



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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March 29, 2007

CACA 047712
2800-P
CA170.10

Dear Interested Party:

This letter concerns the March 29, 2007 Decision for the Amendment to the Independence Mineral Material Site 118 and the associated Environmental Assessment CA-170-07-07. A shortened version of the seven page Decision is as follows.

It is my decision to amend an existing California Department of Transportation easement for the Independence Material Site 118 immediately north of Independence, CA. This amendment is described as Alternative 3 in the Environmental Assessment (EA) and includes mitigations to reduce expected environmental impacts. As part of this decision, a concurrent Letter of Consent will be issued to the Federal Highway Administration authorizing the amendment of the existing highway easement deed held by the California Department of Transportation (Caltrans).

The California Department of Transportation existing easement deed for the Independence material site (#118) is amended as follows: 1. use of the material site is authorized for up to 10 years, expiring in 2016; 2. the amount of mineral material extracted is increased 650,000 cubic yards to a total of 1.2 million cubic yards; and 3. processing plants are authorized within the material site existing pit. Processing operations may include crushing and screening activities, asphalt batch plants, a concrete batch plant, and additional equipment. Processing plants are authorized to be co-located within the pit. Mining operations can include the use of bulldozers, front-end loaders, belly and bobtail dump trucks, maintenance trucks, water trucks, and haul trucks.

It is in the public interest to amend, as described above, the existing easement for the material site. The 10 year use period and additional material will allow Caltrans to use the material pit for the Black Rock-Independence, Manzanar, and Olancho 4-lane highway expansion projects. The ability to locate the processing plants within the pit will result in an efficient and cost effective material processing operation. According to Caltrans estimates, this will save 2 to 5 million dollars in project material contracting costs. Additionally and importantly, the pit location will improve motorist safety by locating the pit outside the highway right-of-way. It will reduce the visual and noise distraction of processing plants along the highway, lessen haul truck travel on Highway 395, and diminish dust emissions along the highway from material stockpiling and processing.

The expansion of the three Highway 395 4-lane projects will result in overall improved safety and enjoyment of the traveling public within the Owens Valley and the eastern Sierra.

Finding of No Significant Impact

I have reviewed the environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that Alternative 3 with the mitigation measures as described will not have any significant impacts on the human environment and that an EIS is not required. There will be no effect on threatened or endangered species as a result of the action.

The complete Decision and Environmental Assessment may be obtained by contacting Larry Primosch at this office 760 872-5031 or writing to the BLM Bishop Field Office. It is also available at the BLM Bishop FO website, <http://www.blm.gov/ca/bishop/>

This decision 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) 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.

Sincerely,

Signed by Terry Russi, Acting for

Bill Dunkelberger
Field Manager