

ENVIRONMENTAL ASSESSMENT

EA Number: OR-014-05-01

BLM Office: Klamath Falls Resource Area

Serial No.: OR 60856

Proposed Action Title/Type: Gerber Ditch Road Construction And Right-Of-Way

Location of Proposed Action: T. 38S., R. 14 E. Section 30 SW1/4

Applicant: Gerber Ranch, Sylvia Bruce

Conformance with Applicable Land Use Plan:

This proposed action is subject to **Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary, June 1995**. This plan has been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5.

Remarks: The right-of-way is in compliance with the Klamath Falls Resource Area Resource Management Plan, Right-of-Way objectives, as seen on page 66 of the Record of Decision. The proposed road right-of-way will not enter any of the right-of-way avoidance areas listed in Table 14, also on page 66.

Need For Proposed Action: On July 14, 2004, a road construction and right-of-way proposal was filed by Duncan Livingston, foreman of the Gerber Ranch (Ranch) to construct, operate and maintain a road on Bureau of Land Management (BLM) administered public lands. The Gerber Ranch is requesting access around a low wet area, by way of a ditch road to the north end of their lower field that is adjacent to Gerber Road (see Exhibit A).

Description of Proposed Action: Gerber Ranch is proposing to build a road along side of their irrigation ditch that runs across a small portion of Bureau of Land Management administered land (see Exhibit B). Gerber Ranch holds the grazing permit on this portion of BLM land. The road would be constructed on top of the existing low ditch bank to be used for year round private access. Gerber Ranch has purchased clean dirt spoils for fill material from BLM to build the road. The Ranch would pay for the construction of the entire road. Two access gates would be placed in the existing fence, for ingress and egress to the road from private lands. The Ranch is planning on installing two culverts, with head-gates, on private land that would span the ditch and allow access to the road.

Alternatives Including the Proposed Action:

Alternative 1 - No Action: Under this alternative a right-of-way would not be granted to construct. Impacts to public lands and resources would be avoided and the application would be rejected.

Alternative 2 – Proposed Action: Gerber Ranch would be granted a right-of-way and permission to construct a road over 780 lineal feet of BLM administered land to access property owned by the Ranch. The road would be used for year round access and help prevent erosion of the ditch.

Affected Environment:

Visual Resources:

The Paddock grazing allotment is classified as Visual Resource Management (VRM) class III. The management objective for VRM class III lands is “partially retain the existing character of landscape.” The management direction for Visual Resource Management class III lands is to “Manage Visual Resource Management Class lands for moderate levels of change to the characteristic landscape. The portion being proposed for use is predominantly flat terrain. The vegetation on public land consists of annual and perennial grasses. There will be little impact due to the area being flat and there is already a dirt berm next to the ditch. This berm will be widened to road width and fill material will be added to the berm to create the running surface.

Cultural Resources

Prehistoric and historical cultural resources are known to occur throughout much of the Gerber Reservoir area. Native American sites range from small lithic scatters to areas exhibiting evidence of intense utilization. Within the general area, historic sites are most commonly represented by small refuse scatters though ranching activities are known to have occurred in the area since the late 1800s.

The region was most likely used by the Modoc and/or Klamath peoples. On a map showing the Klamath territory, Spier (1930:8-9) shows that the area falls within the Modoc territory, but it is very near the boundary between the Klamath and Modoc. Similarly, Ray (1963:206-207) shows the Modoc territory extending north of the survey area but, close enough that there was probably some overlapping use of the area by Klamath peoples. Ray (1963:202) notes that the Modoc territory was divided into three geographic areas that were named after those who lived in those areas. Of these three areas, the *Kokiwa's*, or “people of the far out country” were concentrated in the eastern portion of the Modoc territory. Stern (1998:447) refers to this same group as *Gogewa's*. The Klamath and Modoc shared a similar semi-sedentary lifestyle following an annual subsistence round based on local resource availability.

Beckham (2000) presents a thorough historical overview of the Gerber Block including the proposed project area. Peter Skene Odgen, under the employ of the Hudson’s Bay Company, visited the Klamath Basin in 1826 when traveling south from the Williamson River and Upper Klamath Lake vicinity to the Lost River. After the initial exploration period (roughly 1826 through 1864), early historic economic activity centered on trapping, grazing, and lumber production. Shortly after the passage of the Taylor Grazing Act in 1934, the Gerber Block became the first grazing allotment in the nation. Dispersed livestock grazing and timber harvest continues through the present on BLM administered lands.

Beckham (2000:58) notes that by 1895, Louis Gerber had secured a homestead in the vicinity and slowly built up a large cattle ranch. The original ranch house was located a couple of miles

to the southeast in what now is Gerber Reservoir. When Gerber Dam was constructed in 1924, the resulting reservoir inundated the ranch house and a new residence was established about 1 ½ miles northeast of the project area. The Gerber family continues to operate their cattle ranch.

Special Status Plant Species:

Botanical surveys of the project area were conducted in 1999. No special status plant populations were found in the area that will be affected by the project. The remainder of the road would be constructed on lands owned by the Gerber Ranch. Vegetation on the private lands consists of grass on the irrigated pasture and annual and perennial grasses.

Noxious Weeds:

Botanical surveys of the project area were conducted in 1999. No noxious weed populations were found in the area that will be affected by the project. Fill dirt that will be used for this project, was the result of a small reservoir that was dug for cattle watering on the adjacent grazing allotment, located about ¼ mile away from this project and was inspected for noxious weeds during the reservoir grazing allotment project.

Wildlife:

No special status species are located at the site and thus will not be affected by the proposed project.

Fisheries:

Recommendations for protecting potential sucker spawning and rearing habitat. Construction will occur during the dry season in between July 1, thru October 15. The ROW agreement will stipulate that the stop blocks will not be obstructing the culvert between January 1 and June 1, or during times of natural run-off. The Right-of-way (ROW) agreement will also include stipulations that the culvert will not be perched during the lifespan of the ROW (ie: the culvert would always be at canal bed elevation to allow for fish passage.)

Environmental Consequences:

Visual Impacts:

There would be a short road constructed and will be visible from Gerber Road. The canal/ditch is already in place and has been there for over 50 years. No additional environmental consequences are anticipated.

Cultural Resource Impacts:

Inventories for cultural resources have been conducted for the proposed project area. No historic or prehistoric sites were encountered within the proposed road alignment. However, the ditch immediately adjacent to the proposed road is a historical feature built (and subsequently maintained) by the Gerber family in the early to mid 1900s. All cultural resources will be avoided during project activities. Thus, no environmental consequences are anticipated.

Grazing Impacts:

The proposed action will have minimal impact on the livestock grazing in the Paddock grazing allotment. The top of the current dike provides a small amount of forage for livestock but the

conversion to a roadway will have virtually no impact to the total available forage in the 440 acre allotment.

Soils Impacts:

The full length of the proposed road has previously been disturbed by construction of the ditch embankment. Due to the road being relatively flat, there should be no problems with erosion or sediment.

Noxious Weed Considerations:

Actions that include ground disturbance could create conditions that favor the invasion of noxious weeds. The use of the mechanical equipment to construct the road may create the disturbed conditions under which many noxious weeds have a competitive advantage. The vehicles and machinery entering the project area to implement these actions would increase the potential for the introduction of noxious weeds into the area from sources outside the project area.

Other Considerations:

Other considerations, including some high value resources are shown below as Critical Elements. These have been evaluated to determine if they would be negatively affected.

<u>Critical Element</u>	Negatively Affected		<u>Critical Element</u>	Negatively Affected	
	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Air Quality	—	<u>X</u>	T & E Species	—	<u>X</u>
ACECs	—	<u>X</u>	Wastes, Hazardous/Solid	—	<u>X</u>
Cultural Resources	—	<u>X</u>	Water Quality	—	<u>X</u>
Farmlands, Prime/Unique	—	<u>X</u>	Wetlands/Riparian Zones	—	<u>X</u>
Fisheries	—	<u>X</u>	Wild & Scenic Rivers	—	<u>X</u>
Floodplains	—	<u>X</u>	Wilderness	—	<u>X</u>
Native American Religious Concerns	—	<u>X</u>			

Description of Mitigating Measures:

Noxious Weed Considerations:

In order to reduce the potential for the introduction of noxious weeds, all equipment will be cleaned off prior to operating on BLM lands. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts is required and may be accomplished with a pressure hose.

References Cited:

Beckham, Stephen Dow

2000 *The Gerber Block: Historical Developments on the Public Rangelands in Klamath County, Oregon*. Manuscript on file at Klamath Falls Resource Area, Bureau of Land Management, Klamath Falls, Oregon.

Ray, Verne F.

1963 *Primitive Pragmatists, The Modoc Indians of Northern California*. University of Washington Press, Seattle.

Spier, Leslie

1930 Klamath Ethnography. *University of California Publications in American Archaeology and Ethnology, Vol. 30*. University of California Press. Berkley, California.

Stern, Theodore

1998 Klamath and Modoc. In, *Handbook of North American Indians, Volume 12, Plateau*. Edited by Deward E. Walker, pp. 446 – 466, Smithsonian Institution, Washington.

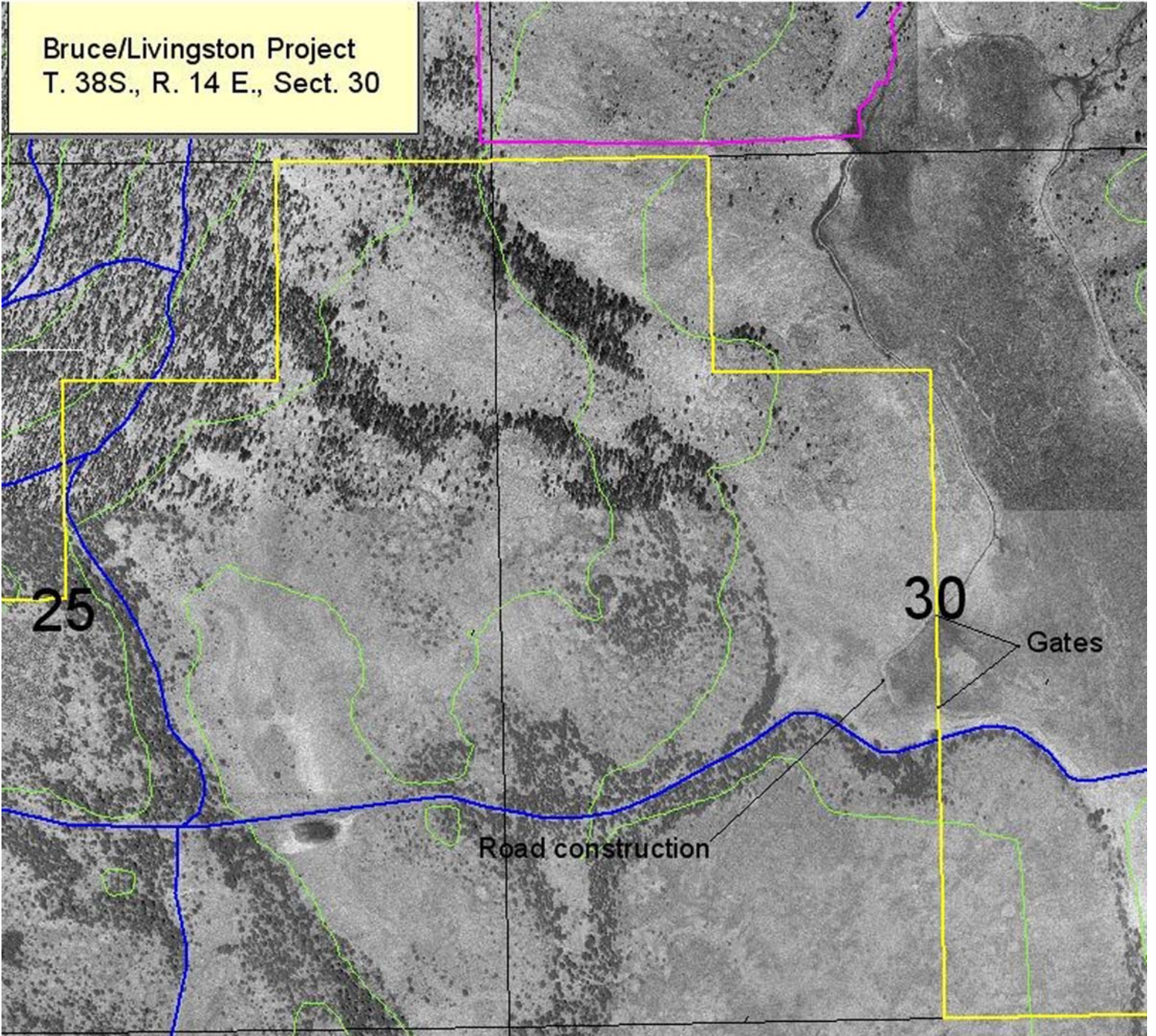
Persons/Agencies Contacted:

The Klamath Tribes

Preparer(s):

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Bruce/Livingston Project
T. 38S., R. 14 E., Sect. 30



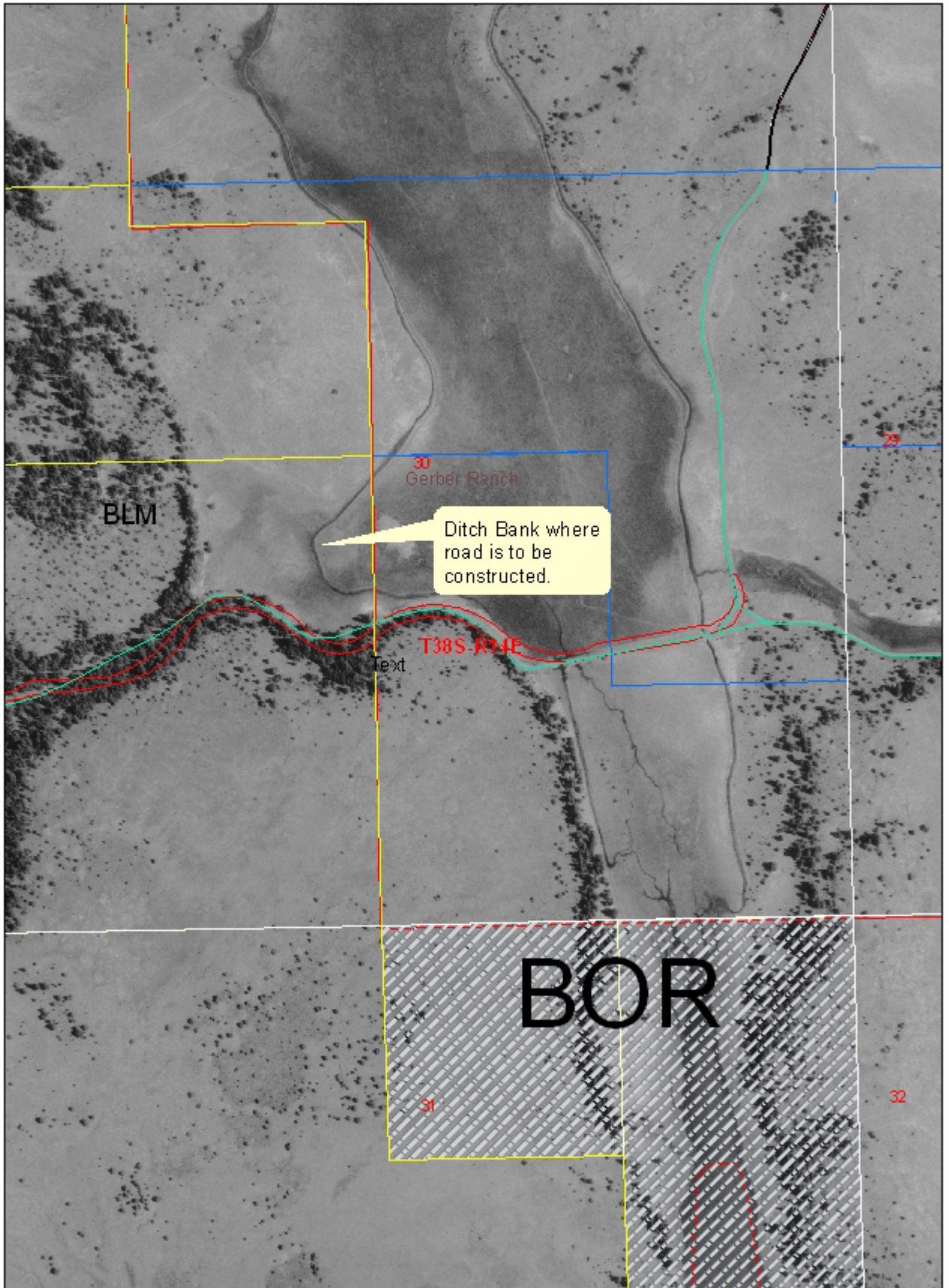
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Gates

Road construction

Gerber Ditch Road Construction



Legend

KFRRA Land Jurisdiction

JURISCODE

- BLM
- BA
- BOR
- NPS
- USFWS
- USFS
- DOD
- OTHER FEDERAL
- State
- Local Govt
- Pvt.

KFRRA Roads by Surface Type

SURF_TYP

- Bituminous / Paved
- Aggregate / Pk. Plan / Hard Surfaced
- Grd rolled, Natural Improved
- Natural Unimproved
- Not Known
- KFRRA Section Lines
- KFRRA Township Range Lines
- Blameth County Tax Lots

