

ENVIRONMENTAL ASSESSMENT, FONSI AND DECISION RECORD

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

EA Number: DOI-BLM-CAC-070-2009-0036-EA

Lease/Serial/Case File No.: CACA 049806

Proposed Action Title/Type: Chalfant Landfill Ditch/Access
Road/Well ROW

Location of Proposed Action: MDM, T. 5 S., R. 33 E.,
Section 9,
W1/2W1/2NE1/4SW1/4NE1/4.

Applicant (if any): County of Mono

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:

In 1997, the BLM patented a 10 acre parcel to the County of Mono under the Recreation and Public Purpose Act for the existing Chalfant Landfill. Since patenting, the County has converted the landfill to a transfer station and is working on a closure permit for the landfill. The State closure permit requires that any uphill surface water flow be restricted from entering the closed landfill. This is accomplished by constructing a ditch on the upslope side of the landfill to catch any runoff. The upslope area of the actual landfill does not have enough area to allow for ditch construction. Mono County filed an application for a Right-of-Way (ROW) for the construction of the ditch and access road on public land along the uphill boundary of the existing landfill in order to fulfill the State closure requirements. In addition, an existing monitoring well that was installed on public land next to the landfill boundary would be authorized under this proposal.

In May, 2008, the BLM was notified that a Mono County contractor was already constructing the ditch at the landfill. The Bishop FO had been working with the County for finding fill material for the Chalfant landfill work and thought that the ditch work would not begin until the fill material had been located and authorized, therefore, processing the ROW application was not a priority at the time. It was later determined that the County had thought that the application for ROW had been authorized and directed the contractor to begin construction. As a result of this misunderstanding and since substantial work had already been completed, the Bishop Field Manager decided not to halt the project. The area is known to the Bishop FO specialists and it was determined that no sensitive resources would be at risk. A cultural inventory was completed immediately.

This environmental assessment is being conducted to document the project construction and impacts, after the fact.

Description of Proposed Action: Alternative A

The proposed action would be to authorize the use of public land for a “L” shape ROW being 830 foot long and having a width of 50 feet wide at the south end and 120 feet wide at the north end (amounting to 1.3 acres) for the construction of a ditch and access road. Within this area, an existing monitoring well would be included. The facility has already been constructed due to confusion between the BLM, Mono County, and the County’s contractor. See Exhibit A and B.

Within the proposed ROW is located: a ditch being 800 feet long, 26 feet wide, and 2 feet deep lined with geotextile fabric and rip-rap; and an adjacent gravel access road being 800 feet long and 20 feet wide. In addition, an existing monitoring well is located in the north portion of the proposed ROW. This well was installed years ago for landfill monitoring, and most likely under BLM contract (meeting federal standards). No new ground disturbance activity is expected with this well. The perimeter of the ROW is fenced with 4-strand barb-wire with a spacing of 16”, 22”, 28”, and 40.”

The construction utilized pickups trucks, dump trucks, backhoe, and excavator. All vegetation within the area of the new road and ditch has been removed (amounting to 0.7 acre). The disturbed area is not re-vegetated due to future maintenance activities for the road and ditch. Any extra dirt excavated from the ditch and not used for the road was hauled to the landfill for use in the landfill closure operation. A water truck was used for dust abatement during construction.

The Facility was constructed during May 16, 2008 and June 1, 2008.

Annual maintenance consists of: periodic silt removal from the ditch, weed control, long-term ditch maintenance, road grading, and testing of the monitoring well. BLM ROW manual stipulations for this type of use would be applied.

No Action: Alternative B

Under this alternative, the ditch and access road would not be authorized and the constructed facility would be removed and the area graded and re-vegetated. Mono County would not be able to meet the State requirement for their applied landfill closure permit. The requirement being the ability to divert any uphill runoff from entering the landfill area after all closure requirements are completed. In addition, the existing monitoring well would remain unauthorized.

Alternative Considered but Rejected

There are no other alternatives to the proposed action that would meet the requirements for diverting and capturing up-slope runoff from entering the Chalfant landfill. The only other area for this structure would have been inside the landfill boundary and not on public land, as was stated in the "Need for the Proposed Action", the upslope area of the actual landfill does not have enough area to allow for ditch construction.

Affected Environment/Environmental Impacts: Alternative A

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

There were no impacts to listed species or habitat. There are no known sensitive species or habitats within the proposed action area. See Vegetation and Wildlife Section.

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

There were 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

The action was not within a federal nonattainment designated area. Dust mitigation was utilized during construction. Air quality was not affected.

Cultural resources

Cultural resources were evaluated for the project by the Bishop FO archeologist in May 19, 2008 within a 2 acre Area of Potential Effect (APE) and documented in Cultural Resources Inventory Report No. CA-170-08-23. No cultural resources were located

within the area of potential effect or nearby. There was no impact to known historic or prehistoric cultural resources from the project construction activities.

Visual resources

The Visual Resource Management Class for the proposed action area is VRM Class II. Class II is defined as contrasts 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. The Key Observation Point (KOP) is Highway 6. This is the state highway between Bishop, CA and Montgomery Pass, NV.

The project is upslope of the highway and about 3/4 mile east of the road. The slope is a 1-2% grade (gentle). The view, looking east from the highway toward the project area, is the Chalfant Valley residential community with mature cottonwood, elm, and ironwood trees which block any views of the landfill and the existing facility.

The project, consisting of a fenced ditch and access road, is at or slightly above the existing surface grade. Due to the gentle slope of the land east of the highway and the mature residential trees, the project area cannot be seen from Highway 6.

The action meets the Class II standard.

Soil and Vegetation

Soils at the project site consist of mixed alluvium and volcanic ash from the Yaney-Yaney loam association. Soil permeability is moderate and available water holding capacity is low. Erosion hazard by water and wind is respectively slight to very severe (NRCS, 1996).

The project location is situated in the Great Basin and Mojave Floristic Province with a desert scrub plant community type. Dominant species consist of shadscale (*Atriplex confertifolia*), Nevada Ephedra (*Ephedra nevadensis*), indigo bush (*Psoralea arborescens*) with an understory of perennial grasses including desert needlegrass (*Achnatherum speciosum*) and Indian rice grass (*Achnatherum hymenoides*). Perennial and annual forbs are present as well, and include genera from primarily the Asteraceae and Polygonaceae Families. Vegetative cover ranges between 5-15% (NRCS, 1996).

The project removed approximately 0.7 linear acres of desert scrub vegetation and removed or redistributed soils up to 1 m in depth for the ditch construction. The disturbance would be permanent since the ditch would be used as a run-off water capture ditch. The loss of vegetation and soil disturbance from the construction of the ditch would not negatively affect the surrounding area due to the amount of intact vegetative and soil resources adjacent to the community that comprise the majority of alluvial fan systems east of U.S. Hwy. 395 between Bishop and the Nevada/California state line. It is expected that any disturbance outside the road and ditch would naturally re-vegetate due to abundance of mature vegetation surrounding the project area

providing an excellent seed source. It is expected that the area would have re-established native vegetation within one year and that vegetation would become mature within 15 years.

Threatened and Endangered Plant Species and BLM Special Status Plant Species

No threatened or endangered plant species or BLM Special Status Species occur in the project area. Nor does the project area support suitable habitat for BLM sensitive plant species due to the lack of calcareous substrate and elevational attributes necessary for such species as cliff dweller (*Caulostramina jaegeri*), July gold (*Dedeckera eurekaensis*), or Inyo rockdaisy (*Perityle inyoensis*).

No impacts to threatened or endangered or BLM Special Status Plants has occurred since these species are not present within or adjacent to the project area.

Invasive, non-native species

Weeds within the project area consist of Russian thistle (*Salsola tragus*) which is frequent in the surrounding disturbed areas, the adjacent Chalfant residential area, and within the existing landfill. No A-rated invasive weed species are within the project area.

The proposed action resulted in approximately 0.7 acres of disturbance that will provide ruderal sites for weed invasion.

It is expected that noxious weeds will grow in the disturbed areas of the road and ditch unless noxious weed control measures are utilized. Russian thistle will be the dominate colonizer.

Wildlife habitat

No species listed as threatened, endangered, or BLM Sensitive are known to exist in the project area.

The action area is habitat to various birds, small mammals, reptiles, and insects. There was displacement of these resident species and/or destruction of habitat for these species during the construction phase of the project. This was an unavoidable impact to these species.

The project area may have provided nesting habitat for resident and migratory shrub-nesting and ground-nesting birds. Construction took place during the nesting season. Because birds nest at low densities in this habitat (a BLM breeding bird survey in similar habitat found 1 per 5 acres) it is unlikely but possible that nests, eggs, or nestlings were destroyed on the 0.7 acre disturbed. This would have been an avoidable impact. BLM would normally require the work be done outside the nesting season, or after conducting a nest search.

The project area has been identified as pronghorn winter range based on the attempt to reintroduce this species into the surrounding area. The reintroduced herd did not persist in this area in the long term. No pronghorn have been known to occupy this area since 1995.

The project area is not within a migratory corridor or seasonally important habitat for large mammals. There were no impacts to large mammal populations or habitat.

Minerals

There are no known mining claims or mineral material sites in the proposed project area. No impact occurred to minerals.

Economic Impacts

Viability of the Proposed Development

The project was considered to be viable and funded by Mono County.

Impacts to the Community and to Tribal Interests

Some labor jobs may have been created in the short term. There was no impact to Tribal interests, although air quality and visual quality would slightly improve upon closure of the landfill.

Environmental Justice

The proposed action area is located about 17 miles from the Bishop Paiute Indian Reservation and about 20 miles from the Benton Paiute Reservation. Their primary concerns are the Tableland area north of Bishop, south of Benton and east of Hwy 6. The proposed action area is not part of the area where the Tribes would have cultural concerns.

It is expected that eventual closure of the landfill will result in improved air and visual quality.

Hazardous Materials

The proposed action does not involve the transport, storage, or use of hazardous materials. No impact regarding hazardous materials.

Consistency with County Planning

The landfill closure and the associated proposed project are consistent with County Planning.

Impacts to County Infrastructure

The project allows the County to complete full closure of the landfill as per State regulations. The County has been working on the landfill closure for about 10 years and will result in long-term savings for the County once the closure is complete.

Impact to the Local Community

The impact to the local community was limited, although the completion of the landfill closure would improve air quality and visual quality from the highway.

Adherence to Local, State and Federal Environmental Ordinances / Laws

The project was in adherence to Local, State and Federal Environmental Ordinances and laws.

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 resulted in some emissions of GHG from construction equipment 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 project on global climate change was considered insignificant, but an unavoidable impact. It cannot be determined to a reasonable degree of certainty that the project resulted in a considerable incremental contribution to a significant cumulative impact of global climate change.

Environmental Impacts: Alternative B

Under this alternative, the resource impacts identified under Alternative A have already taken place. The existing ditch and road facility (since it has already been constructed) would have to be removed and graded and re-vegetated. The landfill closure plan would have to be redesigned in order to accommodate the lack of upslope runoff control. The redesign cost to the County is unknown. The actual cost of this additional work is unknown, but the cost to the County is estimated to be \$75,000-\$100,000.

GHG emissions from construction have already taken place but the future maintenance equipment use would be eliminated. GHG emissions would be generated from continued use of the landfill operation and any reconstruction activities.

Cumulative Impacts of Alternative A – Proposed Action

The proposed project would result in a permanent loss of 0.7 acre of desert scrub plant community. This loss will not result in fracturing the available habitat of any species occupying the general area or impact species populations. Although the general area has and will have losses of the desert scrub plant community through residential and some commercial development, these losses and the addition of 0.7 acres of this plant community is not expected to cumulatively result in a negative decline of this plant community within the area or result in a negative impact to species habitat or populations.

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. Execute mechanical removal of Russian thistle seedlings in spring for up to three years after project implementation.
2. Spray wash all equipment used for maintenance of road and ditch prior to entering public land in order to remove noxious weeds and or seeds.
3. Apply BLM ROW manual stipulation for cultural resources

Residual impacts include the permanent loss of 0.7 acre of plant, landscape, and wildlife habitat and minimization of weed proliferation.

Implementation Monitoring:

The BLM botanist would monitor the project for noxious weed problems.

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this environmental assessment DOI-BLM-CA-070-2009-0036-EA for the County of Mono Public Works Chalfant Landfill ditch, access road, and monitoring well project including the explanation and resolution of any potentially significant environmental impacts.

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in Bishop Resource Management Plan and Environmental Impact Statement date August 1991; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment (no comment letters received).

I have determined that the 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 project resulted in a permanent loss of 0.7 acre of desert scrub plant community. This loss did not result in fracturing the available habitat of any species occupying the general area or impact species populations, nor did the vegetation loss result in a noticeable reduction of acreage of this plant community. 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.

Based on information in the EA, the project record, and recommendations from BLM specialists, I have determined that the 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 even though it is not specifically provided for, because it is clearly consistent with the following RMP policy. The BRMP states on page 8 under General Policies; 1. Management will be on the basis of multiple use and sustained yield (FLPMA, Section 102(a)(7)). The use of public

land for a confinement ditch, access road and monitoring well would be considered a “multiple use” of the public land. FLPMA right-of-ways can be issued for this type of use. In addition, the proposed action does not violate any RMP decisions, terms, or conditions as required by 43 CFR 1610.5. I also conclude that this decision is consistent with the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

It is my decision to implement the project with standard right-of-way stipulations and the mitigation measures identified below and I will issue a right-of-way for the confinement ditch, access road and monitoring well.

It is in the public interest to allow the use of public land for the project so that Mono County can meet State requirements for the final closure of the Chalfant landfill.

Mitigation Measures/Remarks:

1. Execute mechanical removal of Russian thistle seedlings in spring for up to three years after project implementation.
2. Spray wash all equipment used for maintenance of road and ditch prior to entering public land in order to remove noxious weeds and or seeds.
3. Apply BLM ROW manual stipulation for cultural resources

Authorized Official: _____
Acting Field Manager, Bishop Field Office

Date: _____