On July 25, 2012 the Great Basin Unified Air Pollution Control District (GBUAPCD) filed an application to amend right-of-way (ROW) grant CACA 046216 for the construction, operation, maintenance, and termination of three additional sand and air monitoring sites under the authority of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2776, 43 U.S.C. 1701), as amended. The sites are located along the eastern and southern shoreline of Owens Lake in Inyo County, California. The sites would be used to gather sand movement and air quality data for evaluating the on-going Owens Lake Dust Mitigation Project.

The project would consist of installing the following equipment at three locations: sensit device, data logger, solar panel, battery box, radio equipment, sand catcher, and mounting pole. The equipment would be within an area measuring 5 feet by 5 feet.

The application for the right-of-way amendment is generally located in:

Mount Diablo Base and Meridian, California,
T. 16 S., R. 37 E.,
Section 15, SE1/4 of the NW1/4;
T. 18 S., R. 38 E.,
Section 18, SE1/4 of the SE1/4;
T. 19 S., R. 37 E.,
Section 8, NW1/4 of the NE1/4.
The proposed action has been analyzed under environmental assessment DOI-BLM-CAC-070-2014-0011-EA and found acceptable with standard ROW stipulations as attached to the original grant document and the addition of four mitigation measures.

A Finding of No Significant Impact (FONSI) was determined for the project and signed on June 16, 2014. The determination was dependent on applying four mitigation measures recommended by staff specialists and described in environmental assessment DOI-BLM-CAC-070-2014-0011-EA.

Under the authority of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761) Title V, as amended, I hereby amend the existing right-of-way (CACA 046216) held by Great Basin Unified Air Pollution Control District in order to construct, operate, maintain, and terminate three new sand and wind monitoring sites located on the shoreline of Owens Lake. The site locations are defined as per the ROW application. The following mitigation measures are hereby incorporated in the Amendment:

1. Wash all equipment and vehicles used during the construction to remove weed seeds and any accumulated dirt prior to entering public land.
2. Since construction activities occur during migratory bird nesting season (February 15-September 1) and there is potential for snowy plover, a nesting bird survey will be conducted at least one week before the onset of construction to determine the presence or absence of nesting birds. If nesting birds are observed, work activities will be avoided within 100 feet of active nests until it has been determined that the young have left the nest.
3. Holes for site installation will avoid wildlife burrows.
4. For the Mohave Ground Squirrel (MGS)
   a. Avoid all potential burrows by 200 feet.
   b. Stay on existing access routes.
   c. Maintain a speed limit of 20 miles per hour on unpaved routes.
   d. If activity occurs during the active/above ground season (March-August) then, a biological monitor shall walk in front of heavy equipment to ensure no MGS are crushed.

The original ROW grant and associated stipulations and/or mitigations is maintained and amended as per above. The amended ROW grant is exempt from annual rental. This decision is in full force and effect upon signature by the Bishop Field Manager.

It is in the public’s interest to amend the right-of-way grant held by Great Basin Unified Air Pollution Control District in order that they can construct the project and collect data on sand movement and air quality within the Owens Lake basin. This data will be used to monitor dust
control on the lake as part of the overall Owens Lake Dust Mitigation project. The Owens Lake project will improve air quality within the Owens Lake basin and throughout the Owens Valley.

This decision and the associated EA and FONSI may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted:

**Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

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Steven Nelson
Bishop Field Manager

Enc: Appeal Form 1842-1

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