bald Hills road by each current affected woods

employer or its successor in title and interest: Provided further, That nothing in this sentence shall diminish the authority of the Secretary to otherwise regulate the use of the Bald Hills road” (92 Stat. 164).

Within the project area, Humboldt County holds deeded easements for the road right-of-way, which includes the entire existing road prism. Obtained in 1961 and 1962, the easements define a right-of-way for strips of land ranging from 50 to 60 feet in width along a specified centerline, along with additional width as may be necessary to construct and maintain the associated cut and fill slopes.

Using a five-tier Modified Overall Condition Index ranging from “failed” to “very good,” Bald Hills Road as a whole is rated in failed condition (Winzler & Kelly, 2008, *Community Infrastructure and Services Technical Report* prepared for Humboldt County General Plan Update). The Yurok Tribe, Bureau of Indian Affairs, and Humboldt County have a memorandum of agreement (Yurok Tribe et al, 2009, *Memorandum of Agreement for Roadway Improvements to Bald Hills Road*) to work cooperatively on improvements for Bald Hills Road.

DESCRIPTION OF THE PROPOSED PROJECT

The proposed project consists of paving and improvements that would occur along the existing rocky section of Bald Hills Road, which represents a major collector road in Northern Humboldt County. Bald Hills Road extends 32.2 road miles from State Highway 101 at Orick to State Highway 169 at Martins Ferry Bridge, passing through 9.2 miles of private property, 18.4 miles of the Redwood National Park, and 4.6 miles through the Yurok Reservation. The project area is situated within Redwood National Park along the ridge crest between the Redwood Creek and Klamath River watersheds, adjacent to Williams Ridge Road and Childs Hill Prairie. Elevations within the project area range from approximately 2,300 to 2,500 feet (NAVD88).

The Legal Description of the Project Area is: Township 9 N, Range 2 E Sections 13, 14, and 24 HB&M on the Bald Hills USGS 7.5’ quadrangle for Bald Hills, Humboldt County, California. The Proposed Project includes paving and improvements along + 2.6 miles of existing road within Bald Hills Road.

The project area extends from the southeast edge of Childs Hill Prairie (Post Mile 13.4) to the intersection of Williams Ridge Road (16.0), see figure 1. The initial design plans

for the project (Trinity Valley Consulting Engineers, 2013) included a project area from Post Mile 13.4 to Post Mile 16.1, or Station 0+00 to Station 137+00 on the design plans.

ALTERNATIVES CONSIDERED

The BIA considered three alternatives in the EA. First, Alternative One: Proposed Action. Under the Proposed Action Alternative, the BIA will award grant funding that will allow the Yurok Tribe to conduct the proposed project, including paving and making improvements to this section of Bald Hills Road, as described in the Project Description.

Second, Alternative Two: Chip-sealing Overlay. Alternative Two involves simply chip-sealing the existing road with no improvements to the roadbed and/or drainage. This Alternative does not include any cut and fill activities, culvert improvements, or vegetation removal beyond the existing road prism. Rather, the project would simply “overlay” asphalt and aggregate on the existing 2.6 mile road prism.

Finally, Alternative Three: No Action Alternative. Alternative Three would be to take no action and leave the existing road and corridor in its current state. This would require the ongoing road replacing (re-grading) that dirt surfaced roads require, with its associated maintenance costs and ground disturbance. No improvements to drainage would be made with associated dust and potential sediment flow to downstream waters.

ENVIRONMENTAL IMPACTS

ENVIRONMENTAL ASSESSMENT

Section 106 of the NHPA requires that each undertaking define the area in which project activities have the potential to affect historic or cultural resources. For the purposes of complying with this section, the Area of Potential Effect (APE) for this undertaking is defined horizontally as the existing roadway, including travel lanes and shoulders and adjacent drainage ditches, and identified staging and storage areas as well as view shed areas.

The Lyons Ranch Historic District and the Bald Hills Archeological District are located within the APE. The Bald Hills Road is a key contributing resource of the Lyons Ranches Historic District and retains its integrity as a rural road that serves as a vital regional connection to the Bald Hills.

BIA Consultation with Other Agencies

Biological Resources

A Biological Assessment was submitted to the U.S. Fish and Wildlife Service (USFWS), along with a letter requesting initiation of informal consultation under Section 7 of the Endangered Species Act. The letter also requested concurrence with the determination that the project is not likely to adversely affect three federal listed threatened species (Northern Spotted Owl, Marbled Murrelet, and the Pacific Fisher). Since no adverse effects were identified, Section 7 consultation is not necessary.

The project area itself is predominantly within a large prairie referred to as “Childs Hill Prairie” where native and non-native grassland species occur. Given the corrals depicted along the ridge top on the Bald Hills 7.5’ Quadrangle, and the historical grazing that has occurred within the area, numerous non-native and weedy species are likely to occur.

In general, the lands around the project area have been heavily logged. Lands surrounding the project area are a mixture of private ownership and ownership by the Green Diamond Resource Company which continues to manage those lands for timber production. Commercial logging has left a patchwork of old growth, second growth, and third growth stands in and around the area. Second-growth forests are typically dominated by Douglas-fir. Redwood sprouting is typically common, with hemlock, and grand-fir lesser associates in the tree overstory. The forest understory includes common plant species such as salmonberry, huckleberry, blackberry, maidenhair fern, sword fern, wild iris, Oregon grape, wild parsnip, wild celery, coltsfoot, and rhododendron.

The site is overwhelmingly composed of grasslands contiguous with the surrounding forest communities. As such, it is expected to support a diversity of native wildlife, including bear, mountain lion, bobcat, deer, opossum, raccoon, skunk, squirrel, and other similar species. The proximity of the road limits its usefulness as a breeding or foraging ground for larger species. The species that are likely to breed and forage exclusively near the project area are likely to be small animals with abundant populations throughout the surrounding area.

The Arcata Office of the U.S. Fish and Wildlife Service lists several Special Status Species that are generally found within the area of the Bald Hills U.S. Geological Survey Topographic Map Quadrangle in which the project is located. Of these species, 4 are aquatic dependent fish (green sturgeon, southern Oregon/northern California Coho salmon, northern California steelhead, and California coastal chinook salmon) and 3 are aquatic associated birds. No aquatic habitat of sufficient size to support a breeding population of birds occurs on or near the project area.

There are no federally listed threatened or endangered species in the project area. Vegetation adjacent to the road contains habitat for nesting birds protected under the Migratory Bird Treaty Act.

Air Quality

The project site is classified as a Class I air shed. Class I areas are defined as national parks larger than 6,000 acres, and national wilderness areas larger than 5,000 acres which existed on August 7, 1977. This class provides the most protection to pristine lands by severely limiting the amount of additional air pollution that can be added to these areas. The site is in the North Coast Air Basin, as regulated by the North Coast Unified Air Quality Management District, under the California Air Resources Board. Air quality is monitored in the nearby Redwood National Park, on the Yurok Reservation, and in Eureka and Crescent City. The area is designated as either in attainment or as unclassified for all National and State Air Quality standards, with the exception of the State PM₁₀ standard. Only 3 counties in the State of California are classed as in attainment for the State PM₁₀ standard.

In addition to the State monitoring of air quality, the Yurok Tribe Environmental Program has two air quality monitoring stations on the Reservation [Yurok Tribe Environmental Program, *Real-Time Environmental Monitoring Stations*, Accessed from: <http://exchange.yuroktribe.nsn.us/lrgsclient/stations/stations.html>, ongoing]. One is located in Weitchpec, which is the closer of the two (about 4 linear miles away), and the other is located in Klamath Glen, which is approximately 30 linear miles from the proposed project. Data collected from the Environmental Beta Attenuation Monitor

(EBAM) at the Weitchpec Weather Station determined that the 24-hour average for air quality in this area has never exceeded federal PM10 requirements (150 $\mu\text{g}/\text{m}^3$) or the established federal and state 24-hour average for PM2.5 (65 $\mu\text{g}/\text{m}^3$) since the installation of the EBAM Yurok Tribe Environmental Program, *Real-Time Environmental Monitoring Stations*, Accessed from:

<http://exchange.yuroktribe.nsn.us/lrgsclient/stations/stations.html>, ongoing]. Air quality in the general area is considered good to excellent because of the low population, scarcity of pollutant sources, and prevailing westerly winds, blowing inland from the ocean where there are few sources of air pollution. A major source of dust in the project area is the dust produced by traffic on unpaved dirt roads.

Air Quality impacts come from two main sources in the project area: emissions from vehicles moving through the area, and dust rose by their passage on dirt roads. Both alternatives would have similar impacts from the presence of moving vehicles on Bald Hills Road, as the project is not expected to significantly increase traffic levels.

Alternative One would involve removal of the existing dirt roadway surface and resurfacing with new pavement. Re-grading will be performed where necessary. This would create short-term construction impacts from dust which would be minimized with the standard BMPs already incorporated into the project. Over the long-term the project improvements would incrementally reduce impacts to the area from dust, thus, reducing the adverse effects on air quality and air quality related values in a Class 1 air shed. There would be a less-than-significant short-term impact, and long-term locally beneficial impact to local air resources from this alternative.

Cultural Resources

A cultural resources report was prepared for the project site, analyzing the potential impacts of the Proposed Action to cultural resources. The NPS also prepared a Bald Hills Road Visual Assessment (Redwood National Park, Humboldt County, 2014) to evaluate potential impacts to visual resources and the Lyons Ranch Historic District from the proposed project. The California State Historic Preservation Office concurs with the Bureau of Indian Affairs determination of “No Adverse Effect” per 36 CFR 800 for the Yurok Tribe Bald Hills Road Improvement 13.46 to

16.05 with protection measures that ensure road improvements are a compatible alteration to the Bald Hills Road as a contributing feature to the Lyons Ranch Historic District. Consequently, no adverse changes to known cultural resources would occur as a result of the Proposed Project. The EA recognizes the potential to impact previously undiscovered cultural resources and recommended mitigation in the case of accidental discovery. These mitigation measures are included as a component of the Proposed Project. The BIA received a letter from the State of California, Office of Historic Preservation on May 27, 2007 concurring with the findings of the cultural report.

The National Historic Preservation Act (NHPA) recognizes certain properties and places to be of local, state or national significance in terms of history, architecture, archeology, engineering and/or culture. Properties that meet certain criteria can be listed on the National Register of Historic Places (NRHP). Federal agencies proposing or funding an action that could potentially affect properties listed on, or eligible for listing on, the National Register are required to consider the effects of their proposed action on those properties. Section 106 of the NHPA requires agencies to consult with the State Historic Preservation Officer (SHPO) and, if applicable, the Tribal Heritage Preservation Officer (THPO), to gain concurrence with their determinations under the NHPA. Certain determinations must also be reviewed by the Advisory Council on Historic Preservation.

The Tribe shall include the following requirement in construction contract specifications for construction activities on the site:

- In the event that any prehistoric, historic, or paleontological resources (including but not limited to obsidian or chert flakes and or tools, locally darkened midden, ground-stone artifacts, deposits of shell, dietary bone, or human burials) are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and the Tribe shall consult with a qualified archaeologist or paleontologist and the BIA Regional Archaeologist to assess the significance of the find;
- If any find were determined to be significant by the qualified archaeologist and BIA Regional Archaeologist, then representatives from the Tribe, the qualified archaeologist and/or paleontologist, and BIA Regional Archaeologist would meet to determine the appropriate course for action; and
- If human remains are discovered or suspected, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner

has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner shall notify the Native American Heritage Commission (NAHC), which shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.

Socioeconomic Conditions

There are no homes within the proposed project area and only a scattering of residences in the immediate surrounding area so discussion of employment, income, and other demographic information will be discussed in the context of the Yurok Reservation and surrounding communities because these are the people and the area that will most benefit and/or be affected by the proposed project.

The Yurok Reservation is an area with little development and sparse economic opportunities. The largest employer in the immediate area is the Yurok Tribe with over 200 employees. The closest Satellite Tribal office to the proposed location is approximately 7 linear miles away (approximately 12 miles by road), however, the main office, where most employees work is approximately 50 miles away.

In 2000, the rate of unemployment for all people 16 years and over residing within the Yurok Reservation (836) was 48%. This high rate of unemployment is compounded by the fact that 31% of households on the Reservation (413) were making less than \$10,000 a year in 1999. The next highest percentage of people (17.9%) make between \$15,000 and \$24,999. Moreover, median household income that same year was \$20,592. Conditions on the Hoopa Reservation and in the surrounding area are similar. [U.S. Census Bureau, Profile of General Demographic Characteristics, Yurok Reservation, CA, 2000, Summary File 1, <http://factfinder.census.gov>, (October 2005)].

Transportation Networks

As previously stated, the immediate surrounding area is not developed and is very sparsely populated. All access to the proposed project area is conducted by individual vehicles, as no public transit is available in the area. Access to surrounding communities

is similar. The following is a description of services in the four closest local communities, as well as driving distances to each community.

Tulley Creek/Martin's Ferry: The project is approximately 6 miles from Tulley Creek/Martins Ferry. There are only a few residents, transfer station, and a privately owned nursery in this community. A fire station is currently being constructed at Tulley Creek for the local volunteer fire department. There are no community water or wastewater systems, however, there are electrical and telephone services in the area.

Weitchpec: The proposed project is approximately 8 miles from Weitchpec. In this community there is a Yurok Tribal Office, which holds offices, community room, a branch of the Tribal Police, headquarters for the Tribe's Search and Rescue Crew, limited social services, and a branch of the United Indian Health Services, which provides limited non-emergency healthcare services. Also in Weitchpec there is a local store, gas station, church, and the Yurok Magnet Program, a K-3rd grade magnet school. There is a community water system that supplies some of this community and telephone and electrical services are also available.

Wautee: The proposed project is approximately 6 miles from the community of Wautee, which includes churches, residents, a firehouse for the volunteer fire department, and Jack Norton, a K-8th grade elementary school. There are no electrical and telephone infrastructure in this community, however, there is a community water system.

Hoopa: This larger community is approximately 20 miles from the proposed project area and has all basic services. Hoopa includes an emergency hospital with ambulatory response services; however, many emergency victims are taken to Mad River Hospital, located in Arcata approximately 52 miles away. Hoopa also has a hotel, Post Office, Hoopa Tribal Police Department, Humboldt County Sheriff sub-station, social services, gas station, locations to access public bus transportation to the coast, Hoopa Elementary School (K-8th), Hoopa High School, and Jack Norton Continuation School.

Public Services

Water Supply

The proposed project area lies on the trending ridge just after Bald Hills Road has ascended out of the Lower Klamath River Watershed. Annual average precipitation in the area is approximately 44 inches per year. Rain falls primarily from October through April, with little or no rainfall in July and August [ref: <http://www.worldweatheronline.com/city-guide/United-States-of-America/2395340/Weitchpec/2410693/info.aspx>]. Fog is common throughout the year. This results in moist habitats with relatively abundant hydrological resources. Numerous smaller drainages and creek headwaters begin on either side of the project area as it moves along the top of the ridge. There is a Freshwater Emergent wetland associated with the uphill spring mapped by the National Wetlands Inventory, as is the Freshwater Pond on the south side of the road [U.S. Fish and Wildlife, National Wetlands Inventory, FWS Wetlands

Mapper, <http://137.227.242.85/wetland/>, accessed June 2011]. There are no areas designated sole source aquifers within the proposed project area. [U.S. Environmental Protection Agency, Source Water Protection, Designated Sole Source Aquifers in EPA Region IX, <http://www.epa.gov/region09/water/groundwater/ssa.html>, (May 2007)] The project area is not in the Coastal Zone. [California Coastal Act, 20 Pub. Res. Code §30103(a).].

In general, the proposed project will re-grade and resurface the existing roadway with impervious pavement. This will reduce the potential erosion and sediment flow that may occur from the existing dirt and gravel roadbed. In addition, the project proposes to improve existing drainage structures in the project area, and replace failed culverts where they occur. All project drainage improvements will include energy dissipaters where needed, thus reducing the potential for an erosive effect to downstream watercourses. This would improve the impacts from the existing roadway to surrounding drainages and creeks. Alternative One would reduce the deleterious effects on water quality from dust.

Visual Resources

The site currently presents an unbroken visual experience of forests contiguous with and integrated with the surrounding forest. This is primarily visible to motorists traveling on Bald Hills Road. There are no other vantage points from which the site is visible. There are no residences in or near the site from which the visual appearance of the site would be apparent. A Bald Hills Road Visual Assessment (Appendix X) was prepared by the NPS and recommendations made throughout the report have been taken into consideration throughout the projects proposal.

RESPONSE TO COMMENTS

BIA received 12 substantive comment letters on the EA. The majority favored Proposed Alternative 1, paving the road, noting that paving the road will alleviate wear and tear on vehicles, improve emergency vehicle accessibility, improve air quality and visibility, and increase safety. One commenter asked to keep the road in its natural state because paving could encourage speeding, and one commenter asked that we take a hard look at wildlife habitat.

Comment: Maintaining viewshed of Redwood National Park.

Response: The project will be paving an existing dirt road, and will not adversely impact the viewshed of Redwood National Park.

Comment: Maintaining integrity of Lyons Ranch Historical District.

Response: The project will be paving an existing dirt road, and will not adversely impact the viewshed of Redwood National Park.

Comment: Paving would enable drivers to speed, endangering wildlife.

Response: The project will not add traffic to the existing roadway, just pave the remaining unpaved section of Bald Hills Road.

Comment: Paving would increase pollution from motor vehicles.

Response: Daily trips from residents and tourists are not expected to increase.

Comment: Paving would increase Greenhouse Gases (GHG).

Response: Although there may be a less than significant increase in GHG, PM10 would likely decrease with the project.

Comment: Beneficial cumulative impacts outweigh the any negative impacts.

Response: The project will likely improve socioeconomic benefits for residents and tourists, while aiding in secondary access vital for forest fires and natural disasters.

Comment: Redwood National Park is World Heritage Site, International Biosphere Reserve, and wildlife could be adversely affected.

Response: The project is paving an existing dirt road and the integrity of park shall not be changed.

CONDITIONS

The Yurok Tribal Culture Committee has expressed through the Yurok Tribal Cultural Resources Department that the project should initiate the following recommendations: Environmentally

Sensitive Area fencing should be used at or near archaeological sites when applicable; no staging or turn around areas be designated in the Williams Ridge/Bald Hills intersection; construction equipment is to stay within the road prism and within identified staging areas; and historic fence posts are to remain in place.

The National Park Service would like to promote effective project material management through the use of clean gravel. Preventing the spread of invasive plants and can be prevented by cleaning construction equipment, hand tools, power tools, and materials.


PUBLIC AVAILABILITY

This FONSI will be distributed to all persons and agencies known to be interested in the Proposed Action as indicated by their comments on the EA. Additionally, all persons and agencies on the EA mailing lists will receive a copy.

DETERMINATION

After review and independent evaluation of the EA, the BIA has determined that the proposed federal action, of funding the pavement of the Bald Hills Road from Mile Post 13.46 to Mile Post 16.05, does not constitute a major federal action that would significantly affect the quality of human environment and I have selected the proposed Action and Approve this project funding within the meaning of NEPA. This conclusion is based on the analysis contained in the EA. Therefore, an Environmental Impact Statement is not required and the BIA is issuing this FONSI.

Issued in Sacramento, CA this 9TH day of May, 2017.


Pacific Regional Director
Bureau of Indian Affairs
U.S. Department of the Interior