

ENVIRONMENTAL ASSESSMENT, FONSI AND DECISION RECORD

BLM, Bishop Field Office
351 Pacu Lane, Suite 100
Bishop, CA 93514

EA Number: DOI-BLM-CA-070-2009-0007-EA

Lease/Serial/Case File No.: CACA 050187
CACA 050188

Proposed Action Title/Type: Barnard and FW Aggregate Haul Road
Location of Proposed Action:

MDM, T. 16 S., R. 37 E., Section 25, NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4;
T. 16 S., R. 38 E., Section 30, NW1/4NE1/4NE1/4, SW1/4NE1/4, S1/2NW1/4.

Applicant (if any): Barnard Construction Co., Inc.
FW Aggregate

Plan Conformance:

The proposed action is subject to the Bishop Resource Management Plan, approved March 25, 1993. The proposed action has been reviewed and is in conformance with the plan.

Under the 1993 Bishop RMP General Policies, Page 8, No.1; "Management will be on the basis of multiple use and sustained yield as per FLPMA section 102 (a)(7)." As part of the multiple-use and sustained yield, the BLM can authorize Rights-of-Way (FLPMA section 501(a)(1-7) such as pipelines, roads, power lines, wells, and other facilities on the public lands for the public good.

Need for Proposed Action:

A long history of water diversion from the Owens River for agricultural use and as a water supply for the City of Los Angeles contributed to drying up of much of the Owens Lake. These relicted lands and lands surrounding Owens Lake have been identified as contributing significant PM10 emissions, exceeding air quality standards under the 1998, 2003, and 2005 Great Basin Unified Air Pollution Control District (GBUAPCD) Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) Environmental Impact Report (EIR). In the revised 2008 SIP EIR final implementation Phase 7 the Los Angeles Dept. of Water and Power (LADWP) is treating an additional 9,664 acres of lakeshore for dust mitigation and is utilizing dust control methods which require rock aggregate in various sizes for the project. The project aggregate uses are for access roads, flooding berms and facing, structure foundation, and equipment pads. Barnard Construction Co has been awarded the contract for production and delivery of 850,000 cubic yards of aggregate for the Owens

Lake Phase 7 project. The aggregate would be produced on private land (Durability quarry owned by Federal White Aggregate) southeast of Swansea and trucked to the lakebed for the Phase 7 project areas. The private land is separated from the lake by public land and the only feasible access is across public land using an existing haul road and a proposed new haul road.

In 2005 Barnard Construction was authorized to construct a 30 foot wide (36 feet total disturbance) by 9,200 foot long haul road for the purpose of providing aggregate to the Owens Lake dust mitigation project. The haul road was defined as follows; the 3,700 feet portion of haul road west of Hwy 136 was comprised of 2,640 feet of existing LADWP power line maintenance road and 1,060 feet was newly constructed haul road. The remaining 5,500 feet of haul road east of Hwy 136 was newly constructed and was built by widening an existing 8 foot wide two track road. This existing road was an access road to the F.W. Aggregate property. The Barnard authorization expired on December 31, 2007. Prior to expiration, the 1,060 feet of newly constructed road west of Hwy 136 was removed and reclaimed. The 2,640 feet of LADWP maintenance road was retained. The 5,500 of new road east of Hwy 136 was also retained, forgoing rehabilitation, at the request of FW Aggregate and the anticipated future sales for the Owens Lake project.

As a result of additional demand for aggregate for the Owens Lake project, Barnard and FW Aggregate have applied for new authorization for the original haul road. Barnard has requested a 2-year authorization for use of public land west of Hwy 136 for a haul road along the same alignment as previously authorized. FW Aggregate has requested a 30-year authorization (renewable) for the upgraded haul road east of Hwy 136 for long-term access to their rock quarry in anticipation of continued aggregate sales for the Owens Lake project and other local area demand.

Description of Proposed Action: Alternative A

The proposed action would be to authorize the use of public land for a 9,200 foot long haul road being 30 foot wide (36 feet total disturbance). The haul road would consist of the following segments; the 3,700 feet of the haul road west of Hwy 136 would be comprised of 2,640 feet of existing LADWP power line maintenance road, 1,060 feet would be a newly constructed haul road, and the remaining 5,500 feet would be the existing haul road east of Hwy 136. See Exhibit A and B.

3,700 foot Haul Road west of Hwy 136

A 1,060 foot segment of the haul road would be constructed by adding crushed aggregate over the existing soil surface and compacted. This road segment would be in same location and alignment as the haul road previously authorized in 2005. The road construction would take place as soon as authorized and would take 10 days for completion. In 2 years, this portion of haul road would be surface-ripped for reclamation

and blocked at both ends by boulders. No seeding would be done due to the low precipitation for the area and the associated very low success rate for seeding.

A 2,640 foot segment would be the LADWP power line maintenance road. This segment would be improved by placing crushed rock on the roadbed for a haul surface. A stabilized sand dune located adjacent to and extending into a portion of the maintenance road would be avoided to reduce any impacts to this microhabitat from haul road activity. Upon completion of the aggregate contract in 2 years this segment would continue to be used as a maintenance road for the existing LADWP power line.

5,500 foot haul road east of Hwy 136

This existing road segment would be used for aggregate hauling. Concerning the haul road east of Hwy 136, after completion of the Owens Lake contract this road would continue to be used for access to the FW Aggregate rock quarry. Truck use would be sporadic and dependent upon future rock contracts for either the Owens Lake project or other area demands. Road maintenance would be as described below but may be dramatically reduced in occurrence. Upon expiration of the 30-year authorization (unless renewed), FW Aggregate would rehabilitate the haul road so that only the original 8 foot wide road would remain. The rehabilitated area would be regraded for contour and then surface-ripped if needed. The windrowed side-cast native soil and vegetation would be bladed back for coverage and large excavated rocks would be scattered throughout in order to discourage off road driving. Natural seed dispersal from the rehabilitation and nearby plants would occur within a year. No seeding would be done due to the low precipitation for the area and the associated very low success rate for seeding. It would likely take ten years or more before plants become uniformly established and vigorous throughout the area.

Road maintenance for the total haul road would consist of periodic placement of crushed rock on the roadbed for a haul surface. Periodic road grading would take place for maintaining the road surface. Water or dust suppressant would be used for dust control during operations and grading. Haul road operation would be under permit from the Great Basin Unified Air Pollution Control District.

The haul road would be used from daylight to dark, usually five days a week, and for at least two years. Haul trucks would make 70 round trips per day (140 total trips per day). The authorization for the haul road west of Hwy 136 may be renewed for additional time if Barnard requires more time for completion of the contract. Barnard has applied for a Caltrans encroachment permit for the road crossing on Hwy 136. That permit requires that the highway crossing be signed on order to alert oncoming highway traffic. This section of Hwy 136 is considered a RS 2477 road and the Caltrans authorization is limited to previous existing disturbance. At the proposed crossing, there is 200-300 feet of previous disturbance on both sides of the highway where Caltrans has removed and spread fluvial deposits from an adjacent flood-water diversion ditch. This area would be used for a portion of the haul road and a portable weigh scale would be located within this area.

No Action: Alternative B

Under this alternative, the proposed haul road would not be authorized. The aggregate coming from private land near Swansea would not be available for use on the Owens Lake dust mitigation project. Other rock sources are available; the Inyo Marble property located 5.5 miles northwest of Swansea or rock aggregate out of Ridgecrest or Bishop. The Inyo Marble property would require a 7.0 mile (14 mile round trip) haul distance. The Ridgecrest source would be a 60 mile (120 mile round trip) haul from the project, and the Bishop source would be an 84 mile (168 mile round trip) haul from the project. All three rock sources would have high haul costs associated with it. The most expensive would be Bishop and the least expensive would be Inyo Marble. Based on a telephone conversation (11/19/05) with Scott Brady and Ryan Nutt of Barnard Construction, the additional cost to use the Inyo Marble site would be over \$100,000.

Regardless of where the rock source is located, access to the Owens Lake project would require a 0.75 to 1.0 mile constructed 30 foot wide access road from Hwy 136 to the project across public land.

Affected Environment/Environmental Impacts: Alternative A

The proposed action is not within a Wilderness, Wilderness Study Area, Area of Critical Environmental Concern, nor Wild and Scenic River corridor, and there would be no effects on any lands so designated.

There would be no impact to listed species or habitat. There are no known sensitive species or habitats within the proposed action area except for the Le Conte Thrasher. See Wildlife Section.

There would be no impacts to prime farm lands, flood plains, or water quality (including ground or surface waters). The proposed action would not occur in areas having these characteristics.

There would be no disproportionate impacts to low income or minority groups, per Executive Order 12898 (2/11/94). There are no known groups of this type that utilize the proposed action area.

Air Quality

Air quality would be affected. The proposed action is within the Owens Valley federal nonattainment area. The action would result in the direct and indirect emissions of 40.12 tons per year of PM₁₀. This amount takes into account that the contractor would be using dust control measures during road use. The emission calculation was based on; 688,500 tons per year moved, 1.74 mile of haul road, 75% dust control efficiency, 260 days operation, 12 hours per day, 18-wheel diesel haul truck and 65% load factor

for 450 horsepower wheeled tractor, and 7 haul trucks. Emission amount includes generated haul road dust and haul truck diesel exhaust.

In order to determine the impact of PM10 emission, the action's emission must fall below the Federal Conformity Rule De Minimis threshold level of 70 ton/yr. It must also be below a significant level which is defined as less than 10 percent of a non-attainment or maintenance area's total emissions budgeted for that pollutant. In the case of the Owens Valley non-attainment area this budgeted amount is 294,080 tons per year and 10 percent of this amount is 29,408 tons per year. Since the air emissions from the project are below the De Minimis level and the project is considered regionally insignificant (below 10% of budgeted level), it is exempt from any further requirements under the Federal Conformity Rule (40 CFR 93.153(c)(1)). See attached Determination for General Conformity and calculations.

This air quality impact would take place for two years, which is the duration of the Barnard aggregate contract. After this contract has expired, use of the haul road east of Hwy 136 by FW Aggregate would consist of light truck activity, such as, a weekly or monthly trip to inspect the pit. PM10 emissions at this level of use would be minimal. If FW Aggregate sold another aggregate contract of similar size and duration in the future, the projected PM10 emissions would be 22.4 ton/yr and is still exempt from any further requirements under the Federal Conformity Rule.

Cultural resources

Cultural resources were inventoried for the project under private contract in 2005. The Bishop FO Archeologist has reviewed this report. A historic mill site, east of Hwy 136, is located within 100 feet of the road. The haul road has been rerouted around this site using an alternate existing road which would move the disturbance another 100 feet to the south. There would be no impact to historic or prehistoric cultural resources.

Visual resources

The Visual Resource Management Class for the proposed action area is split between a VRM Class II area east of Hwy 136 and VRM Class III west of Hwy 136. Class II is defined as changes to the basic elements caused by a management activity should not be evident in the characteristic landscape. A contrast may be seen but should not attract attention. Class III is defined as contrasts to the basic elements caused by a management activity may be evident and begin to attract attention in the characteristic landscape but should remain subordinate to the existing landscape. The Key Observation Points (KOP) are Highway 136 and the Cerro Gordo road when travelling west (coming down the grade).

a. The Hwy 136 KOP

The road construction and hauling activity consisting of equipment moving across the landscape would be visible and would draw some attention from the passing public.

None of the road activity would be directly adjacent to the highway except at the highway crossing. It is expected that at any one time there would be 2-3 haul trucks using the road so that a passing motorist would see all of the equipment in a visual sweep. The visual aspect of the haul road section adjacent to the 34.5 Kv line would not be noticeable since this road already exists but the road would be wider. The highway crossing would be very noticeable but the view would be of short duration, the passing motorist would drive by at about 60 MPH+. The haul road going east from Highway 136 is slightly higher than the highway and would not be very noticeable except for the haul trucks moving along it. The haul road profile would be at the same height or higher than a passing motorist, and in most areas, would be shielded by vegetation.

b. The Cerro Gordo road (downslope travel only) KOP

The Cerro Gordo road runs from Keeler at Hwy 136 (3600') to Cerro Gordo (8000'). At Keeler, the Cerro Gordo road is located 2 miles east of the proposed haul road, and at Cerro Gordo the road is 5.5 miles from the proposed haul road. Portions of the Cerro Gordo road allow for overviews of the Owens Lake basin and the proposed action area. It is expected that the haul road would be visible if one were to stop and look at the basin and surrounding area. Since the haul road would be located along the toe-slope of the Inyos, its visibility would be less noticeable as one would tend to look at the background in the distance that being the Owens Lake and eastern Sierra mountain range. The haul road at this point is about 0.9 miles long. Views from a moving car would be limited since the road is steep, curved, and narrow with steep side slopes, all of which tend to keep the vehicle occupants concentrated on the road when moving. It is not expected that the proposed action would dominate the visual aspect of the Owens Lake/eastern Sierra or attract attention.

Additionally, a small portion along the southwest tip of the Inyo Wilderness is within the viewshed of the proposed haul road and development on the private property. The wilderness boundary is between 1-3 miles from the proposed developments. Any visitors within this locale of the wilderness could see some portions of the operation depending on their location, hiking direction, time, light conditions, etc. The area is believed to receive very low visitor use.

In conclusion, the proposed action just meets Class II standard and fully meets the Class III standard. Additionally, the haul road west of Hwy 136 would be rehabilitated within 2 years to reduce any visual contrast. Once reclaimed, the disturbance's contrast would take upwards of ten years to diminish and blend in with the surrounding areas.

Vegetation

As a result of continuing to use the constructed haul road on the east side of Hwy 136, 3.5 acres of mixed desert saltbush scrub would remain lost. This is the vegetation that was removed for construction of the existing 30 foot wide haul road in 2005. This vegetation is dominated by widely spaced shadescale and associated shrubs located on

a gently sloped alluvial fan. This vegetation community, extending north, south and east is well represented in the area. Once this road is abandoned and reclaimed, it is expected that native vegetation would begin growing in the area within one year and would mature within 10 years.

A large stabilized dune is adjacent to and extends west of the 34.5 KV pole line maintenance road. This dune would be avoided by the haul trucks and no impact to the dune would occur.

The 1,060 feet of constructed haul road west of Hwy 136 would have a slight loss of vegetation on 0.9 acres. This road was reclaimed only 10 months ago and has little vegetation. After the Barnard contract has expired, this road would be reclaimed by surface-ripping. Natural seed dispersal from nearby plants would occur within a year. It would likely take ten years or more before plants become uniformly established and vigorous throughout the area.

There is potential habitat for four rare plant species *Astragalus geyeri* (CNPS 2), *Eriogonum nutans* (CNPS 2), *Erigeron calvus* (CNPS 1B) and *Scelerocactus polyancistrus* (CNPS 1B) which are found on calcareous substrates such as the area of the haul road east of Hwy 136. No known populations of these species exist along the route but the annual has the potential to occur. There would be a potential loss of this species within the 3.5 acres of road disturbance on the east side of Hwy 136. However, it is likely that the *in situ* soil would contain seeds of this and other associated native species. The stockpiling of native soil and associated vegetation along the existing haul road would increase the natural rehabilitation of the site.

Invasive, non-native species

It is possible that noxious weeds would grow alongside the roadway and during rehabilitation of the site unless noxious weed measures are utilized. Russian thistle would be the dominate colonizer.

Wildlife habitat

Le Conte's Thrasher, an uncommon ground-foraging bird of dry desert habitats, is known to occur in the general area of the project. This bird was addressed in the EA for the 2005 project because it was on BLM California's Sensitive Species list. It was dropped from the 2006 revised list, except for the San Joaquin population for which data exist indicating a decline (there are no data for Le Conte's Thrasher population trends in the Eastern Sierra). The bird is, however, on the Audubon and U.S. Bird Conservation Watch Lists and American Bird Conservancy Green List, and is a U.S. Fish and Wildlife Service Bird of Conservation Concern. Le Conte's Thrasher is also of interest to Bishop Field Office because they reach the northern limit of their range in our area (T.&J. Heindel, pers. comm.; J. Weigand, pers. comm.). Species are typically less numerous at the limits of their range, and are sensitive to environmental changes such as climate change.

Le Conte's Thrasher is observed frequently throughout the Owens Lake area in saltbush/shadscale habitats, south to Cartago, and is seen as far north as Fish Slough (T. & J. Heindel pers. comm.). The species is nonmigratory and may be assumed to be potentially breeding in general areas where it is observed. There have been no studies in our area to determine parameters such as population densities or trends, nesting rates or nest success.

Direct disturbance to about 6 acres of potential habitat for Le Conte's Thrasher and other animals (birds, small mammals, reptiles, etc.) occurred with the 2005 project in the form of destruction of shrubs where existing road was widened and new road was established. The current proposed project would renew and perpetuate the same disturbance, rather than allow the restored habitat to continue to recover. As a Le Conte's Thrasher nest territory may cover 15 to 50 acres (J.M. Sheppard 1996), 6 acres could potentially constitute 12% to 40% of one thrasher's nest territory, and perhaps 2% to 3% of its home range (J.M. Sheppard pers. comm.).

Direct mortality to birds and other animals might occasionally result from vehicle strikes. We have no data regarding likely numbers of vehicle strikes.

Displacement of birds and other animals from otherwise desirable habitat nearby could potentially result from vehicle traffic on the road. Le Conte's Thrasher's response to vehicle traffic along roads has not been researched but has been observed by researchers in the course of other studies of the bird. Sheppard (pers. comm.) found the thrashers regularly nesting in the first available shrubs at the side of the state highways in and near his study site; these highways had fast-moving traffic and cleared rights-of-way with widths of 100+ feet. He also observed them nesting directly alongside a gravel haul road with light levels of large truck traffic, and less than 5 m (about 15 feet) from regularly used ATV trails. He speculates that adverse effects to the thrasher in the vicinity of roads may be offset by the increased shrub size and density resulting from precipitation runoff concentrated along the road, as they prefer to nest in larger shrubs and nest densities sometimes increase along roads for this reason. C. McCreedy (pers. comm.) points out that there may be adverse effects such as lower nest success or higher rates of nest abandonment for nests near roads, or these nest locations may be selected by less experienced individuals, which would only be revealed by demographic studies and nest monitoring. Barton and Holmes (2007) in northeastern California found evidence of greater nest desertion and abandonment, but also reduced predation, on shrub nests <100 m from OHV trails as compared to nests >100 m from OHV trails.

Habitat fragmentation is another potential concern. In the case of Le Conte's Thrasher, according to Sheppard (pers. comm.), significant habitat fragmentation would require separation between habitat patches of 2 km, with the intervening area constituting a minimum of 160 hectares or about 400 acres entirely cleared of shrubs. A separation of 36 feet, with 6 acres cleared, would not approach this threshold.

In summary, it appears based on information currently available that there would be little impact to Le Conte's Thrasher from this project, due to the small area affected. Further study of effects of projects of this type would be of value.

There are no other known wildlife species of management concern in the project area.

Minerals

FW Aggregate has applied for a SMARA plan with Inyo County for the Durability quarry located on their private property.

Economic Impacts

Viability of the Proposed Development

The proposed action is would result in the sale of 850,000 cubic yards of aggregate for use on the Owens Lake dust mitigation project. The proponent is a viable business entity having experience in the construction business and is well able to complete the project. Continued use of the haul road by FW Aggregate would allow for future aggregate contracts and income to the surrounding area.

Impacts to the Community and to Tribal Interests

Some labor jobs would be created in the short term and various taxes would be paid to Inyo County for the operation. Future aggregate contracts would create jobs and income to the county and surrounding area. There would be no impact to Tribe interests.

Environmental Justice

The proposed action area is located within 12 miles of the Lone Pine, Cartago-Olancho communities and the Lone Pine Indian Reservation. These communities typically have a lower than average income level when measured against Inyo County averages. Their primary concerns would be; enhancement of air quality and visual quality in the basin and employment opportunities. The Tribe would also be concerned about any impacts to cultural resources especially near dunes north of Keeler. The haul road use and the associated aggregate contract are for Phase 7 of the Owens Lake dust mitigation project. Indirectly, this activity would result in improvement of air and visual quality in the Owens Valley. There may also be employment opportunities when the Durability quarry is operational for servicing aggregate contracts. The proposed action area is not part of the area where the Tribe would have cultural concerns.

Hazardous Materials

No impact

Consistency with County Planning

Private property owner has submitted a SMARA plan for the proposed quarry on private property. Bonds have been filed with the county.

Impacts to County Infrastructure

N.A.

Impact to the Local Community

It is expected that employees involved in the aggregate contract would purchase lodging, food, and miscellaneous items from Lone Pine and Cartago-Olancho businesses and stimulate the economy in the short term. Inyo County would receive taxes on the sales contract.

Adherence to Local, State and Federal Environmental Ordinances / Laws

The proposed project is directly related to LADWP's PM10 dust mitigation on Owens Lake which has been analyzed by 3 EIRs. Barnard's material contract contains various clauses to insure that the contract performance meets various local, State and Federal laws. The aggregate hauling contract would have to meet GBUAPCD air quality standards.

Land Uses / Realty / Rights-of-way

No impact.

Global Climate Change

United States Department of Interior, Order Number 3226, signed January 19, 2001, Evaluating Climate Change Impacts in Management Planning, is an order to ensure that climate change impacts are taken into account in connection with planning and decision making. Climate change refers to any significant change in measures of climate (e.g. temperature or precipitation) lasting for an extended period of time (decades or longer). Climate change may result from: natural processes, such as changes in the sun's intensity, natural processes within the climate system (e.g. changes in ocean circulation); human activities that change the atmosphere's composition (e.g. burning fossil fuels) and the land surface (e.g. urbanization) (IPCC, 2007).

Changes in the atmosphere have likely influenced temperature, precipitation, storms, and sea level (IPCC, 2007). Rising greenhouse gases (GHG) levels are likely contributing to global climate change. In the eastern Sierra region of California, climate change may result in warmer, drier conditions, and potentially more extreme weather events.

The proposed action would result in the emissions of GHG from haul truck's diesel fuel exhaust. Current regulations and standards in regards to GHG have not been

developed and finalized, nor have GHG emissions been quantified, in a reliable scientific based relationship, to the eastern Sierra regional climate in order to determine the potential impact on the local and regional climate. The overall contribution to GHG emissions is considered quantitatively small to overall state GHG emissions, the impacts of the proposed project on global climate change would be considered insignificant, but an unavoidable impact. It cannot be determined to a reasonable degree of certainty that the proposed project would result in a considerable incremental contribution to a significant cumulative impact of global climate change.

Environmental Impacts: Alternative B

Under this alternative, the proposed action resource impacts identified under Alternative A would not take place. The 3.5 acres of bladed road disturbance, plant removal, wildlife habitat loss, etc. would not occur and thus, maintain the landscape in its present state. There would be economic, community, and dust mitigation impacts that would affect the local area adversely. There would be some loss of business in Lone Pine if the aggregate contract is not completed, limiting the exchange of goods and services from lack of employment for its employees.

Under this alternative, there would be no feasible way to move the mineral material from the Durability quarry on private land to the Owens Lake sites where the aggregate is to be used. There would be an economic impact to Barnard since they were awarded the contract to produce and deliver the rock. Although they may be able to acquire rock from Inyo Marble there would be a substantial cost increase of over \$100,000 for the 5.5 mile transportation to sites on the lake. FW Aggregate would lose the use of the Durability quarry if the haul road is removed and returned to a two lane access road. Inyo Marble and the Swansea properties are owned by FW Aggregate. The Swansea site is desirable due to the; high quality of rock and shorter haul distance than the Inyo Marble location.

Utilization of any other rock sources would necessitate up to 70,000 haul trips 5 days a week on Highway 136, and/or Highway 395, and/or Highway 190 by large semi-trailer trucks filled with aggregate material from the source to the project site on Owens Lake. This amount of heavy truck traffic would pose a safety hazard to the traveling public on all highways. Any aggregate material such as crushed rock dislodged from moving trucks would add an additional traffic hazard due to the high volume of increased truck traffic expected under this alternative. There would also be potential structural impact to the highway road surface and the resultant impact to highway maintenance problems due to the additional and continued heavy truck hauls over a 2-year time period.

The Owens Lake Dust Mitigation Phase 7 Project would be set back due to the loss of aggregate unless a substitute site is located and is economically feasible to haul. LADWP has a very strict timeframe to finish construction of the Phase 7 portion of the dust mitigation project.

PM10 and GHG emissions from haul road use would be eliminated, but GHG emissions would be generated from hauling on state highways.

Cumulative Impacts of Alternative A – Proposed Action

Overall, the continued use of the Durability quarry on private land and the associated haul road on public land incrementally adds to the fragmented landscape of roads, mines, mine structures, pits, the massive discoloration contrast of Owens Lake playa, etc. that currently dot the Sierra Nevada and Inyo Mountains alluvial bajadas and adjoining foothills. Most of these developments are located in the southern Owens Valley and specifically are located along the stretch of Highway 136 from the north end of Owens Lake to south of Keeler and in the Olancha/Cartago area along Highway 395.

Another cumulative impact concern lies with the unknown demand for materials that is expected from the enormous Owens Lake Dust Mitigation Project. As the project continues and depending on the Great Basin Air Pollution Control District's determination of project success, it is expected that the demand for mineral materials could possibly continue resulting in short or long term physical impacts on public and private lands in the southern Owens Valley area.

Cumulative loss of habitat for the Le Conte's Thrasher has been substantial throughout its range. Historical alteration of the saltbush scrub/sand dune/desert wash habitat has been considerable in the southern Owens Valley. Road building, home construction and the attendant activities encouraged by those changes in the vegetation and land form have likely contributed to a reduced capability of the southern Owens Valley to support the Le Conte's Thrasher. The ongoing effort to complete dust abatement measures on the Owens Lake bed will not positively contribute to the thrasher's occurrence in the area.

The proposed project would result in long-term loss of 6 acres of suitable habitat for this uncommon bird, possibly resulting in a slight population decline, although the area affected constitutes at most 40% of one pair's potential breeding territory. The proposed action would thus potentially contribute slightly, together with numerous other factors, to a need for status review sometime in the future.

There would be a potential loss of up to four (CNPS) plant species populations of *Astragalus geyeri* (CNPS 2), *Eriogonum nutans* (CNPS 2), *Erigeron calvus* (CNPS 1B) and *Scelerocactus polyancistrus* (CNPS 1B) if these species existed within the 3.5 acres of road disturbance on the east side of Hwy 136.

The proposed rehabilitation of the road and dust mitigation accomplishments would offset some of the newly created impacts although the private land material pit would remain a permanent blight on the landscape, some of which would be observable from the nearby Inyo Wilderness and along the Cerro Gordo road.

The authorization of the haul road would allow 850,000 cubic yards of crushed rock to be used for the Owens Lake PM10 dust mitigation project. The dust mitigation project has and would continue to reduce PM10 dust emissions from lands around the lake. The direct and indirect benefits of the project are improvements in; public health of local and valley residents, air quality, and visual quality during major wind events.

Cumulative impacts to Global Warming cannot be determined due to the lack of reliable relational information required to gauge the project's affects on the local and regional atmospheric levels.

Description of Mitigation Measures and Residual Impacts:

1. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds. Spray or wash all equipment which leaves the mitigation project area to work at alternative locations, where invasive weed seed might occur, and then returns.
2. Ensure that the re-opened road, west of Hwy 136, is rehabilitated as soon as practical after the conclusion of the applicant's contract.
3. Execute noxious weed control measures during the life of the project and up to one year after rehabilitation of the site upon BLM notification that a weed problem exists. BLM will approve the weed control measures.
4. Proceed with haul road construction only when Inyo County SMARA plan is updated, the Caltrans Access Permit is obtained, and the necessary air quality permits are obtained.

Residual impacts include loss of 3.5 acres of plant, landscape, and wildlife habitat for 30 years on public lands until the haul road east of Hwy 136 has undergone successful rehabilitation as endemic plants reoccupy the area. If the project is approved, there are no mitigation measures that would practically contribute to alleviating the loss of 3.5 acres of habitat and displacement on up to 6 habitat acres for the Le Conte thrasher. Habitat altered, to the extent this project would permit, in salt bush scrub alluvial fan areas is effectively lost for its utility to the thrasher for 30-40 years, assuming a normal cycle for native plant reestablishment. This is the likely time under ideal circumstances where native vegetation would reoccupy the area and provide the habitat suitable for the thrasher. The 6 acre habitat loss could possibly result in a slight population decline, although the area affected constitutes at most 40% of one pair's potential breeding territory. The proposed action would thus potentially contribute slightly, together with numerous other factors, to a need for status review sometime in the future.

Implementation Monitoring:

The BLM realty specialist would monitor the road construction and the BLM botanist would monitor the project for noxious weed problems.

Effectiveness Monitoring:

N.A.

Persons/Agencies Consulted:

Scott Brady	Barnard Construction, Project Engineer
Manuel Castro	FW Aggregate, Plant Manager
Chris McCreedy	PRBO Conservation Science
Tom and Jo Heindel	Inyo County Coordinators for North American Birds; The Birds of Inyo County (in manuscript)
Jay M. Sheppard	author, Birds of North America species account for Le Conte's Thrasher
James Weigand	BLM California ecologist, author of Le Conte's Thrasher species account for draft California Partners in Flight Desert Birds Conservation Plan

Literature Cited:

Barton, D.C. and A.L. Holmes. 2007. Off-highway vehicle trail impacts on breeding songbirds in northeastern California. Journal of Wildlife Management 71(5): 1617-1620

Sheppard, Jay M. 1996. Le Conte's Thrasher (*Toxostoma lecontei*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/230>

Preparer(s):

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Date: October 31, 2008

Reviewed By: _____ **Date:** _____
Environmental Coordinator

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this environmental assessment DOI-BLM-CA-070-2008-0007-EA for the Barnard and FW Aggregate haul road including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. The overall contribution to GHG emissions is considered quantitatively small to overall state GHG emissions, the impacts of the proposed project on global climate change would be considered insignificant, but an unavoidable impact. Cumulative impacts to Global Warming cannot be determined due to the lack of reliable relational information required to gauge the project's affects on the local and regional atmospheric levels.

There will be no effect on threatened or endangered species as a result of the action.

I have determined that the proposed project is in conformance with the Bishop Resource Management Plan, which was approved March 25, 1993. This plan has been reviewed, and the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

It is my decision to implement the project with the mitigation measures identified below. The road is to be constructed and maintained as per the submitted drawings and maps.

The proposed project would result in long-term loss of 6 acres of suitable habitat for the Le Conte's thrasher possibly resulting in a slight population decline, although the area affected constitutes at most 40% of one pair's potential breeding territory. The proposed action would thus potentially contribute slightly, together with numerous other factors, to a need for status review sometime in the future. Based on information currently available, there would be little impact to Le Conte's Thrasher from this project, due to the small area affected.

There is an economic and safety benefit of using a haul road across public land from the Durability quarry on private land southeast of Swansea rather than the long haul of bringing rock from other sources where haul trucks would be using state highways. The Durability quarry has the quality and quantity of rock needed for the Owens Lake project. LADWP has a critical time schedule for finishing the dust mitigation Phase 7 project, and the schedule has little opportunity for delay if another rock site must be found as a result of denying the construction and use of the haul road. In addition, there is a benefit to providing the Durability quarry with long term access and haul road. This would allow the use of the quarry for future aggregate production for the Owens Valley dust mitigation project and other area demands for rock. The quarry would provide needed jobs for the local communities.

It is in the public interest to allow use of the haul road in order to transport rock aggregate to the Owens Lake for use on the LADWP Dust Mitigation Project. The rock is a necessary material for the various structures being built to reduce PM10 dust emissions from the Lake. The dust mitigation project has and will continue to reduce PM10 dust emissions from lands surrounding the lake. The benefits of the mitigation project are considerable. Authorizing this project will directly contribute to improving regional air quality and visual quality during major wind events and reducing substantial human health risks associated with high levels of PM10 particulates.

Mitigation Measures/Remarks:

1. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds. Spray or wash all equipment which leaves the mitigation project area to work at alternative locations, where invasive weed seed might occur, and then returns.
2. Ensure that the re-opened road, west of Hwy 136, is rehabilitated as soon as practical after the conclusion of the applicant's contract.
3. Execute noxious weed control measures during the life of the project and up to one year after rehabilitation of the site upon BLM notification that a weed problem exists. BLM will approve the weed control measures.
4. Proceed with haul road construction only when Inyo County SMARA plan is updated, Caltrans Access Permit is obtained, and the necessary air quality permits are obtained.

Authorized Official: _____
Field Manager, Bishop Field Office

Date: _____