

Environmental Assessment
DOI-BLM_CAC-070-2010-0027-EA



Los Angeles Department of Water and Power
Hogback Fence for Yellow-billed Cuckoo Habitat

BLM Bishop Field Office
Prepared
March 2010

TABLE OF CONTENTS

Chapter 1: INTRODUCTION	2
A. Summary	2
B. Background	2
C. Purpose and Need for the Action	2
D. Scoping and Issues	3
E. Tiering to Existing Land Use Plan(s)/Environmental Impact Statement(s)	3
F. Plan Conformance	3
Chapter 2: PROPOSED ACTION AND ALTERNATIVES	4
A. Alternative 1 - Proposed Action	4
B. Alternative 2 - No Action	4
C. Other Alternatives	4
Chapter 3: ENVIRONMENTAL ANALYSIS	5
A. LIVESTOCK MANAGEMENT	5
B. AIR QUALITY	5
C. AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)	6
D. CULTURAL RESOURCES	6
E. ENVIRONMENTAL JUSTICE	6
F. ESSENTIAL FISH HABITAT	6
G. FARMLANDS, PRIME OR UNIQUE	6
H. FLOOD PLAINS	6
I. INVASIVE, NON-NATIVE SPECIES	7
J. NATIVE AMERICAN CULTURAL VALUES	7
K. RECREATION	7
L. SOCIAL AND ECONOMIC VALUES	7
M. SOILS	7
N. VEGETATION/THREATENED AND ENDANGERED	8
N. WASTE, HAZARDOUS OR SOLID	9
O. WATER QUALITY, DRINKING-GROUND	9
P. WETLANDS/RIPARIAN ZONES	9
Q. WILD AND SCENIC RIVERS	10
R. WILDERNESS	10
S. WILDLIFE/THREATENED AND ENDANGERED	10
T. WILD HORSE AND BURROS	12
U. CUMULATIVE IMPACTS	12

Chapter 1: INTRODUCTION

A. Summary

This Environmental Assessment (EA) is prepared to analyze and disclose the environmental consequences of constructing a fence near Hogback creek. The EA is a site-specific analysis of potential impacts that could result from the implementation of the proposed action. The EA assists the Bureau of Land Management (BLM) in project planning and in ensuring compliance with the National Environmental Policy Act (NEPA) and other applicable laws and policies affecting the proposed action. If the authorized officer determines that this action has “significant” impacts following the analysis in the EA, then an Environmental Impact Statement (EIS) would be prepared for the action.

B. Background

The Yellow-billed Cuckoo (*Coccyzus americanus*) is listed as a California Endangered Species and a U.S. Forest Service Region 5 Sensitive Species. The 1997 Memorandum of Understanding (MOU) among LADWP, Inyo County, the Owens Valley Committee (OVC), the Sierra Club, the California Department of Fish and Game (CDFG), the California State Lands Commission (SLC), and Carla Scheidlinger outlines the requirement for an evaluation of Yellow-billed Cuckoo (YBC) habitat at Hogback Creek. Based on the evaluation of riparian woodland areas conducted by LADWP and Ecosystem Sciences, the Yellow-billed Cuckoo Habitat Enhancement Plan was developed to maintain and/or improve conditions for YBC at Hogback Creek. Under the proposed Project, habitat conditions would be maintained and/or improved at Hogback Creek through reconstruction and maintenance of the existing enclosure/pasture fence.

The Hogback Creek habitat area is located at the northwest corner of the Alabama Hills, west of U.S. Highway 395 and between the towns of Independence and Lone Pine. Hogback Creek is located on the Manzanar 7.5-minute USGS quadrangle, and the latitude/longitude of the approximate center of the habitat area is latitude N 36.657 / longitude W -118.146 Township 15S, Range 35E. The Project area at Hogback Creek includes 111 acres of riparian vegetation with a dense canopy of native willows and cottonwoods, 50 acres of mesic meadow, and approximately 2 acres of wet meadow.

C. Purpose and Need for the Action

The purpose of the action is to implement the Ad Hoc YBC Habitat Enhancement Plan to maintain and/or improve habitat conditions at Hogback Creek to potentially increase the population of YBC in California. The action is needed to improve the existing enclosure/pasture fence to keep livestock out of the YBC habitat. The existing fence needs to be reconstructed to improve effectiveness and annual maintenance. If authorized, the fence would be consistent with the provisions of the Taylor Grazing Act (1934), as amended, the Public Rangelands Improvement Act (1978), and the Federal Land Policy and Management Act (FLPMA) of 1976.

The purpose of the action is also to ensure that the construction of the small portion of fence on BLM is in conformance with the Bishop Resource Management Plan (BLM 1993).

D. Scoping and Issues

No issues or alternatives were identified as a result of BLM internal scoping. However, Inyo County identified an issue of building the fence within the right-of-way of Hogback Road. The issue was resolved by keeping the construction of the fence outside the right-of-way.

E. Tiering to Existing Land Use Plan(s)/Environmental Impact Statement(s)

This EA is tiered to the Los Angeles Department of Water and Power (LADWP), CEQA Initial Study, state clearinghouse number 200910198, October 2009, and Ad Hoc Yellow-billed Cuckoo Habitat Enhancement Plan, dated October 21, 2009. LADWP prepared an Initial Environmental Study (IES) to address the impacts of construction and operation of the Ad Hoc Yellow-billed Cuckoo Habitat Enhancement Plan (proposed Project). The IES serves to identify the site-specific impacts, evaluate their potential significance, and determine the appropriate document needed to comply with the California Environmental Quality Act (CEQA). Based upon this IES, a Mitigated Negative Declaration (MND) was the appropriate CEQA document.

F. Plan Conformance

The proposed action is subject to the RMP, as amended, approved March 25, 1993. The proposed action was developed to implement RMP guidance and is designed to ensure conformance with General Policies, Area Manager's Guidelines, Valid Existing Management, Standard Operating Procedures, Decisions and Support Needs prescribed in the RMP. The proposed action has been reviewed and is in conformance with the plan. Bishop RMP guidance specifically states that "Vegetation will be a key element in the plan and management will be directed toward the achievement of desired plant community goals" (see Area Manager's Guideline 4, p. 9).

Chapter 2: PROPOSED ACTION AND ALTERNATIVES

A. Alternative 1 - Proposed Action

Los Angeles Department of Water and Power (LADWP) proposes to build a 0.2 mile section of fence on BLM land which is part of their existing enclosure/pasture fence for the Hogback Creek habitat area (Map 1). The project area is located on the Manzanar 7.5-minute USGS quadrangle, at T. 15S, R. 35E, NE ¼ of Section 10. The overall goal for the enclosure/pasture fence is to eliminate livestock trespass on LADWP. The proposed project would incorporate more riparian habitat into the enclosure/pasture, reduce impacts to riparian vegetation, and improve management efficiencies associated with annual fence maintenance requirements.

The fence would be constructed to BLM specifications for 4-strand barbed wire fences in mule deer habitat with wires spaced at 15", 22", 30" and 38" above ground level. There would be 1 angled h-brace, 1 corner/angle brace, and 1 angled-Elk brace installed. Spacing of t-posts would be 15 feet, although field conditions may require a shorter or longer gap in some sections to accommodate uneven terrain. The proposed project would result in the construction of 0.20 miles of new fence. Approximately 0.15 miles of new fence would contour the Hogback Road outside the Inyo County right-of-way. The remainder of the project is easily accessible from the road. Construction crews may be allowed one time in/one time out cross-country access with a rubber tired auger/post pounder machine to install corner/angle braces and line posts. All remaining vehicle access would be limited to existing roads. Brush clearing along the fence line would be limited to the minimum required to facilitate installation and maintenance.

To avoid the inadvertent creation of a new vehicle route, any soil and/or vegetation disturbance resulting from cross-country equipment access will be re-contoured and camouflaged immediately following use. To avoid the importation or spread of invasive noxious weeds or non-native invasive plant species, all tools, equipment and materials required for project construction will be washed prior to transport to the project site.

B. Alternative 2 - No Action

Los Angeles Department of Water and Power (LADWP) will maintain/rebuild the existing fence line which is located on their property. This would result in heavy mowing of riparian and wetland habitat to install/repair the fence. Furthermore, this alternative will make it difficult for annual maintenance because of how rapid the riparian and wetland vegetation grows.

C. Other Alternatives

No other alternatives were identified or developed as a result of scoping efforts.

Hogback Creek Fence (Map 1)

Existing Fence

Proposed Re-route

Bureau of Land Management

City of Los Angeles



US Department of the Interior
BUREAU OF LAND MANAGEMENT
Bishop Field Office
Bishop, California
(760) 872-5000
www.blm.gov/ca/bishop
Date Prepared: 3/23/2010
Project: Untitled - ArcMap - ArcInfo



**Chapter 3:
ENVIRONMENTAL ANALYSIS**

A. LIVESTOCK MANAGEMENT

1. Affected Environment

The Alabama Hills allotment is located in the Owens Valley Management Area as defined in the Bishop Resource Management Plan (RMP). Livestock kind, permitted season of use, allocated animal unit months (AUMs), and use type as prescribed in the Bishop RMP (BLM 1993) for the allotment is:

Allotment	Kind	Class	From	To	AUMs
Alabama Hills	Cattle	Cow-calf	2/1	6/30	1,770

The Alabama Hills allotment has one livestock operator. The Alabama Hills allotment is unfenced from the permittee's adjacent LADWP leased lands and portions of the Inyo National Forest which makes up the western border. Livestock grazing is permitted on the Alabama Hills allotment from February 1st to June 30th, although, the allotment is most often used from March 1st to approximately May 31st, depending on forage condition.

2. Environmental Consequences

a. Impacts of Proposed Action and No Action Alternatives

Impacts of the proposed action and no action alternatives will not impact the permittee or his livestock. The fence will exclude livestock from entering the Hogback Creek habitat, therefore avoiding trespass on LADWP.

B. AIR QUALITY

1. Affected Environment

The project area occurs within the Owens Valley Federal Air Quality Non-Attainment/Maintenance Area and needs to conform to the applicable State Implementation Plan requirement. Under jurisdiction of the Great Basin Unified Air Pollution Control District (GBUAPCD), federal actions are subject to conformity determinations under 40 CFR 93.

2. Environmental Consequences

Impacts of Proposed Action and No Action alternatives

The proposed action and no action alternative may produce minor fugitive dust emissions. Dust

emissions could occur due to the soil disturbance as a result from constructing the fence. Vehicle use on the access roads will generate small amounts of PM₁₀ emissions and could carry soils onto the paved roads which would increase entrainment PM emissions.

C. AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)

The proposed action and no action alternatives would have no effect on ACECs because none are present.

D. CULTURAL RESOURCES

The Bishop Field Office Archeologist surveyed the proposed project site and immediate vicinity for cultural resources on March 11, 2010. Details of that survey are available in the Cultural Resources Report. In summary, no cultural resources were found during the survey. Due to the general non-ground disturbing and protective nature of the proposed action and no action alternatives, no negative impacts to cultural resources are anticipated.

E. ENVIRONMENTAL JUSTICE

The proposed action and no action alternatives will have no effect on low-income or minority populations. The fence should enhance and/or maintain the riparian and wetland vegetation therefore benefiting the environment that they may rely on.

F. ESSENTIAL FISH HABITAT

The proposed action and no action alternatives would have no effect on essential fish habitat because there are no anadromous fish species or designated essential fish habitats at or near the project area.

G. FARMLANDS, PRIME OR UNIQUE

The proposed action and no action alternatives would have no effect on farmlands, prime or unique, because none are present.

H. FLOOD PLAINS

The proposed action and no action alternatives would have no effect on flood plains because none are present.

I. INVASIVE, NON-NATIVE SPECIES

1. Affected Environment

No invasive weed species were identified at the project location. Periodic monitoring (1-3 years) of the project area will allow for the removal of any non-native species at the project site.

2. Environmental Consequences

a. Impacts of Proposed Action

The proposed action would benefit site conditions and native vegetation because a small portion of BLM lands will be incorporated into the enclosure/pasture. However, soil that is disturbed during the fence construction may provide micro sites for invasive weeds to become established. The invasive weed threat is partially elevated because the fence will be constructed along a road.

b. Impacts of No Action

Impacts of the no action alternative would be similar to the proposed action.

J. NATIVE AMERICAN CULTURAL VALUES

The proposed action and no action alternatives will have no effect on Native American Cultural Values. The fence should enhance and/or maintain the riparian and wetland vegetation therefore benefiting the environment that they may rely on.

K. RECREATION

The proposed action and no action alternatives will have no effect on recreation. Recreation in the form of bird watching may be improved because the habitat for the Yellow-billed Cuckoo (*Coccyzus americanus*) should be maintained and/or improved.

L. SOCIAL AND ECONOMIC VALUES

The proposed action and no action alternatives will not have an effect on the social and economic values.

M. SOILS

1. Affected Environment

The soil classification of the Alabama Hills allotment has been mapped in detail by the Natural Resource Conservation Service (NRCS). The main soil association for the allotment and project area is soils of the Mountainous Region. Soils of the Mountainous Region are primarily sandy

loam, which are generally shallow to deep and well drained. Available water capacity is low to moderate. The hazard of erosion is slight to moderate for water and moderate to severe for wind. Because of the rapid intake and deep percolation of moisture, loss from runoff is negligible. This permits deep rooted plants to grow vigorously under arid conditions. These soils are highly susceptible to wind erosion if vegetation cover is removed.

2. Environmental Consequences

The proposed action and no action alternatives will have minimal soil disturbance. Soil will be disturbed during fence post installation.

3. References

United States Department of Agriculture, Natural Resource Conservation Service. 1996. Soil Survey of Benton-Owens Valley Area, California, Parts of Inyo and Mono Counties.

N. VEGETATION/THREATENED AND ENDANGERED

1. Affected Environment

The area occurs in the Northern Mojave and Great Basin Floristic Provinces. The dominant plant communities are mixed desert scrub, shadscale scrub, sagebrush/bitterbrush and riparian vegetation.

2. Environmental Consequences

a. Impacts of the Proposed Action

The proposed action will have a positive effect on the portion of BLM land that is incorporated into the enclosure/pasture. Vegetation in the area will have minimal grazing from native wildlife and occasional horses that are permitted to use the pasture for one month in the spring. Some vegetation will be disturbed during construction of the fence from trampling and cutting.

b. Impacts of No Action

Impacts of the no action alternative would be similar to the proposed action. There would not be grazing of horses however, cattle will have access to the area throughout the permitted season of use. More impacts will occur to the riparian vegetation on LADWP due to the need to mow plants to maintain and/or reconstruct the existing fence.

Threatened and Endangered Plant Species

The proposed action and no action alternatives would have no effect on threatened or endangered plant species because no federally listed threatened or endangered species are present at the

project site based on historical records, field monitoring, and/or habitat suitability.

Special Status Plant Species

The proposed action and no action alternatives would have no effect on special status plant species because none are present at the project site based on field monitoring conducted on March 12, 2010 by LADWP staff. However, based on observations by LADWP staff and others, the following special status species are known in other locations of the Hogback Creek project site:

- Owens Valley checkerbloom (*Sidalcea covillei*) (state endangered)
- Inyo County star-tulip (*Calochortus excavates*) (California species of special concern (CSC))

N. WASTE, HAZARDOUS OR SOLID

The proposed action and no action alternatives would not generate hazardous or solid waste at the project location.

O. WATER QUALITY, DRINKING-GROUND

The proposed action and no action alternatives will not have an effect on water quality, drinking-ground.

P. WETLANDS/RIPARIAN ZONES

1. Affected Environment

The Hogback Creek habitat area includes riparian forest, riparian scrubland, emergent marsh/bog, wet meadow and upland. Based on assessments conducted in 2004, the Hogback Creek project site includes 111 acres of riparian vegetation, 50 acres of mesic meadow, and approximately 2 acres of wet meadow. Riparian habitat appears to be primarily supported by springs and seeps.

The vegetation types found at the Project sites support a wide variety of birds and mammals. The objective of the proposed Project is to maintain and improve habitat conditions at Hogback creek to potentially increase the population of YBC in California. YBC are seasonal migrants to Inyo County, nesting in riparian habitat between late June to August, and wintering in South America. The species is known for Hogback Creek project site but nesting is limited by the fragmentation of suitable habitat at the sites. Each pair of cuckoos is estimated to need 50 to 100 acres of nearly contiguous suitable habitat to nest successfully.

2. Environmental Consequences

a. Impacts of Proposed Action

The proposed action will have a positive effect on the portion of BLM land that is incorporated into the enclosure/pasture. Vegetation in the area will have minimal grazing from native wildlife and occasional horses that are permitted to use the pasture for one month in the spring. Some vegetation will be disturbed during construction of the fence from trampling and cutting.

b. Impacts of No Action

Impacts of the no action alternative would be similar to the proposed action. There would not be grazing of horses however, cattle will have access to the area throughout the permitted season of use. More impacts will occur to the riparian vegetation on LADWP due to the need to mow plants to maintain and/or reconstruct the existing fence.

Q. WILD AND SCENIC RIVERS

The proposed action and no action alternatives would have no effect on wild and scenic rivers because none are present at or near the project site.

R. WILDERNESS

The proposed action and no action alternatives would have no effect on Wilderness or Wilderness Study Areas (WSAs) because none are present at or near the project site.

S. WILDLIFE/THREATENED AND ENDANGERED

1. Affected Environment

The Hogback Creek habitat area includes riparian forest, riparian scrubland, emergent marsh/bog, wet meadow and upland. Based on assessments conducted in 2004, the Hogback Creek project site includes 111 acres of riparian vegetation, 50 acres of mesic meadow, and approximately 2 acres of wet meadow. Riparian habitat appears to be primarily supported by springs and seeps.

The vegetation types found at the Project sites support a wide variety of birds, including spotted towhee, house wren, Bewick's wren, mourning dove, and California quail. Mammal species expected to use the sites include mule deer, black bear, mountain lion, coyote, deer mice, black-tailed jackrabbit, desert cottontail, raccoon, and bobcat.

The objective of the proposed Project is to maintain and improve habitat conditions at Hogback creek to potentially increase the population of YBC in California. YBC are seasonal migrants to Inyo County, nesting in riparian habitat between late June to August, and wintering in South America. The species is known for Hogback Creek project site but nesting is limited by the fragmentation of suitable habitat at the sites. Each pair of cuckoos is estimated to need 50 to 100 acres of nearly contiguous suitable habitat to nest successfully.

2. Environmental Consequences

The proposed action and no action alternatives will produce noise and disturbance during construction may temporarily impact wildlife movement at the site. Installation of new fences and repair of existing fences at Hogback Creek may provide new barriers to larger animals. “Elk crossings” will be installed at Hogback Creek during fence construction at known and logical locations to allow for deer and elk passage.

Threatened and Endangered Wildlife Species

The proposed action and no action alternatives would have no effect on threatened or endangered wildlife species because no federally listed threatened or endangered species are present at the project site based on historical records, field monitoring, and/or habitat suitability.

Special Status Wildlife Species

Based on observations by LADWP staff and others, the following special status species are known to occur within the Hogback Creek project site:

- western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) (state endangered)

Based on California Natural Diversity Data Base (CNDDDB) listings for the Manzanar USGS quadrangle and other published records, the following additional sensitive species are known or have the potential to occur at the Project site:

- Northern Harrier (*Circus cyaneus*) (CSC)
- Yellow-breasted chat (*Icteria virens*) (CSC)
- Owens Valley vole (*Microtus californicus vallicola*) (CSC)
- pallid bat (*Antrozous pallidus*) (CSC; U.S. Forest Service Sensitive)
- Townsend’s big-eared bat (*Corynorhinus townsendii*) (CSC; U.S. Forest Service Sensitive)
- Cooper’s hawk (*Accipiter cooperii*) (CSC)
- loggerhead shrike (*Lanius ludovicianus*) (CSC)

The project site contains habitat potentially suitable for foraging, nesting, and wintering of sensitive avian species. Some of the species noted above are known for the sites; for example, Cooper’s hawk, northern harrier, and loggerhead shrike occur at the Hogback Creek site as transients/migrants/dispersers. The yellow warbler is a probable breeder, and yellow-breasted chat is at known breeder, at the Hogback Creek site.

Noise and general disturbance during installation of project fences has the potential to disrupt nesting of area birds, including sensitive bird species. Fence construction is proposed to begin early in the spring of 2010 (March through May), the overlap with nesting season (May through July for most species) will be limited. However, Cooper’s Hawks, Northern Harriers, Long-eared Owls and Loggerhead Shrikes often begin nesting in April if not earlier.

T. WILD HORSE AND BURROS

The proposed action and no action alternatives would have no effect on wild horses and burros as there are no wild horse and burro populations or designated wild horse herd management areas occurring within the project area.

U. CUMULATIVE IMPACTS

Cumulative effects are defined as the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” (40 CFR § 1508.7). A description of current conditions inherently includes the effects of past actions and serves as a more accurate and useful starting point for a cumulative effects analysis than by “adding up” the effects of individual past actions. “Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” (CEQ Memorandum ‘Guidance on the Consideration of Past Actions in Cumulative Effects Analysis’ June 24, 2005.) By comparing the “no action” alternative (current condition) to the action alternatives, we can discern the “cumulative impact” resulting from adding the “incremental impact” of the proposed action to the current environmental conditions and trends.

Impacts

Fence construction activities, road maintenance, vehicle transport, and livestock use operations are common vectors or site modifications that can move invasive/non-native species. Potential long-term cumulative impacts of the proposed action from soil disturbance are weed densities increase. However, there will be less encroachment from road maintenance onto BLM because of the fence location along the road.

The Alabama Hills allotment grazing issues and impacts have been minimal due to low livestock use. With construction and maintenance of the project fence, livestock trespass into the Yellow-billed Cuckoo Habitat will be minimized. The past, present and in the reasonably foreseeable future, cattle and horse grazing would continue to have a localized, cumulative impact on soils in congregation areas and along fences.

The addition of the proposed action to the existing environment at the site specific area addressed in this EA would not contribute to significant impacts on the human environment. In effect, the addition of the proposed action would beneficially improve vegetation health conditions on BLM land that would be incorporated into the Yellow-billed Cuckoo Habitat. As a result, improvements in plants and animal habitat would occur at the local level creating overall positive cumulative impacts.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Bishop Field Office
351 Pacu Lane, Suite 100
Bishop, CA 93514
Phone: 760 872-5000 Fax: 760 872-5050
www.blm.gov/ca/bishop



Decision Record

Los Angeles Department of Water and Power Hogback Fence for Yellow-billed Cuckoo Habitat

DOI-BLM_CAC-070-2010-0027-EA

March 2010

Introduction and Background

The Yellow-billed Cuckoo (*Coccyzus americanus*) is listed as a California Endangered Species and a U.S. Forest Service Region 5 Sensitive Species. A Yellow-billed Cuckoo (YBC) Habitat Enhancement Plan was developed to maintain and/or improve conditions for YBC at Hogback Creek. Under the proposed project, habitat conditions would be maintained and/or improved at Hogback Creek through reconstruction and maintenance of the existing enclosure/pasture fence.

Los Angeles Department of Water and Power (LADWP) proposed to build a 0.2 mile section of fence on BLM land which is part of their existing enclosure/pasture fence for the Hogback Creek habitat. The project area is located on the Manzanar 7.5-minute USGS quadrangle, at T. 15S, R. 35E, NE ¼ of Section 10. The overall goal for the enclosure/pasture fence is to eliminate livestock trespass on LADWP. The proposed project would incorporate more riparian habitat into the enclosure/pasture, reduce impacts to riparian vegetation, and improve management efficiencies associated with annual fence maintenance requirements.

Decision and Rationale

Based on the information and analysis provided in the environmental assessment documentation (DOI-BLM_CAC-070-2010-0027-EA) I have determined that implementation of this project as designed would not result in any significant adverse environmental impacts. I have also determined that this action conforms to, and is consistent with, the overall guidance and management direction provided by the Bishop Resource Management Plan (RMP), approved March 25, 1993.

Therefore, it is my decision to implement the project as designed, and subject to, the following project construction stipulations as outlined in the environmental assessment documentation:

1. To avoid adverse impacts to mule deer, the enclosure fence will be built to BLM specifications for 4-strand barbed wire fences in mule deer habitat with wires spaced at 15", 22", 30" and 38" above ground level.
2. There would be 1 angled h-brace, 1 corner/angle brace, and 1 angled-Elk brace installed.
3. Spacing of t-posts would be 15 feet, although field conditions may require a shorter or longer gap in some sections to accommodate uneven terrain.
4. Construction crews may be allowed one time in/one time out cross-country access with a rubber tired auger/post pounder machine to install corner/angle braces and line posts. All remaining vehicle access would be limited to existing roads.
5. Brush clearing along the fence line would be limited to the minimum required to facilitate installation and maintenance.
6. To avoid the inadvertent creation of a new vehicle route, any soil and/or vegetation disturbance resulting from cross-country equipment access will be re-contoured and camouflaged immediately following use.
7. To avoid the importation or spread of invasive noxious weeds or non-native invasive plant species, all tools, equipment and materials required for project construction will be washed prior to transport to the project site.

The following mitigation will also apply to project implementation:

1. If unidentified cultural resources are encountered during project construction, construction will be stopped and the Bishop Field Office Archeologist will be notified. The project will be modified in consultation with the Bishop Field Office Archeologist to include protection of those resources before work will be allowed to continue.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of

reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision and the date initiating the appeal period for this decision will be the date this decision record is posted on BLM's (Bishop Field Office) internet website at www.blm.gov/ca/bishop

Bernadette Lovato
Bishop Field Manager

Date

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed environmental assessment **DOI-BLM_CAC-070-2010-0027-EA** including the explanation and resolution of any potential environmental impacts for the proposed project. I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required.

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

The project will have the following benefits: riparian habitat will be incorporated into the exclosure/pasture for the Yellow-billed Cuckoo habitat at Hogback creek, impacts to riparian vegetation will be reduced, and management efficiencies associated with annual fence maintenance requirements will be improved.

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 to the land use plan terms and conditions as required by 43 CFR 1610.5.

It is my decision to implement the proposed action at the proposed site location.

Authorized Official:

Bernadette Lovato
Bishop Field Manager

Date