United States Department of the Interior

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FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

CACA 047712

Amendment to Independence Material Site 118 Easement
For
Length of Use, Material Amount Extracted, and the Use of Processing Equipment

Decision

It is my decision to amend an existing California Department of Transportation (Cal Trans) easement for the Independence Material Site 118 immediately north of Independence, CA. This amendment is described as Alternative 3 in the attached Environmental Assessment (EA) and includes the mitigations listed below 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) as described in Alternative 1.

Caltrans' 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 can be located 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 dump trucks, 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 Olancha 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 this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that Alternative 3 with the mitigation measures described below 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.

RMP Conformance

I have determined that the proposed project is in conformance with the Bishop Resource Management Plan (RMP), 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. Although the EA states that placement of tall batch plants in the pit will violate VRM Class III standards, the RMP allows for visual non-conformance exceptions under certain circumstances. Mitigations described below will be applied to lower the visual contrast.

Decision Background/Rationale

The EA identified non-conformance of Visual Resource Management (VRM) Class III standards by tall processing plants (50-70 feet high) for two out of four Visual Observation Points for Alternative 3. The RMP Record of Decision allows for exceptions for non-conformance under certain circumstances. Under the Record of Decision page 14, “The field manager may allow temporary projects to exceed VRM standards in Class 2-4 areas, if the project will terminate within two years of initiation. Rehabilitation will begin at the end of the two year period. During the temporary project, the field manager may require phased mitigation to better conform to prescribed VRM standards.” For this amendment proposal, I have decided to implement this exception identified in the RMP.

Although pit use is authorized for a 10 year life span, the pit will be used irregularly during its life, initially creating visual contrasts while the first few operable highway projects undergo project construction. Throughout the next two years, as the pit deepens from excavation activity, the visual contrasts should lessen and improve conformance with the VRM standard. Each highway project is expected to last less than two years giving the BLM the opportunity to evaluate changing visual contrasts and assure conformance is increased during the life of the overall operation. Since the operations are confined to an existing material pit that has been disturbed and no new surface area will be affected, rehabilitation, in this case, will occur in compliance with the state Surface Mining and Reclamation Act (SMARA) requirements at the end of the 10 year project life.

The EA indicated that VRM nonconformance will only occur if extremely tall processing plants are utilized and sited in the highest area of the pit (east side). It is expected that as material is removed from the pit, the pit floor depth will increase up to 50 feet. Lowering of

the floor will also lower the height of any plants located in the pit, thereby increasing conformance of Class III standards. The plants will not be present during the entire 10 year period but will be used sporadically when each separate highway project begins. The pit is expected to be used for three separate highway 4-lane projects, and as such, plants will be installed, used, and then removed between each project. The visual contrasts should diminish through time as the pit lowers from separate and distinct excavation phases.

Other than facility height, color is another element that can increase VRM contrasts. Obviously, striking colors that do not blend in with the surrounding terrain can greatly increase contrasts, reducing scenic values. The mitigations described below are designed to reduce visual impacts identified in the EA, including color. Use of all of the mitigations identified in the EA would reduce the visual impact to Class III standard but because Caltrans cannot predict the color of a contractor's processing plant, I will defer using the painting mitigation initially due to the cost of painting a large processing plant for a short duration of use. This would increase the cost of the 4-lane project to the taxpayers and cost savings is one of the intended purposes for locating the plants in the pit. Following the exception standard in the RMP, I will require painting or other appropriate mitigation if visual contrast exceed Class III standards for greater than 2 years. Two years after the project commences, the BLM will conduct a visual contrast analysis to determine VRM conformance and determine if actions are necessary to meet the VRM standard.

However, because the color of any future plants cannot be predicted, any plant facilities that create egregious and unacceptable color contrasts, as determined through a visual contrast analysis, will be required to undergo painting or other appropriate mitigation to reduce the contrast.

In my review of the EA's mitigations for Alternative 3, I decided to modify several of the mitigations that result in Mitigations 3, 4, and 6 below because of the unreasonable and unnecessary costs associated with full adoption of the mitigations (see Residual Impacts section in EA). Additionally, I have determined that strict adherence to the EA mitigations may be technically infeasible, because specifying plant locations in the pit may prohibit actual excavation where it is needed for future projects. For example, a future contractor may need desirable material from the lowest portion of the pit to successfully provide highway materials, but is impeded by the EA's mitigation requiring them to locate the plant in the lowest portion of the pit.

The Residual Impacts section of the EA states that although the mitigation will bring the visual contrasts to within Class III standards, its implementation will increase the operational costs. These additional costs will occur from either the placement of plants in areas which conflict with more efficient and desirable locations of excavation or excavating areas which conflict with pit operations or schedules. It is unknown at this time, how a contractor will plan the material extraction and plant location within the pit for efficient operation. In order to allow for flexibility in the planning and execution of the pit operations, the mitigations have been altered so that the contractor can determine the most efficient plant locations and extraction areas within the pit. It is known that mineral material for the initial road elevation fill will be removed from the pit before batch plants are placed there, immediately lowering the pit to some degree. Therefore, when the batch plants are set-up, the pit floor will already be lower than it's current depth. The intent of the visual mitigations below are still

retained to reduce visual contrasts and improve visual conformance but the modified mitigations below provide practical flexibility for future material needs The visual contrast of tall batch plants will still be reduced, without increasing the cost of the material operation through implementation of the modified mitigations.

Discussion of Alternatives

I have chosen **Alternative 3** based on the following criteria: the alternative meets Caltrans' needs; the increased amount of material will be available for all 4-lane highway projects from Black Rock to Olancha; the location of the processing plants in the pit will improve highway safety, reduce processing noise and result in savings of 2-5 million dollars for the highway projects. There will also be a reduction of haul-truck traffic on Hwy 395 and subsequent improved safety. The visual impact of the plants in the pit will be less than having the plants located along the highway. The environmental impacts of this alternative are similar to Alternative 1 for most resources although the offsite impacts associated with locating the processing plants outside of the pit will now occur on public land. Visual impacts will be mitigated and monitored, and noise impacts will be lower within the pit. Highway safety will be improved by relocating the plants away from the highway.

Alternative 1 is the No Action Alternative and represents the existing situation. This alternative describes Caltrans' existing easement rights within the pit and the expected impacts under this alternative. Caltrans can use the pit for 5 years, extract 550,000 cubic yards of material, and only use a steel grid for material processing. Caltrans is not authorized to conduct crushing and processing operations or locate batch plants in the pit, subsequently, the processing operations and batch plants will probably be located along Highway 395 and within the existing 400 foot wide right-of-way. Although the pit use will be limited to extracting and loading material only, there will be loss of efficiency and a large cost increase due to increased material loading, unloading, and material transport to the various plant locations outside of the pit. Caltrans has estimated the cost increase at 2 to 5 million dollars. Plant locations outside of the pit will also decrease safety and increase noise on the highway as travelers pass in close proximity to these large operations. Caltrans has indicated that a 5 year pit use is the minimum necessary to meet their highway construction needs for two projects. A five year pit life does not allow Cal Trans the flexibility to plan and build the three highway projects. Under Alternative 1, the extracted material volume will not supply the material needs for the Olancha 4-lane project. The environmental impacts of this alternative on public land are minimal, but some impacts are then transferred offsite to other areas, namely, those impacts associated with the offsite plant locations.

Alternative 2 would amend the existing easement for an additional 5 years and allow processing and batch plants to operate in the pit. Material extraction would remain the same as in Alternative 1, about 550,000 cubic yards. This alternative meets Caltrans' needs except for the limited material authorized for extraction. Subsequently, there would be insufficient material for the Olancha 4-lane project. Additional material sites to support the Olancha project are limited because of the lack of available sites. The environmental impacts of this alternative are similar to Alternative 1 for most resources but the offsite impacts associated with locating the processing plants outside of the pit have been transferred to the public land. Visual impacts will be mitigated, and noise impacts will be

lower within the pit. Highway safety will be improved due to the plants being located away from the highway.

Public Involvement

Public involvement for the EA included a request for public comment on the Caltrans proposal which was sent to 52 governmental agencies and interested publics, and a request for comment notice published twice in the Inyo Register on November 11, 2006 and December 2, 2006. The public comment period ran from November 11 to December 11, 2006. A presentation of the proposal was provided to the Inyo County Board of Supervisors on January 9, 2007, and an article was published in the Inyo Register on January 23, 2007 discussing the Caltrans presentation to the Board of Supervisors.

The EA was distributed for public review on February 8, 2007 to government agencies and interested publics of record with a 30-day comment period. The EA was posted on the Caltrans and BLM Bishop Field Office websites and was placed in the Lone Pine, Independence, Big Pine, and Bishop public libraries. The availability of the EA, request for comments, and notice of public meeting was published in the Inyo Register on February 13, 2007. The notice for a public comment meeting was again published in the Inyo Register on February 27, 2007. A public meeting was conducted in the Independence Legion Hall on February 28, 2007. The meeting provided a review of the Caltrans proposal to amend the Independence Pit 118, a question and answer period, and an opportunity to receive EA comments. The final notice for comments was published in the Inyo Register on March 3, 2007. The EA 30-day comment period ran from February 8 to March 10, 2007

A total of 16 written comments were received concerning the Caltrans proposal. Most commentors expressed support for the Highway 395 4-lane highway projects and the use of the pit for mineral materials. The inclusion of processing plants in the pit also received supportive comments, but several concerns were also raised about this use. The majority of concerns were impacts to nearby communities from dust, noise, visual, water wells, and odors. Other concerns questioned whether the use of the pit would be allowed for other than the 4-lane projects, stated that the project should be held to the same requirements and standards a private company would be held to, and that public comment or review of the amended SMARA plan should be implemented. These concerns were addressed in the EA under Public Involvement.

One comment stated that the impact for Hydrology under Alternative 2 and 3 was incorrect based on the proposed action for those alternatives. This has been reviewed and the impact analysis has been changed to show that there would be a loss of flood storage and water spreading in the pit, and that LADWP would utilize other channels for flood control and water spreading.

Mitigation Measures/Remarks

It is my decision to implement the project with the mitigation measures identified below.

1. Implement VRM exception No. 2 in the Visual Resources section of the BLM Bishop RMP which reads, “The field manager may allow temporary projects to exceed VRM standards in Class 2-4 areas, if the project will terminate within two years of initiation.

Rehabilitation will begin at the end of the two year period. During the temporary project, the field manager may require phased mitigation to better conform with prescribed VRM standards."

2. At the end of the two year period, conduct a visual contrast analysis to identify conformance or non-conformance of plant operation with the VRM Class III standard. A non-conformance determination will result in implementation of mitigations to conform to the VRM standard including painting areas of the plant structure dull dark olive green that are above pit grade and have large blocky, flat, or rounded surfaces. This will only be applied if visual contrasts do not meet Class III standards and impacts extend beyond 2 years. However, if the color of any future plant facilities create unacceptable and egregious color contrasts, as determined through a visual contrast analysis, then the BLM retains the authority to require painting or other appropriate mitigation to reduce the contrast to conform with the RMP.

3. Locate plants in the lowest portion of the pit if compatible with material extraction.

4. Material excavation should begin in areas where plants are to be located, thereby, lowering the pit floor and the processing plants.

5. Utilize olive green or dark netting where technically or practically feasible to screen non-moveable equipment or processing plants if they are visible as per BLM's VRM criteria above the pit surface grade.

6. Strive to separate multiple plants within the pit to avoid a clustering visual effect.

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 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.

Authorized Official: Signed by Terry Russi, Acting for
Field Manager, Bishop Field Office

Date: March 29, 2007

ENVIRONMENTAL ASSESSMENT

Bureau of Land Management
Bishop Field Office
351 Pacu Lane, Suite 100
Bishop, CA 93514

BLM EA number:	CA-170-07-07
Caltrans EA number:	09-333400
BLM Case File No.:	CACA 047712
Proposed Action Title/Type:	Independence Material Site (MS #118) Amendment to Easement for Length of Use, Material Amount, and Processing Equipment
Location of Proposed Action:	MDM, California, T. 13 S., R. 35 E., Section 7, NW1/4SW1/4, SW1/4NW1/4;

Known as Independence Material Site MS #118, located on public land in Inyo County west of and adjacent to US 395 at post mile 75.1, approximately 1.2 miles NW of the town of Independence.

Applicant: CA Department of Transportation (Caltrans)

I. Conformance with Applicable Land Use Plan:

This proposed action is subject to the Bishop Resource Management Plan (RMP), approved March 25, 1993. The proposed action conforms to the land use plan terms and conditions as required by 43 CFR 161 0.5. RMP applicable citations are:

> Record of Decision, page 22 -- "Provide salable minerals for community and private use."
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> Record of Decision, page 23 -- "Identify all salable mineral deposits. Develop a coordinated mineral material sales program with other appropriate agencies."
>
> Record of Decision, page 14 -- "All mineral operations will conform with the state's Surface Mining and Reclamation Act, and county and local health and operations requirements."
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> Record of Decision, page 14 – "The Field Manager may allow temporary projects to exceed Visual Resource Management (VRM) standards in class 2-4 areas, if the project will terminate within two years of initiation. Rehabilitation will begin at the end of the two year period. During the temporary project, the field manager may require phased mitigation to better conform with prescribed VRM standards."

II. Need for Proposed Action:

The Independence material site MS #118 was originally permitted to Caltrans under right-of-way (ROW) number CALA 0151584 from 1957 to 1997. It is an 80-acre site with 35 acres of surface disturbance that has been used intermittently for the past 40 years, with the last major use in 1991.

Caltrans relinquished the ROW in 1997 with the specific understanding that BLM would make the material in the pit available through a commercial mineral material sale for highway improvement projects. However, a material sale was never finalized for the pit. Caltran's upcoming highway projects still required the material, so in 2006, Caltrans applied for a material site easement under the Federal Highway Act. In April, 2006 the BLM issued a material site easement to Caltrans with stipulations restricting the use of the pit for; extraction of 550,000 cubic yards; limited to a five-year period, and pit activity was limited to extraction and separation of materials using a "grizzly". Any type of processing plants, whether crushers or batch plants, could not be located in the pit. By default, the plants would have to be located within the Caltrans highway ROW boundaries of the 4-lane projects.

Specifically, Caltrans has several highway improvement projects planned for the Independence area over the next 15 years that would require approximately 1,000,000 cubic yards (CY) of material. These projects include:

2007 Blackrock 4-lane	170,000 CY
2008 Independence/Manzanar 4-lane	288,000 CY
2012 Olancha/Cartago 4-lane	600,000 CY
Subtotal	1,006,000 CY

Since receiving the 2006 material site easement, Caltrans has reviewed the upcoming Hwy 395 projects, project timing, and project locations. With rapidly increasing costs for construction material on highway improvement projects, Caltrans is seeking ways to reduce fiscal impacts. Caltrans has determined that the current material site easement would better serve the projects and the general public if it were amended.

Four issues are driving the amendment; 1) lack of available material pits near the proposed projects, 2) excessive hauling costs for material, 3) the efficiency and cost saving resulting from using the pit for processing activities during project construction, and 4) reducing visual, noise, and air quality impacts along the highway.

Concerning issues 1 and 2, there are no other approved mineral material sites available to Caltrans in the area with the volume of material necessary for the proposed highway projects. The closest other pits are a Los Angeles Department of Water and Power (LADWP) site near Cottonwood Canyon (about 15 miles south of Lone Pine), a Caltrans site near Keeler (about 15 miles east of Lone Pine), and sites in the Bishop vicinity. The two pits near Lone Pine may be able to provide materials for the Olancha/Cartago project (600,000 CY), however, these pits and the pits near Bishop would result in excessive hauling costs, as well as, haul impacts to existing road surfaces if used for the projects near Independence.

Issues 3 and 4 concern the location of the crushing and batch plants within the pit. Currently, these activities would be located within the Hwy 395 ROW. Either located on the side of the road or

within the proposed median, the plants would be a safety, visual, and noisy proposition. In addition, material from the pit would have to be excavated, loaded, hauled to the plant site and then stockpiled. The material would then be reloaded, crushed, screened, stockpiled and then reloaded for processing. Any waste material would have to be reloaded and returned to the material site. This multiple handling of the material drives processing costs up. The traveling public would be exposed to this process in a up-close and personal way along the highway. By allowing these activities to take place at the Independence Material Site, the proposal could reduce the cost of producing construction materials and concentrate processing operations in one area to reduce the overall safety visual, and noise impacts.

Based on the above, Caltrans has determined that an amendment to the existing material site easement is needed.

III. Description of Proposed Action:

The proposed action is to amend the April 1, 2006 Independence material site MS #118 easement, between Caltrans and the BLM. Caltrans desires to amend the easement to: increase the extracted material from 550,000 cubic yards to 1,200,000 cubic yards, increase the length of use from 5 years to 10 years, and to allow the use of crushing/separation plants, concrete batch plants, and asphalt batch plants. The amendment would also allow for two simultaneous operations in the pit during a construction season, depending upon project schedule overlap. The proposed action is Alternative 3 - Caltrans Preferred Alternative. See Alternatives 2 and 3 for a complete description of the action.

IV. Existing Environment

General

MS #118 is an existing gravel pit on an 80-acre mineral material site parcel. Approximately 133,000 cubic yards of material have been removed from the site; and about 35 acres have actually been disturbed. Past uses included crushing, screening, and asphalt batch plants. Although partially re-vegetated, the site has not been reclaimed from previous uses. There are several man-made drainages, piles of waste fines, and miscellaneous debris such as asphalt, concrete, and other materials within the pit. See Map 1.

Geology

The site is along the West Side of the Owens Valley and lies in the alluvial fans of the Independence and Oak Creek drainages near the valley floor. These granitic alluvial deposits consist of gravelly sands with cobbles and boulders. A geological cross-section of the valley at this point (from Hollett et al. 1991) shows the alluvial deposits at this location to be about 1000' deep.

On the alluvial fan is a rounded ridge extending in an east-west orientation. The 20 foot high ridge is vegetated and located between the material pit and the Oak Creek residential area.

Hydrology

Local precipitation in the area is restricted to a small number of storm events that occur typically in the winter months. Some of the larger drainage basins have seasonal or perennial flow into the valley because of storms or snowmelt in the mountains, such as, Independence and Oak Creek.

The dominant groundwater source (or aquifer) in the area is the valley fill/alluvial deposits underlying the site. According to Hollett et al. (1991), the unconfined water table is about 120' below the ground surface in the southwest corner of the site and 35' below ground surface in the northeast corner of the site. However, LADWP well data from the Independence town well (about 1.5 mile south at the same elevation on the alluvial fan) indicate a depth of about 200' to ground water (personal communication, Gene Coufal, LADWP). Groundwater quality in the area is good.

There are no perennial streams either crossing or adjacent to the site. There is one major intermittent drainage (Boron Springs-Wash) at the south edge of the site. The approximate size of the watershed (Boron Springs watershed) above this drainage is 3650 acres. Flood bypasses have been constructed on Independence Creek to protect the town of Independence during high flow events. The capacity of the Independence Creek bypass is 70 cubic feet per second, which would add to the potential floodwater of the Boron Springs watershed. A flood bypass has also been constructed on the south fork of Oak Creek, but the capacity of the Oak Creek bypass is unknown.

The low precipitation in the project area minimizes the potential for sheet flow erosion on alluvial soils, but channels are susceptible to erosion and bank degradation during flash floods. This type of erosion has occurred along the southern edge of the pit along the Boron Springs Wash, and within the pit in the channels to the flood control basin.

Two partially eroded check-dams built across the Boron Springs Wash direct part of the flow into the existing gravel pit and existing flood control basins. These were built by LADWP as part of their water-spreading program, and in response to past flooding of US 395 and the Independence airport.

There is no Section 404 permit required by the Corps of Engineers for work in the Boron Springs Wash, as it is not a water body. There may be a requirement to follow California Department of Fish and Game (CDFG) Part 1601 "in stream alteration" requirements. Although there is no water in the channel, it is a naturally occurring drainage so consultation with CDFG would be required.

There are no flood plains, wetlands or riparian zones within the proposed action area.

Soils

The site is located on alluvial fans which typically have coarse textured soils with little development. originates predominantly from granitic rock sources. Within the disturbed area of the site, previous mining activity has removed any developed soil leaving only parent material.

Vegetation

The vegetation at the site is a fragmented mixture of blackbrush, big sagebrush, and desert saltbush scrub, with large areas (disturbed by previous gravel extraction and processing) that are devoid of vegetation. The undisturbed areas have approximately 60-70% cover, with an average density of 6 shrubs per 100 sq. ft (Caltrans 1992, 2006). Herbaceous species are less common on the site than in other areas and constitute less than 5% cover. The disturbed areas are partially re-vegetated by sagebrush and rabbitbrush. One small area in the northeast corner of the site supports a desert saltbush scrub community dominated by allscale (*Atriplex polycarpa*).

T & E Species and Special Plant Species

There are no known threatened or endangered plant species or habitats in the immediate vicinity of the material site.

According to the California Natural Diversity DataBase (CNDDB), two sensitive plant species occur in the vicinity of the site. These two -- Owens Valley checkermallow (*Sidalcea covillei*) and Inyo County Mariposa Lily (*Calochortus excavatus*) -- both require alkaline meadow habitat, which does not exist on the alluvial fan at the site.

Invasive. Non-Native species

Numerous small tamarisk (*Tamarix ramosissima*) saplings have become established along the diversion channels within the disturbed gravel pit. Tamarisk is a highly invasive tree species that has impacted many of the saltbush scrub and riparian habitats within the Owens Valley. This species can tolerate high salt or alkali levels in soil and water, and often out-competes native plant species that provide valuable wildlife habitat. The Bishop Field Office has an active tamarisk eradication program.

Additional invasive plants whose potential presence should be monitored is halogeton (*Halogeton glomeratus*), red brome (*Bromus ruebens*), cheatgrass (*Bromus tectorum*), tumbleweed (*Salso kali*).

Wildlife

The site supports reptile, avian, and mammal species typical of the region, including several species of lizard, small burrowing mammals, jackrabbits, and mule deer.

The CNDDB has no records of unique or critical habitats for the Independence area, nor were any unique or critical habitats found on site during the Caltrans or BLM surveys.

The site is located between the designated Tule Elk herd boundaries for the Whitney Herd and the Independence Herd. As such, it may serve as a migration corridor and receive some casual use. However, it is not within any herd boundary, summer range, winter range or calving area (CDFG 1986).

Mule deer also use the area occasionally. However, the site is outside of key mule deer habitat, including winter range, crucial winter range and crucial summer range (BLM 1991).

T & E Species and Special Wildlife Species

The site is not known to be habitat for any wildlife species that is listed as threatened or endangered or candidate for listing under the Endangered Species Act of 1973.

Four special wildlife species are known to occur in the vicinity of the site; Western Yellow Billed Cuckoo, Willow Flycatcher, Yellow Breasted Chat, and Owens Valley Vole. However, habitat for these species does not occur on site. Therefore the potential for these four species to occur on site is very unlikely.

Other species of concern that could use the site for foraging are several species of Falconiformes such as northern harrier, Cooper's hawk, ferringous hawk, golden eagle, and prairie falcon. However, the site does not provide specific nesting habitat, and would be used only incidentally for foraging.

Migratory songbirds might also use the site. However, due to the open and sparse vegetation of the site, this would be only in passing.

Climate and Air Quality

Wind is a primary erosional force in the Owens Valley because rainfall (5.39 inches) is only sufficient to allow for a sparse to moderate vegetative cover, leaving the surface soil exposed. The prevailing wind direction is from the northwest at an annual average wind speed of 7.3 miles per hour. March, April, and May are the windiest months, with average wind speeds of about 9 mph.

Air quality in the Owens Valley is typically excellent with visibility of 70 miles much of the time. However, strong dust storms occur in the Owens Lake region due to the exposure of erodible lakebed deposits. Because of the prevailing wind direction, these dust storms normally blow to the south and east into the Mojave Desert. However, storms from the south would blow dust toward the site area. Because of the severity of the dust storms off of the Lake, the Owens Valley has been designated as a federal non-attainment area for PM10.

Noise

Noise is typically measured in decibels (dB). Sources vary, and every location has its own types of noise and noise levels. General background noise (ambient noise) levels at the site on a day with a light breeze would generally be in the 30-40 dB range due to the breeze and nearby traffic on US 395. However, these levels could rise into the 50-60 dB range (or higher) when the wind or highway traffic increases.

The following table (provided by CA State Parks) gives some references to decibel level and type of activity.

Noise Source	**Level**	**Subjective Description**
Amplified Rock & Roll Band	120 dB--	
Commercial Jet Takeoff at 200'	110 100 dB--	DEAFENING
Busy Urban Street	90 80 dB--	VERY LOUD
Freeway Traffic at 50'	70	LOUD
Normal Conversation at 6'	60 dB--	
Typical Office (Interior)	50	MODERATE
Soft Radio Music	40 dB--	
Typical Residential (Interior)	30	FAINT
Typical Whisper at 6'	20 dB--	
Human Breathing	10 0 dB--	VERY FAINT

Visual Resources

BLM has developed visual resource management (VRM) standards for all areas with the Bishop Resource Area. The site is located in a VRM class III area. The objective of this designation is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention from key observation points but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the landscape.

The key observation points (KOP) for this site are along US 395 and the Fish Hatchery access road (Oak Creek). KOP #1 is located about ¼ mile north of Independence on the northbound Hwy 395. KOP #2 is located on Hwy 395, mostly opposite of the existing pit and looking southwest. KOP #3 is located on Hwy 395 on the southbound lane looking at the existing pit. KOP #4 is on the Fish Hatchery road looking southeast toward the pit. See Map #3 and Photos KOP 1 thru 4 titled "Existing".

For all KOPs the existing pit disturbance does not readily attract attention due to; the site is partially re-vegetated, or at a higher elevation than the highway, or screened by natural topography. The pit can not be seen from KOP #1 due to the vegetated earthen berm on the southern edge of the pit which follows the Boron Springs wash. The pit is unnoticeable from KOP #2 due to the natural topography and re-vegetation that screens the site from view. Travelers directly adjacent to the site and traveling northbound do not notice it because the focus is on the development within the Ft. Independence Indian Reservation. The pit can be seen from KOP #3, but only for a short time period before the traveler's attention is focused on the town of Independence and the highway change from 4 to 2 lanes. The pit can not be seen from KOP #4 due to the 20 foot high natural ridge between the pit and the Fish Hatchery road. The existing pit meets VRM Class III standards.

From Oak Creek Campground on the Inyo National Forest, the site appears as a slight discoloration that blends with numerous other color changes in the surrounding terrain. Due to the topography, the site is not visible from the Mt. Whitney Fish Hatchery.

Cultural Resources

Caltrans completed an archeological clearance in 1995 and 1996. This survey identified one prehistoric site (CA-INY-4891) near the proposed action area; however this site was found to be part of a larger site (CA-INY-5759), which would be mitigated prior to construction of the Independence 4-lane project. No archaeological resources were found within the project area.

Contacts with the Ft. Independence Reservation indicate no Native American religious concerns, or other concerns (subsistence or traditional life way values) with the site.

Environmental Justice

The site is located within a mile of the Ft. Independence Indian Reservation, whose residents have a lower than average income level when measured against Inyo County averages. The reservation is located 1 mile from the site as is the town of Independence. Any cited impacts would affect both communities. Members of the Ft. Independence Reservation were contacted about the proposed material site use for the BLM EA CA-017-98-28 dated July 28, 1998 which analyzed this proposal for the existing easement. This contact included several phone calls, participation at public meetings,

and a presentation by BLM to the Tribal Council. Their primary concerns were for potential dust, visual quality, traffic congestion, and impacts to their water wells.

Public Health and Safety

Highway 395 in the project area is currently a 2-lane highway with a speed limit of 65 miles per hour. The highway is used by Owens Valley commuters, travelers between Los Angeles and Reno, and commercial truckers. Heaviest use is from people visiting the Eastern Sierra for camping, fishing, sightseeing during the summer, skiing during the winter, and freight-hauling trucks. Most traffic originates from Southern California during the weekends and on holidays, with peak use occurring on Friday evenings and Sunday afternoons and evenings.

The material site is west of US 395 and is accessed from Hwy 395 with a single-lane paved road. The entrance is opposite to the Ft. Independence road intersection on Hwy 395.

Nearby Land Development

The material site is located 1.2 miles northwest of the town of Independence, California having a population of 574, and one mile south of Ft. Independence Indian reservation having a population of 68, and 1.25 miles south of the Oak Creek residential area having a population of 25. All of the communities are serviced by and use Highway 395.

Mineral Materials

The material in the Independence Pit is of the proper size and type to be useable, with crushing and sorting, for highway construction and maintenance projects. The estimated reserve within the disturbed area (about 35 acres) is 1.2 million cubic yards.

The existing pit measures about 750 feet wide and 1320 feet long oriented in a southwest to northeast direction. The site has a gentle west to east downward slope of about 5 degrees with a fall of about 80 feet. It is an excavated depression with gentle to moderately sloped walls. The eastern edge is 10 feet below grade and the western edge is 27 feet below grade. The southern edge is made up of an elevated berm which extends about 4 feet above grade. Along this berm, the pit bottom is 7 feet to 25 feet below top of berm. The eastern lip of the site is 40 feet higher than Hwy 395.

Realty and Lands

The Independence material site MS #118 was originally permitted to Caltrans under right-of-way (ROW) number CALA 0151584 from 1957 to 1997. It is an 80-acre site with 35 acres of surface disturbance that has been used intermittently for the past 40 years, with the last major use in 1991.

Caltrans relinquished the ROW in 1997 with a request that BLM would make the material in the pit available through a commercial mineral material sale for highway improvement projects. A material sale was never finalized for the pit. Caltran's upcoming highway projects still required the material, so in 2006, Caltrans applied for a material site easement under the Federal Highway Act.

In April, 2006 the BLM issued a Federal Highway Act material site easement to Caltrans with stipulations restricting the use of the pit to; extraction of 550,000 cubic yards, a limited five-year period, and pit activity limited to extraction and separation of materials using a steel grid (grizzly).

Any type of processing plants, whether crushers or batch plants, could not be located in the pit. By default, the plants would have to be located within the Caltrans highway ROW boundaries of the 4-lane projects.

Socio-Economics

Inyo County has designated US 395 as a scenic highway in certain areas of the county. Scenic highway status near this material site begins at the end of the existing four-lane section north of the Fort Independence Reservation on US 395 (Post Mile 76.5-96.6). This is 1.5 miles north of the entrance to this material site.

V. Description of the Alternatives

This environmental assessment utilizes three alternatives for analysis. The "No Action" Alternative 1 is presented here as a basis for comparison of the other two alternatives.

Alternative 1 represents the action that Caltrans **can currently** implement for the Independence Pit. This alternative and it's associated impacts have already been analyzed in previous environmental documents. It was first analyzed in the Competitive Mineral Material Sale EA CA-017-98-28 dated July 28, 1998 and was Alternative 2 in that EA. It was also the Alternative that was selected by the BLM Field Manager in a Determination of NEPA Adequacy (DNA) CA-170-06-10 dated March 31, 2006. A March 31, 2006 Decision, which was based on the DNA and underlying 1998 EA, issued an easement to Caltrans for restricted use of the material pit. That use is the No Action Alternative 1.

1. No Action Alternative. Under this alternative, the pit will be utilized under the existing easement. The existing easement use will be confined to; the existing disturbed area within the pit, extraction of up to 550,000 cubic yards of material, five years of use, material separation by steel grid (grizzly) and no processing plants. Crushing, separating, concrete batch and asphalt batch plants will be located somewhere outside of the material site, probably within the Hwy 395 right-of-way.

2. Modified Alternative. Under this alternative, the existing easement would be amended for up to 10 years of use and processing plants could be sited within the pit. Plants could be; crusher and separator, concrete batch plant or asphalt batch plant. Depending on contract overlap, multiple plants could be on the site if highway projects overlap.

3. Caltrans Preferred Alternative. Under this alternative, the existing easement would be amended as described in Alternative 2 and the amount of mineral material extracted would be increased by 650,000 cubic yards to a total of 1.2 million cubic yards.

VI. Alternatives Considered but Rejected

The rejected alternatives were those existing mineral material sites where processing plants might be located within the site. The pits are a Los Angeles Department of Water and Power (LADWP) site near Cottonwood Canyon (about 15 miles south of Lone Pine), a Caltrans site near Keeler (about 15 miles east of Lone Pine), and sites in the Bishop vicinity. The two pits near Lone Pine may be able to provide materials for the Olancha/Cartago project (600,000 CY), however, these pits and the pits near Bishop would result in excessive hauling costs, as well as, haul impacts to existing road surfaces if used for the projects near Independence. It was determined that there are no other approved mineral

material sites available to Caltrans in the area with the volume of material and nearby location necessary for the proposed highway projects.

VII. Alternatives and Associated Impacts

A. Alternative 1 – No Action alternative

Under this alternative, the pit will be utilized under the existing easement. The existing easement use would be confined to; the existing disturbed area within the pit, extraction of up to 550,000 cubic yards of material, five years of use, material separation by steel grid (grizzly), and no processing plants. Crushing, separating, concrete batch and asphalt batch plants would be located somewhere outside of the material site, probably within the Hwy 395 right-of-way. The following further describes the terms and conditions of this easement granted to Caltrans.

Mineral material extraction will be conducted on approximately 35 acres of the 80 acre pit and within the previously disturbed area. The termination date for this mining operation would be September, 2011 which is 5 years after approval of the current reclamation plan.

The anticipated extraction volume of minerals and waste will be approximate1y 550,000 cubic yards. The average anticipated annual extraction volume is estimated to be 100,000 cubic yards, with a maximum annual extraction volume of 300,000 cubic yards. After the completion of mining, final site reclamation will be implemented in accordance with the September 2006 approved reclamation plan. Extraction will only occur for the purpose of constructing the 4-lane projects in Inyo County. It is estimated that the extraction operation will employ 1 to 5 people.

Mining will be done with a large backhoe or excavator opening only a small area at any one time, thus keeping to a minimum the amount of area that will be disturbed at any onetime. The area to be disturbed will be moistened prior to and during operations. Also, as the active mining moves away from an area, a dust palliative (similar to WESLIG-l20 or equivalent) will be spread over the disturbed area in amounts and with repeat applications for dust abatement.

Should any historic or prehistoric artifactual remains or debitage be encountered during use of the material site, all operations will cease until consultation occurs with the BLM, and the BLM Authorized Officer authorizes the operation to continue.

There will be **no** gravel crushing plant, concrete batch plant, or asphalt batch plant on-site. Any necessary batch plant and gravel crushing plant will be located either at the actual project location or at some other site. There will be a small “grizzly” sorter onsite to allow some screening of materials and thus reduce the amount of waste material taken off-site.

To further reduce dust and lessen visual contrasts there will be no visual berm. During periods of non-operation, equipment will be stored in low areas on site to be less visible for off-site locales. During extended periods of non-operation (more than 30 days), equipment will be removed from the site.

Material stockpiles will initially be placed in the southeastern portion of the disturbed areas of the site. Stockpile locations may change during mining. Mining will proceed to a depth of no greater than 50' below the ground surface in the southwest portion of the site and no greater than 25' below the ground surface in the northeast portion of the site. However, as total volume in this portion of the

site is estimated at 1.6 million cubic yards, the depth should not reach these levels. Slopes within the pit will be no steeper than 3:1 (H: V) except in the active excavation during material removal.

A 50’ setback from the property boundary will be implemented for all mining activity. Mining is excluded from the southeast comer of the site, commencing 50' NW of the berm protecting the Boron Springs Wash.

Access to the site will be along the existing paved road from US 395. During mining, the access road will be maintained in a manner that will allow easy access for haul trucks and large equipment. Mineral extraction will not be done along approximately 700 feet the access road beginning at Hwy 395. As access to the material site is from US 395, Caltrans, as the proposed operator of the mining operation of the material site, will determine, as necessary, the appropriate ingress/egress requirements during times of use.

Topsoil, defined as the top 6” of the native soil, will be placed in windrows at the top of excavation slopes to be used for later reclamation. Topsoil may be mixed with existing vegetation, but will not be mixed with processing fines. Topsoil and vegetation removal will not precede mining by more than one year. The permittee will control the tamarisk on site and any other invasive species.

Usable and non-useable material will be separated with the grizzly sorter and stockpiled onsite. Stockpile height will not exceed 15 feet, with slopes no greater than 2:1 (H: V). Useable material will be transported directly off-site. Waste material from crushing and separating will be returned to the pit and used for rehabilitation.

The areas shown on Map 2 are a general indication of the way the pit will be harvested. As mining proceeds, the existing sediment basin in the northeast corner of the disturbed area will be deepened and kept operable to meet LADWP’s needs. Caltrans will work with LADWP on diversion channel uses. The basin will be no more than 25' deeper than the existing topography and graded so that it will collect drainage from the southern portion of the site. Slopes will be no greater than 2:1 (H:V).

Best available control technology, such as maintaining a moist aggregate surface will be used to suppress extraction, processing, and hauling dust sources. The entire extraction and processing operation will be required to comply with Air Pollution Control District regulations, and operate under a permit from the District. The operator will meet all Great Basin Unified Air Pollution Control District (GBUAPCD) requirements for CO and NOx emissions. Should operations exceed these levels or make a hazard or nuisance, the operation will be shut down until corrective actions are taken.

As required by Lahontan Regional Water Quality Control Board (LRWQCB), all storage containers for lubricants, fuel, etc. will have secondary containment structures underneath them with the capacity of the primary container. Berms or ditches will be built around the storage/containment areas to divert the water flows away from those areas. Caltrans will be responsible for disposing of all debris or obnoxious materials in accordance with State and Federal regulations. No obnoxious materials shall be disposed of at the materials site.

A well, capable of providing 20,000 gallons of water per day, may be drilled at the northwest corner of the operation where the depth to ground water is between 35' and 200’. The well will be constructed according to State of California Dept. of Water Resources standards and Inyo County

Water Department requirements. Drinking water will be trucked to the site from Independence to provide safe drinking water for site employees.

Water produced by the operation will be collected in the sedimentation basin and reused or allowed to evaporate or infiltrate. Wastewater will not have any additives or chemicals added to it.

During operations, portable chemical toilets will be brought to the site and maintained on a regular schedule by a commercial vendor.

Electricity needed to run the well pump will be provided by a portable generator or by a temporary service line from the existing power line near the site.

The hours of operation for most operations at the site will be 5:00 am to 8:00 pm and up to six days a week. No access routes will be gated or locked, except with the written permission of the BLM Authorized Officer.

Reclamation of the pit will be conducted at the end of the 5-year period (or sooner if the material is removed sooner) and during extended periods of intermittent shutdowns.

Reclamation will include slope re-contouring and stabilization, construction of drainage channels top soiling and seeding of native vegetation. The entire disturbed site shall be re-contoured to the appropriate contour as determined in the SMARA plan. Stockpiled soil will be spread on the site. The site shall be reseeded (native vegetation) with a seed mixture, rate and method as specified by the BLM Authorized Officer. Reclamation shall proceed incrementally so as to rehabilitate those areas not to be disturbed again within the next five years.

A Surface Mining and Reclamation Plan (SMARA Plan) has been prepared by Caltrans in consultation with BLM and Inyo County, and reviewed and approved by Inyo County in September 2006. The SMARA Plan is in conformance with the state and local regulations.

Caltrans will be responsible for all fire suppression costs resulting from their operations and practices. All motorized equipment shall have state and federally approved spark arresters. Inspections of this equipment may be conducted at any time.

Mining operations may include the use of a large backhoe, excavator, loaders, haul trucks, and processing using a grizzly. Excavation activities will typically generate estimated noise levels of 75 and 80 dB at a distance of 50 feet with noise control devices for excavators and loaders.

It is estimated that haul trucks will make up to 200 round-trips per day for: hauling of aggregate resources to road construction locations, hauling excavated material to crushing and separating plants, and hauling waste material from crushing and separating operations back to the pit.

The following general stipulations are part of the existing easement and material site operations.

1. Permittee is responsible for disposing of all debris, fluids or toxic materials in accordance with State and Federal regulations. This aspect will be incorporated into the SWPPP.
2. No toxic materials or fluids shall be disposed of at the material site. This aspect will be incorporated into the SWPPP.

3. It is the responsibility of the permittee to stay within the existing disturbance of the project area. This aspect has been incorporated into the SMARA plan.
4. Warning signs shall be placed where appropriate during operational phases to minimize hazards to passing traffic.
5. Permittee is responsible for all suppression costs for any fire resulting from their operations.
6. All motorized equipment shall have state and federally approved spark arresters.
7. The entire disturbed site shall be re-contoured to the appropriate contour as determined in the SMARA plan. Stockpiled soil will be spread on the site. The site shall be reseeded (native vegetation) with a seed mixture, rate, and method as specified by the BLM.. Reclamation shall proceed incrementally so as to rehabilitate those areas not to be disturbed again within the next five years. This aspect has been incorporated into the SMARA plan.
8. No access routes will be gated or locked, except with the written permission of the BLM.
9. Dust will be kept to acceptable levels within the site at all times. Dust will not create a hazard by blowing across the highway, nor a visual nuisance outside of the site. Water and/or dust palliatives will be used to keep the dust low and within GBUAPCD's permit standards.
10. Access routes shall be planned for only the minimum width needed for operations and shall follow natural contours, where practical to minimize cut and fill and minimize visual impacts.
11. Monthly production reports will be required. The reports should include monthly totals and accumulated totals; and certified official scale weight slips should be available upon request.
12. The permittee shall provide to the Federal government, at no cost, an initial site survey, and yearly surveys, at a time determined by the BLM Authorized Officer, for the purpose of verifying production volume. The initial survey shall be done prior to production. Annual surveys will be conducted thereafter. The above surveys will be done by a state-licensed surveyor or by air photogrammetric method.
13. Should any historic or prehistoric artifactual remains or debitage be encountered during use of the material site, all operations will cease until consultation occurs with the BLM, and the BLM Authorized Officer authorizes the operation to continue.
14. During periods of non-operation, equipment will be stored in low areas on site to be less visible from off-site locales.
15. During extended periods of non-operation (more than 90 days), equipment and structures will be removed from the site.

A. 1 Environmental Impacts -- Alternative 1 – No action

The “No Action” Alternative 1 impacts are presented here as a basis for comparison of the other two alternatives. Caltrans can currently implement Alternative 1 under the existing easement held by Caltrans. The impacts stated below will take place when Caltrans begins use of the Independence material pit under their easement. The BLM EA CA-017-98-28 dated July 28, 1998 analyzed this proposal for the existing easement and documented the following impacts.

General

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 Federal or State listed or sensitive species. There are no known listed or sensitive species or habitats within the proposed action area.

There would be no impacts to prime farm lands, flood plains, wetlands, or riparian zones.

There would be no disproportionate impacts to low income or minority groups, per Executive Order 12898 (2/11/94).

Geology

No impact to geological resources, other than the additional removal of up to 550,000 cubic yards of granitic alluvial deposits.

Hydrology

The site would continue to be used as a water spreading and flood control area, protecting US 395 and the Independence airport from excessive storm flows draining down the Boron Springs Wash.

There would be no impacts to water quality (including ground or surface waters) since any storage containers for lubricants, fuel, etc would have containers underneath as required by Lahontan LRWQCB, and the areas would be protected by berms or ditches to divert surface flows away from those areas.

There would be minimal impacts to groundwater and nearby wells in Independence and Ft. Independence. The proposed well location is at least 1.0 mile from any known water well. Because the well would have periods of non-use, the impacts would be even less than a normal residential well.

Soils

No impact to soils. The proposed action area is within a 35-acre previously disturbed material site. The site does not have soil but parent material in the form of sand, gravel, cobbles and boulders. It is expected that the wasted fines when stockpiled prior to reclamation would require dust mitigation and may require erosion protection when used for slope reclamation. Both of the above would be addressed in the SMARA plan.

Vegetation

There would be short-term loss (6 years) of the sparse vegetation within the disturbed area of the pit, where vegetation has re-established itself. This vegetation would be replaced thorough natural re-vegetation and seeding after completion of the project and the site reclaimed. Vegetation reestablishment would take up to 5 years.

Invasive, non-native species

Tamarisk and any other invasive plant would be controlled over time in order to remove these species from the site. Risk of tamarisk and other non-native species spread is eliminated.

Wildlife

There would be no impacts to any unique or critical habitats. There would be some disruption of

habitat for some small mammals and reptiles.

There would be little impact to Tule elk, as they rarely, if ever, use the site for feeding or other activities. There would be little or no impacts to mule deer. Impacts to both elk and deer would be temporary displacement to the west during pit operations.

Due to the expanse of other similar habitats in the Owens Valley, no substantive impacts to migrant songbirds would be expected from this operation. Nor would there impacts to raptors.

Air Quality

Because the soil disturbance from materials processing, extraction, and hauling is a “fresh" disturbance, the major component of the resulting dust would be of large particle size greater than 10 microns), which settles out rapidly. During inactive periods, there would be little if any dust coming from the site due to the large particle size of the "fines" (size is #4x30, not dust). There could be some dust during an extreme wind event from equipment and haul trucks moving through the pit.. Water and/or dust palliatives would be used to keep the dust low.

During operations, dust would be confined to the site through measures required by the GBUAPCD. Similarly, visual air quality in the pit area would be affected less than 20% opacity by dust or plant emissions from any phase of the operation. Dust would not create a hazard by blowing across the highway, nor a visible nuisance outside the pit.

The action would not result in the emission of PM_{10}.

Noise

Pit operations consisting of excavating equipment, loaders, bulldozers, and a screening grizzly would generate noise. These activities would typically generate estimated noise levels of 75 and 80 dB at a distance of 50 feet with noise control devices for excavators and loaders. The noise exposure at a distance of 2,000 feet (there are no structures within 1 mile of the pit) would be reduced to approximately 60 dB, which is below most standards for noise sensitive land-uses. Noise generated from the concurrent reclamation activities (grading and re-vegetation) would not be perceivable against the noise generated by the mining activities.

The noise emissions would be most heavily concentrated within the mining area of the pit, and would be shielded from surrounding receptors by the pit walls and the existing berm on the southern edge of the pit. At 2000’ from the material site and with the equipment being placed below the current grade of the material site, the estimated level of sound would be within the range of 30dB to 40dB and considered “Faint.” Both the physical walls of the pit and the large distance to receivers (over 1 mile) would reduce the potential for noise impact from mining.

There would be no impacts to passing motorists or cyclists on Highway 395 due to the distance from the site and the noise created by normal traffic on that highway. Because of the noise attenuation over distance and the ambient noise levels within the local communities and along the highway, under normal conditions operations would cause no noise impacts to residents of the town of Independence, to visitors or residents along Oak Creek, or to residents of the Ft. Independence Reservation.

Under this alternative, off-site noise impacts would be created by placing any type of crushing, separating, or processing plant at a location near the highway project area. It is expected that these plants would be located within the Highway 395 ROW. Travelers on Hwy 395 would experience distinct and loud noise resulting from the plant operations and may distract anyone traveling along the highway corridor. The noise distraction may be a safety issue.

If located near the material pit entrance, these sounds would probably be heard at Independence, Ft. Independence, and Oak Creek. The sound would be a constant distant hum with dull sound peaks from rock dumping and equipment backup horns.

Visual Resources

For all KOPs except for KOP #3, the proposed pit excavation would not readily attract attention. A visual study was conducted with a orange pickup truck placed within the material site. The truck had a white pole attached with the pole top being 20 feet from the ground and had flashing lights. See Map #3 and Photos KOP 1 thru 4 titled "Existing".

At KOP #1 equipment less than 20 foot tall within the site would not be visible due to the existing pit berm at Boron Springs Wash and the natural topography between the town and the material site. See Photo KOP #1 Existing.

At KOP #2 along Hwy 395 the truck and the 20 foot pole was somewhat visible. Views along highway 395 at this location are directed either towards Ft Independence or towards Independence and not directly at the pit. See Photo KOP #2 Existing.

At KOP #3 southbound Hwy 395 traffic would have a direct view of the pit and any equipment working the shallow east side of the pit. This view would be temporary and would last about 5 seconds as the highway veers to the southeast and away from the pit. The traveler's attention would then focus on the lane changing from 4 lanes to 2 lanes and the background view of Independence. As the east portion of the pit deepens, equipment would not be visible from KOP #3. This deeping is expected to take place during the Blackrock 4-Lane project in 2007. Haul trucks moving on the pit access road would be visible. See Photo KOP #3 Existing.

At KOP #4, residents along Oak Creek Road as well as from the Mt. Whitney Fish Hatchery cannot see the material site whatsoever because between Oak Creek Road and the material site a naturally occurring alluvial fan acts as a natural berm that obstructs the view of the site in its current state, as well as when there would be equipment within the site. See Photo KOP #4 Existing.

Equipment working within the deepest portions of the pit would not be seen, although haul trucks moving on the access road would be seen. The existing pit is already at least 7 to 27 feet below the ground surface and the surrounding vegetation adds another 2 feet of screening around the pit. The natural topography screens the site from view. Excavation would continue to deepen the pit, especially within the eastern portion, assuring that equipment would not be visible. During periods of non-operation, equipment would be storied within the pit and out of sight.

Due to the existing depth of the pit, mining operations would be partially visible or not visible at all. The existing character of the landscape is retained since the pit would not be enlarged just deepen.

Views along highway 395 are directed either towards Ft Independence or towards Independence and not directly at the pit except for a brief time at KOP#3. The operation may attract attention but would not dominate the view of the casual observer. Any visual impacts from mining operations would be temporary in nature, due to the fact that mining activity would take place only when highway projects were under construction. The currently approved mineral material site easement and mining activity would meet VRM Class III standards.

Under this alternative, visual impacts from screening, crushing and asphalt batch plant operation would be located along the highway, within the state right-of-way. All the remaining processing would occur adjacent to the highway within the limits of each project. These plants would be highly noticeable and would distract anyone traveling along the highway corridor. The visual distraction may be a safety issue. If located near the material pit entrance, these plants would be visible from Independence, Ft. Independence, and Oak Creek. See Photo KOP #2 Highway Plant Simulation.

Cultural Resources

There are no impacts to cultural resources, or to Native American traditional life ways.

Environmental Justice

There would be no impact to the Ft. Independence Indian Reservation, except as stated below.

There would be visual impacts from screening, crushing and asphalt batch plant operations located along the highway and within the state right-of-way. If located near the material pit entrance, these plants would be visible from Ft. Independence and may interrupt traffic entering or exiting the reservation. See Photo KOP #2 Highway Plant Simulation.

In addition, noise emanating from the plants would probably be heard at Ft. Independence. The sound would be a constant distant hum with dull sound peaks from rock dumping and equipment backup horns.

Public Health and Safety

During operational phases, transportation of aggregate resources to road construction locations, as well as, hauling excavated material to crushing and separating plants would increase traffic on US 395. It is estimated that during removal operations, haul trucks would make up to 200 round-trips per day. Transportation during concurrent reclamation activities would not add appreciably to the mining effects.

It is estimated that at peak operations approximately 200 truck trips per day would originate at the material site. An analysis by Caltrans has determined that the impact of this to the traffic on Highway 395 would be negligible and would not affect public safety. However, all material would have to be trucked off-site for processing and the unusable waste would have to be returned to the material site increasing the truck traffic by 30%.

The pit configuration, 25 to 50 feet deep with 3:1 side slopes would not pose a hazard to the public. There is potential for damage to vehicles on US 395 due to gravel falling off of haul vehicles. This is a recognized problem for any road construction project no matter where the pit is located. If cars

follow too closely, gravel could chip or break windshield or chip paint. There could also be some loose gravel along the edges of the road.

Although diesel equipment would be operating in the pit, the exhaust gases would not be of sufficient quantity to be smelled in Independence, Ft. Independence, or at Oak Creek residential area.

There would be visual impacts from screening, crushing and asphalt batch plant operations located along the highway and within the state right-of-way. All of the processing would occur adjacent to the highway within the limits of each project. These plants would be highly noticeable and would distract anyone traveling along the highway corridor. In addition, noise from processing operations located along the highway may distract anyone traveling along the highway corridor.

Over the long term, the use of the pit's mineral material would allow for completion of up to 3 Caltrans highway 4 lane projects. These highway upgrades would contribute to improved safety on Hwy 395, as well as, improve the experience and enjoyment of the traveling public.

Nearby Land Development

There would be no impacts to nearby land development under this alternative, except as follows. Under this alternative, screening, crushing and asphalt batch plant operation would be located along the highway, within the state right-of-way. If located near the material pit entrance, these plants would be visible from Oak Creek residences and Ft. Independence and may interrupt traffic entering or exiting Fish Hatchery road and Ft. Independence reservation. See Photo KOP #2 Highway Plant Simulation.

Mineral materials

No impact to mineral material resources, other than the additional removal of up to 550,000 cubic yards of granitic alluvial deposits. The disturbed area of the pit has a reserve capacity of 1.2 million cubic yards. The material is of the proper size and type to be useable, with crushing and sorting, for highway construction and maintenance projects.

Realty and Lands

No impact to realty or lands. The material pit is already authorized for mineral extraction under a Federal Highway Act easement deed.

Socio-Economics

Under this alternative, the cost for each Highway 395 4-lane project which utilizes the pit would increase substantially. Processing plants would be located outside of the pit and probably located within the Hwy 395 ROW. Unprocessed mineral material would be hauled to these off-site plants, stockpiled, reloaded for processing, and reloaded for transport. All waste material would be reloaded and returned to the pit. It is estimated that the additional hauling and material handling costs would increase the highway projects costs by 2 to 5 million dollars.

The operation would not impact the scenic highway designation. It is outside the designation area.

B. Alternative 2 -- Modified alternative

Under this alternative, the existing easement would be amended for up to 10 years of use and processing plants could be sited within the pit. Processing and mining operations may have extended periods of intermittent shutdowns.

Processing operations may include screening plants, asphalt batch plants, a concrete batch plant, and additional equipment. Mining operations could include the use of a bulldozers, front-end loaders, belly dump trucks, bobtail dump trucks, maintenance trucks, and haul trucks. Processing activities would be moved onto the site when a Caltrans construction project begins, and removed upon completion. No permanent buildings or equipment would be constructed or left on site. Depending on contract overlap, multiple plants could be on the site for a 9 month period if projects overlap.

A typical crushing plant could have a height of 30 feet to 40 feet, depending upon the size of the stockpile conveyors. Typical crushing plant equipment has a fairly low profile and would be about 20' in height, with only the tip of the conveyors reaching a height of 40'.

Material stockpiles would initially be placed in the southeastern portion of the disturbed areas of the site as shown on Map 1. Stockpile locations may change during mining. The areas shown on the mining plans are for a general indication of the way the pit would be harvested. Stockpile height would not exceed 30 feet, with slopes no greater than the nature angle of repose. Useable material would be transferred to the batch plants where mixing would occur, or transported directly off-site. Fine-grained, non-useable material would be saved for re-soiling during reclamation.

A typical hot plant for asphalt batching has a height of about 25 feet, except for the surge hopper and slat conveyor to feed the hopper. The hopper and conveyor could be 50 feet to 70 feet in height.

The entire extraction and processing operation would be required to comply with Great Basin Air Pollution Control District (GBUAPCD) regulations, and operate under permit from the District.

Batch plants would be run in accordance with GBUAPCD regulations and under permit from the District. Emissions from the batch plant(s) would be controlled by a bag house and water sprays; and the emissions would be source tested to ensure that they are within federal emissions standards.

Best available control technology, such as maintaining moist aggregate surface and bag houses on the crusher, would be used to suppress extraction, processing, and hauling dust sources.

An addendum to the existing Surface Mining and Reclamation Act (SMARA) Plan would be prepared by Caltrans, and reviewed and approved by Inyo County and BLM staff. The SMARA Plan would be in conformance with the state and local regulations as specified in 43 CFR 3600.

An asphalt plant and an extraction operation would each employ 1 to 3 people, while a crushing plant would employ 5 to 6 people. This aspect would be incorporated into the SMARA plan.

LADWP would remove the diversion in Boron Springs wash and utilize other channels for flood control and water spreading until the highway projects are completed. Upon project completion, the

pit can be then used for flood control and water spreading if needed.

Reclamation of the pit would be conducted at the end of the mineral sale period (or sooner if the needed material has been removed) and during extended periods of intermittent shutdowns. Reclamation would include slope re-contouring and stabilization, construction of drainage channels, top soiling and seeding of native vegetation. This would be incorporated into the SMARA plan.

B.2 Environmental Impacts -- Alternative 2-- Modified

Under this alternative, see impacts under Alternative 1 (No Action) for the following resources: General, Geology, Soils, T & E Species and Sensitive Plant Species, Invasive, Non-native species, Wildlife, T & E Species and Sensitive Wildlife Species, Cultural, and Minerals.

Hydrology

The rock check-dam built across the ephemeral Boron Springs Wash, which direct part of the flow into the existing gravel pit, would be removed. There would be a loss of flood storage and water spreading in the pit until 2016. LADWP would utilize other channels for flood control and water spreading until the highway projects are completed. The 4-lane highway redesign would improve drainage and runoff flows under the highway. It is possible that runoff flows could be diverted into the pit and water spreading continued during times when pit operations are idle, equipment has been removed, and pit use is between projects and not needed.

Vegetation

There would be a additional 5 year short-term loss of the sparse vegetation within the disturbed area of the pit, where vegetation has re-established itself. This vegetation would be replaced thorough natural re-vegetation and seeding after completion of the project and the site reclaimed. Vegetation reestablishment would take up to 5 years.

Air Quality

During operations, dust would be confined to the site through measures required by the GBUAPCD. Similarly, visual air quality in the pit area would be affected less than 20% opacity by dust or plant emissions from any phase of the operation. Water and/or dust palliatives would be used to keep the dust low.

Extraction and processing would also cause some vehicular and batch plant emissions and some suspended dust within the pit. Because the soil disturbance from the extraction, processing and hauling would be a "fresh" disturbance, the major component of the resulting dust would be of large particle size (greater than 10 microns), which settles out rapidly.

During inactive periods, there would be little if any dust coming from the site due to the large particle size of the "fines" (size is #4x30, not dust). There could be some dust during an extreme wind event.

The action would not result in the emission of PM_{10}.

Noise

Mineral resource extraction, hauling, screening, loading and material processing by batch plants would create noise. The greatest noise emissions would be concentrated within the processing area of the pit which is already 7 feet to 27 feet below grade The noise emissions would be somewhat contained or reduced by the below grade pit and the resulting pit walls. As material is removed from the pit and the pit floor is lowered, noise emissions from the pit would decrease over time.

Typical noise levels of a rock plant are around 72-75 dB at 400 feet. Earth-moving activities would typically generate noise levels of 75-80 dB at a distance of 50 feet with noise abatement devices for dozers and scrapers. The combined noise level at a distance of 2,000 feet from the material site and with the equipment being placed below the current grade of the material site, the estimated level of sound would be within the range of 30dB to 40dB and considered "Faint".

In order to obtain a real world observation of a crushing and separation plant noise emissions, a hearing test was conducted at an operating plant. The plant had 15 foot stockpile berms around it, but was open on one side. Two locations were used for the test. At 0.5 miles from the plant and with the existing berms as a barrier, the noise amounted to a faint hum and was almost not discernable although the backup horn on a loader could be faintly heard. At 0.5 miles from the plant and without a berm, the noise could be recognized as a distant hum. It is expected that the below grade pit and associated walls will act similar to the plant with a large berm.

There would be no impacts to passing motorists or cyclists on Highway 395 due to the distance from the site and the noise created by normal traffic on that highway. Because of the noise attenuation over distance and the ambient noise levels within the local communities and along the highway, under normal conditions operations would cause no noise impacts to residents of the town of Independence, to visitors or residents along Oak Creek, or to residents of the Ft. Independence Reservation. These communities are at least 1 mile from the pit.

Visual Resources

Under this alternative, processing plants would be located within the material pit. These plants would range from crushing and separating plants (rock plants) to concrete and asphalt batch plants. In general, the rock plants would be slightly lower in height but occupy more ground than the batch plants. The rock plants with their various conveyors systems would tend to be more open looking rather than the batch plants which would have a compact and blocky appearance. The batch plants also would have a large cylindrical tower (silo) extending above the equipment. There are no standard colors for either rock or batch plants but color would be visually important for the batch plants due to the continuous and blocky form of the plant. No matter what measures are taken to screen the pit, these plants located within the pit would be visible at all KOPs in the near term.

A rock plant, located in the middle of the site, would likely extend 10 feet to 12 feet above the ground surface. A 50 foot asphalt plant hopper and conveyor would extend about 18 feet to 20 feet above the ground surface; and double that height if the hopper were 70 feet tall. Equipment working within the pit such as the bulldozer, loaders and haul trucks may be visible within the eastern portion of the pit. The visual simulation uses a typical concrete batch plant.

For KOP #1 the plants would not dominate the existing landscape. The distance to the pit would be

0.5 miles, and at this distance the plant would appear small. Although there is a vertical feature to the plant, it's impact would not be striking due to the long distance from the viewer. The color is a mustard tan which would match the vegetation color. The plant's surface texture would tend to mimic the vegetation at that distance. Motorists on Hwy 395 traveling northbound would tend to follow the 2 lane highway and focus on the distant Ft. Independence community. At this KOP the pit would meet VRM Class III rating. See Photo #1 Plant Simulation.

For KOP #2 the plants would more noticeable due to the close proximity to Hwy 395. There is a vertical feature to the plant that would tend to match the peaks in the mountainous background reducing some visual contrast of form and line. The angular and blocky character of the plant would be similar to the drainage angles and blocky slopes in the Sierra Nevada background. The color is a mustard tan which would contrast to the much darker shade of the Sierra Nevada east slope, although, the lower portion of the plant would tend to match the color of the surrounding vegetation. The plant's surface texture would tend to mimic the vegetation in the foreground but would contrast with the smoother texture of the mid-ground and background. Motorists on Hwy 395 traveling northbound would tend to visually follow the 2 lane highway and focus on the distant Ft. Independence community. Those individuals traveling southbound would focus on the highway changing from 4 to 2 lanes. Although not in the direct line of sight but situated laterally to the highway, the plant would dominate the landscape to the casual observer. At this KOP the plant would not meet VRM Class III rating. See Photo #2 Plant Simulation.

For KOP #3 the plants would be very noticeable due to the direct line of sight of motorists from Hwy 395. The vertical feature of the plant would be slightly similar to the peaks in the mountainous background. The angular and blocky character of the plant would be slightly similar to the drainage angles and blocky slopes in the Alabama Hills background. The color is a mustard tan which would contrast to the much darker shade of the Alabama Hills north slope, although the lower portion of the plant would tend to match the color of the surrounding vegetation. The plant's surface texture would tend to mimic the vegetation in the foreground and mid-ground but would contrast with the smoother texture of the background. Motorists on Hwy 395 traveling southbound would focus on the highway changing from 4 to 2 lanes. The plant would be in the direct line of sight for about 5 seconds, at which time, the viewer's attention shifts away from the pit as the highway turns to the southeast. The plant would dominate the landscape to the casual observer for 5 seconds. At this KOP, the plant would not meet VRM Class III rating. See Photo #3 Plant Simulation.

For KOP #4 the plants would not dominate the existing landscape. The distance to the pit would be 1.2 miles, and at this distance the plant would appear small. The vertical feature of the plant would be similar to the trees in Independence located in the mid-ground. The color is a mustard tan which would contrast with the trees in the mid-ground. Plant texture would tend to mimic the distant vegetation. It is expected that due to the lower elevation at the Oak Creek residential area and the 20 foot high ridge between the pit and Fish Hatchery road, Oak Creek residents would not be able to see the plant. At this KOP the pit would meet VRM Class III rating. See Photo #4 Plant Simulation.

Plants located within the material site would be visible from all KOPs. Multiple plants would also contribute to the visual impacts if located adjacent to each other. The distance from the highway to the material site and the lowering of the material site as mining progresses would begin to reduce the appearance of plants during periods of operation. Plants would only be in the pit during construction periods of the planned four-lane projects and would be removed once complete, therefore any visual intrusions would be temporary. See Graph #1/Figure 1 Visual Schematic for visual heights.

Environmental Justice

Under this alternative, there would be visual impacts from screening, crushing and asphalt batch plant operations located within the material pit. These plants would be noticeable and would be visible from Ft. Independence. The disruption of traffic flow entering and exiting the reservation would be reduced. Although the processing plants would be visible from the reservation and there may be some traffic problems, the impacts are not expected to disrupt the community. See Photo KOP #2 Plant Simulation.

Public Health and Safety

The use of the material site, under this alternative, would actually reduce the number of truck trips generated, when compared with the use of this site under the existing easement (Alternative 1-No Action). Truck traffic would consist of hauling usable material (fill) and processed material (asphalt or concrete) out of the material site rather than trucking all unprocessed material out and returning about 30% waste to the pit site after processing within the Caltrans Project limits. All other impacts are similar to Alternative 1 (No Action).

Observable air quality impacts and unacceptable odors from processing plants derive from uncontrolled processing operations, poor handling procedures where warm material is spilled during batching and loading operations, and from inadequate emissions controls for asphalt plants. The technology to run an asphalt plant with minimal air quality impacts currently exists. Asphalt batch plants heat a petroleum product as a binder medium, and then dry the aggregate mixture in a rotary dryer. Poorly operated plants may emit excessive amounts of odorous organic material, which condenses in the atmosphere to form a gray haze. It is expected that the processing plants would be efficient and meet state standards and SMARA conditions imposed for dust, air quality, and odors.

Placing the processing plants within the pit and not along the highway would reduce or eliminate the visual and noise impacts that might distract someone traveling along the highway corridor

Over the long term, the use of the pit's mineral material would allow for completion of up to 3 Caltrans highway 4 lane projects. These highway upgrades would contribute to improved safety on Hwy 395, as well as, improve the experience and enjoyment of the traveling public.

Nearby Land Developments

See impacts under Noise, Visual, and Public Health and Safety

Realty and Lands

Under this alternative, the existing highway easement deed would be amended for up to 10 years with an expiration date of 2016 and would allow for processing operations and plants.

Socio-Economics

Under this alternative, the cost for each Highway 395 4-lane project which utilizes the pit would decrease substantially. Processing plants would be located within the pit resulting in efficient material handling and reduced material hauling. It is estimated that the reduced hauling and material handling costs would decrease the highway projects' costs by 2 to 5 million dollars.

B. 2 Mitigation – Alternative 2 -- Modified

1. Paint areas of the plant structure dull dark olive green that are above pit grade and have large blocky, flat, or rounded surfaces.
2. Locate plants in the lowest portion of the pit.
3. Begin material excavation in areas where plants are to be located, thereby, lowering the pit floor and the processing plants.
4. Utilize olive green or dark netting if possible to screen non-moveable equipment or processing plants if such are visible above the pit surface grade.
5. Separate multiple plants within the pit to avoid a clustering visual effect.

B. 2 Residual Impacts – Alternative 2 -- Modified

It is expected that the use of all the mitigations would bring the visual impacts within VRM Class III standards. Although the plants may be visible, they would not dominate the landscape and would moderate the color contrasts of the upper portions of the batch plants.

Implementation of the mitigation would increase the costs of the operation. Processing plants are not easily moveable once set up, so moving a plant within the pit would require breakdown and reassembly. Plant relocation may conflict with pit operations or schedules. Plant separation may not be feasible due to the limited size of the pit. Netting may present a safety hazard for certain types of equipment.

C. Alternative 3 – Caltrans Preferred Alternative

Under this alternative, the existing easement would be amended as described in Alternative 2 and the amount of mineral material extracted would be increased by 650,000 cubic yards to a total of 1.2 million cubic yards.

All actions taken under this alternative would be essentially the same as those described under Alternative 2. There would be no additional disturbance to the pit outside perimeter other than increasing the pit's depth up to the 50 foot base level.

C. 3 Environmental Impacts --Alternative 3 -- Preferred

Impacts under this alternative, impacts would be the same as those under Alternative 2 except for Noise, Visual, Minerals, and Realty and Lands.

Noise

It is expected that noise from the pit operations would drop over time. The deeping of the pit and the location of equipment and plants within the lowering pit would continue to reduce noise emissions from the pit.

Visual Resources

The visual aspects would improve over those in Alternative 2 due to the increased depth of the pit. It is expected that the majority of the equipment utilized in the mining operation and any processing plants would no longer be seen due to pit depth. The plants may be seen from Hwy 395 directly east

of the pit due to the upper 20' of a plant projecting above the pit's eastern edge. See Graph #1/Figure 1 Visual Schematic for another representation of the visual impacts.

Minerals

Under this alternative, up to 1.2 million cubic yards of mineral material would be removed from the 35 acre site. This removal would exhaust the available material in the disturbed area of the pit. The pit floor would potentially be lowered to 50 feet below the existing surface grade. Slopes would be contoured per the approved SMARA plan.

Realty and Lands

Under this alternative, the federal highway easement would be amended to allow for removal of up to 1.2 million cubic yards of mineral material.

C. 3 Mitigation and Residual Impacts – Alternative 3 -- Preferred

See Mitigation and Residual Impact under Alternative 2.

VIII. Cumulative Impacts: All Alternatives

Cumulative impacts from similar actions (past, present, and future)

There has been and will continue to be a need for mineral materials in the Owens Valley due to highway construction, highway maintenance, and commercial and residential construction. This need for mineral materials will not likely decrease, but increase over time.

The Owens Valley has developed some 34 material pits for road construction in the past 25 years with 26 being successfully mined and rehabilitated. The remaining 8 pits continue to be used for present maintenance. These 8 pits are located in the northern and southern portions of the Owens Valley, with few pits in the center. Future road projects in the next 10-20 years include the Blackrock Four Lane Project, the Independence/Manzanar Four Lane Project, and the Olancha/Cartago Four Lane Project as well as other highway projects will necessitate the addition of more material sites or material including this proposal. In general, the future pits would be operable for 5 to 10 year cycles.

The past, present, and future operations related to material pit development has had and will have a cumulative effect of creating a safer highway system in the Owens Valley. The widening and construction of improved roadways in the region particularly Highway 395 has created, continues to provide, and seeks to expand a safe transportation system for millions of motorists who drive the highway annually. Past, present and future widening is expected to reduce accidents and continue to facilitate tourism access into the Owens Valley.

Overall, past, present and future material needs and pit development would continue to create impacts in isolated and scattered areas of the Owens Valley (identify where if possible) related to some habitat fragmentation, some airborne dust activity, potential visual contrasts, possible noise, increased highway traffic, etc. The nature of material pit development and federal, state, and local regulations would keep impacts to small, phased, and isolated levels throughout their 5-10 year life when the material pits are rehabilitated as per relevant statutory requirements. Additionally, the Owens Valley is largely undeveloped with most developments such as communities, major roads, services, etc.

concentrated at the valley bottom. As a result, the cumulative impacts that have occurred and been rehabilitated as well as the proposed action and future pit development impacts would be scattered, phased and incremental. These cumulative impacts would not affect the environment significantly in either the short (5 – 10 years) or the long term (over 10 years).

IX. Implementation Monitoring

Caltrans and the BLM will verify that the action and any required mitigation have been completed as described.

X. Effectiveness Monitoring

Pit use will be governed by SMARA (Inyo County Planning), SWPPP (Environmental Protection Agency), Lahontan Regional Water Quality Control Board, Great Basin Unified Air Pollution Control District, Caltrans, and the BLM. These agencies would either issue permits for the uses or have a jurisdictional authority over certain aspects of the pit operation.

XI. Public Involvement

A request for public comment on the Caltrans proposal was sent to 52 interested publics. A notice was also published twice in the Inyo Register (11-11-06 and 12-2-06). The comment period ran from November 11 to December 11, 2006. Four comments were received. One comment wanted to know if there would be private use of the material. The remaining comments were; a request that a public meeting be held on the proposal and that the comment period be extended until after a public meeting was conducted.

On January 9, 2007, Caltrans presented the proposal to the Inyo County Board of Supervisors. The Board members asked a number of questions on the proposal, indicated that there was a concern about impacts to Oak Creek residents, and requested a public meeting. An Oak Creek property owner also voiced concerns about visual, noise, odor, other available sites for the use, and requested a better description of the environmental impacts. The property owner thought that another area should be used for the material and the Caltrans proposal and said that a previous plant operation (1982) in the pit was an eyesore. The property owner said that there were 25 Oak Creek homeowners. An article was published in the Inyo Register on January 23, 2007 discussing the Caltrans presentation to the Board of Supervisors.

The environmental assessment (EA) was sent out for public review on February 8, 2007 to government agencies and interested publics of record with a 30-day comment period. The EA was posted on the Caltrans and BLM Bishop Field Office websites and was placed in the Lone Pine, Independence, Big Pine, and Bishop public libraries. The availability of the EA, request for comments, and notice of public comment meeting was published in the Inyo Register on February 13, 2007. The notice for a public comment meeting was again published in the Inyo Register on February 27, 2007. The final notice for comments was published in the Inyo Register on March 3, 2007. The EA 30-day comment period ran from February 8 to March 10, 2007.

A public meeting was conducted in the Independence Legion Hall at 6:30 P.M. on February 28, 2007. The meeting provided; a review of the Caltrans proposal for amending the Independence Pit 118 use, a question and answer period, and an opportunity to receive comments on the EA. There were 10

people in attendance. The issues raised during the meeting were; visual, dust, noise, odor, safety of trucks entering Hwy 395, potential impacts to an Oak Creek residential water well, compliance to SMARA and procedures, uses of the pit by private contractors, uses of the pit other than for the highway 4- land projects, and the recognized need for the Hwy 395 4-lane projects.

Twelve written comments have been received concerning the proposed change of use for the Independence mineral material pit. Nine comments were supportive of the change of use so that the pit could be used for the upcoming Hwy 395 4-lane projects citing; improved safety of the highway, cost savings, the temporary use of the pit, and it is an existing material pit.

One comment stated that the impact for Hydrology under Alternative 2 and 3 was incorrect based on the proposed action for those alternatives. This has been reviewed and the impact analysis has been changed to show that there would be a loss of flood storage and water spreading in the pit and that LADWP would utilize other channels for flood control and water spreading.

A verbal comment was documented at the public meeting concerning the impact of the proposed water well on a well in the Oak Creek residential area. The proposed material pit water well would be 1.25 miles from the residential well and located lower on the alluvial fan than the residence. The unconfined water table at the site is between 35 feet to 120 feet. The proposed well would be used only when the pit is in operation resulting in periods of non-use and aquifer recharge. The EA has stated that the proposed well would not impact water wells in the Independence, Ft. Independence, and Oak Creek areas based on the 1.0+ mile separation from the proposed well and the nearest known well. In addition, the Oak Creek residents are immediately adjacent to Oak Creek which is a continuous water supply that is recharging the aquifer underlying the residential area. No changes to the EA were made as a result of this comment.

Another commenter stated general support of the Caltrans proposal but was concerned that the project be held to the same requirements and standards that a private company would be held to unless otherwise exempt from those requirements. The commenter requested information on the following; would the pit be used for other material uses other than the highway projects, would the pit be used by other agencies or private parties, would another EA be prepared for this type of change, does the EA meet the 1992 SMARA Memorandum of Understanding (MOU) between the State, USFS and BLM and does it meet California Environmental Quality Act (CEQA), why was an EA and not an environmental impact statement (EIS) prepared, will the existing approved SMARA plan be amended, and will there be public review and comment for that amendment. A detailed response was sent to this commenter.

Response to Comment: As stated in the EA the material pit will only be used for the Caltrans highway projects. Caltrans has no plans to allow other agencies or private parties to use the pit. If Caltrans wanted to allow this, the easement would have to be amended and another EA would have to be prepared. The EA does meet the 1992 MOU. The MOU allows for the use of a National Environmental Policy Act (NEPA) environmental document when the permitting agency is federal and the lead agency can accept the NEPA analysis as if it were a CEQA document. In this case the permitting agency is the BLM and the lead agency is the Inyo County Planning department. The EA is being used to analyze the potential impacts of the proposed action and alternatives. Once completed, the Decision for the EA will include a determination as to whether an EIS is required. This determination is called a “Finding of No Significant Impact (FONSI). As stated in the EA, the existing SMARA plan will be amended in order to change the plan of operation. There would be

public review and comment during the Inyo County Planning Commission process for the SMARA plan amendment. The commenter has not brought forth any new information, shown that the EA is lacking in analysis, or shown an error in data, analysis, or conclusions. No changes were made to the EA as a result of these comments.

A commenter wrote indicating that they were strongly opposed to the project. The concerns raised were; that the EIS should have been done in conjunction with the Independence 4-lane project, that CEQA demands that impacts be disclosed and mitigated, that the highway construction combined with the pit operation would raise noise to unacceptable levels above 60 dB, whether bird migration would be affected, would dust particles be blown into Independence, have other sites been proposed to mitigate the dust problem, would Independence residents be harmed by PM10 emissions from the pit, wind pattern assumptions in the EA are incorrect and can not be predicted, are there any dust monitoring controls in place, what has GBUAPCD said about the project, is it possible that the dust controls cited in the EA will work, and the impact of dust on Inyo county resident's health. A detailed response was sent to this commenter.

Response to Comment: This proposal is being analyzed with an EA not an EIS. The EA is being used to analyze the potential impacts of the proposed action and alternatives. Once completed, the Decision for the EA will include a determination as to whether an EIS is required. This determination is called a "Finding of No Significant Impact (FONSI). At the time of the Independence 4-lane project analysis, all mineral material, asphalt, and concrete would be supplied by contractors bidding on the separate highway projects. It was unknown where and how these contractors would obtain the materials for the highway. At this time, the proposed use of the pit is considered to be a federal and separate action from the highway project. This is a proposed action on federal land, and therefore, NEPA is used for the environmental analysis rather than CEQA. This EA identifies the affected environment, the potential impacts to that environment, and proposed mitigation to those impacts. Concerning wind patterns, the EA states that prevailing wind direction is from the northwest which causes storms to blow towards the south and east, but some storms blow from the south. Regardless of wind direction, the dust mitigation that will be used will minimize dust emissions. The EA discusses noise, bird migration, dust, PM10 emissions, wind patterns, dust abatement, alternative pit sites, and GBUAPCD permits. The commenter has not brought forth any new information, shown that the EA is lacking in analysis, or shown an error in data, analysis, or conclusions. No changes were made to the EA as a result of these comments.

XII. References

Bureau of Land Management (BLM). 1983. Soil Inventory of Benton-Owens Valley Area, Inyo and Mono Counties. BLM, Bishop, CA.

Bureau of Land Management (BLM). 1991. Bishop Resource Management Plan and Environmental Impact Statement (Final EIS). BLM, Bishop, CA.

California Department of Fish and Game (CDFG). 1986. Owens Valley Tule Elk Habitat Management Plan.

Hollett, K.J., W.R. Danskin, W.F. McCafferey, and C. Walti. 1991. Geology and Water Resources of the Owens Valley, CA. U.S. Geological Survey Water Supply Paper 2370, Chapter B.

XIII. Persons and Agencies Consulted, or Supplying Technical Information or Comments as per the previous BLM EA CA-017-98-28 dated July 28, 1998:

Gene Coufal	L.A. Dept. of Water & Power
Mark Heckman	California Dept. of Transportation
Tom Hallenbeck	California Dept. of Transportation
Brad Mettam	California Dept. of Transportation
Jeremy Milos	California Dept. of Transportation
Jay Eliason	Owens Valley Indian Water Commission
Adena Fansler	Inyo County Planning Dept.
Douglas Garcia	Bureau of Indian Affairs
Randy Jackson	Inyo County Water Dept.
Mark Keisler	Great Basin Air Pollution Control District
Jefferson Lines	Desert Aggregate
Andy Zdon	TEAM Engineering and Management Consultants

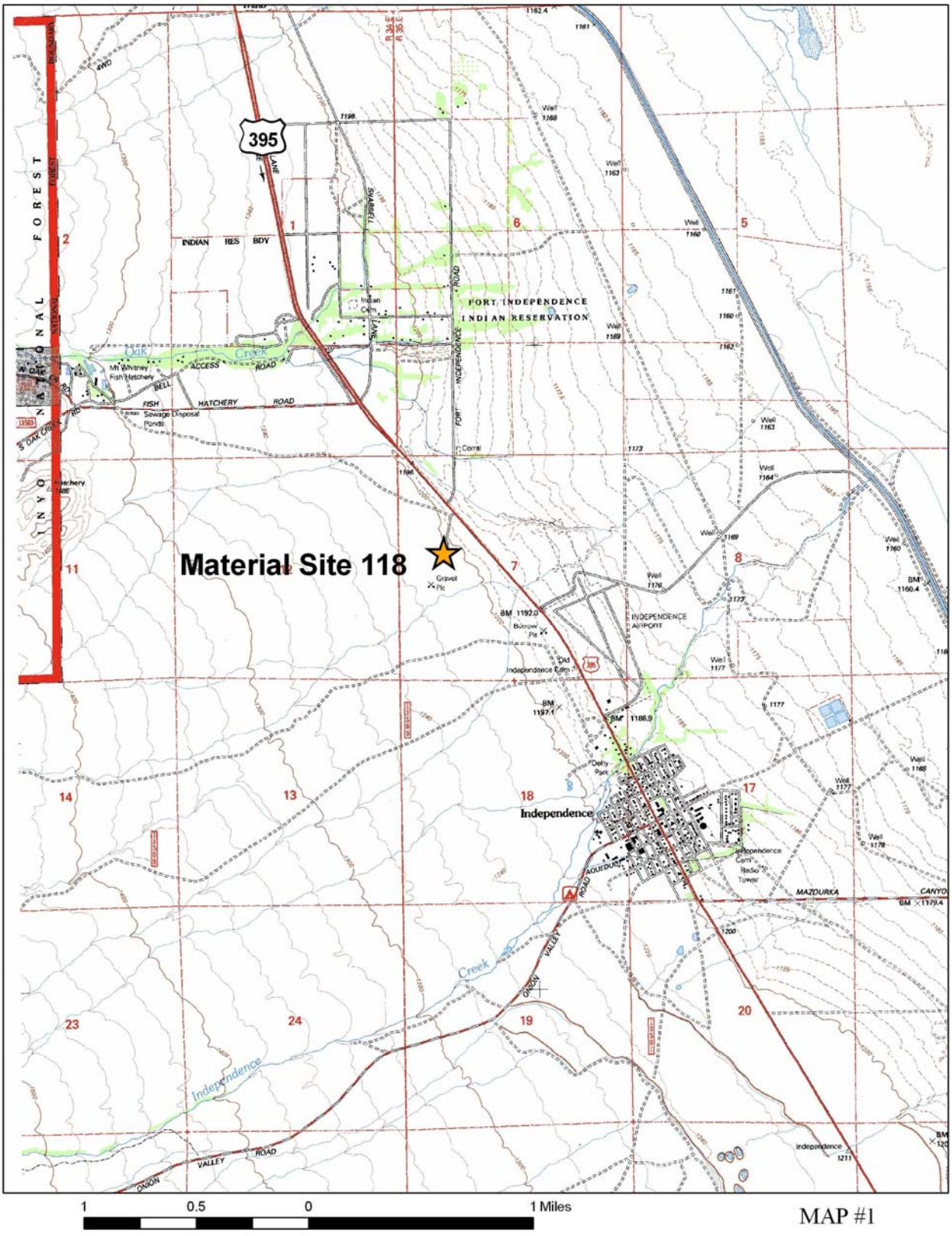
XIV. Preparer(s) (analysis, review, recommendations) as per the previous BLM EA CA-017-98-28 dated July 28, 1998:

Bill Dunkelberger	BLM Field Manager
Joy Fatooh	BLM Wildlife Biologist
Anne Halford	BLM Botanist
Kirk Halford	BLM Archeologist
James Jennings	BLM Outdoor Recreation Planner
Steve Nelson	BLM GIS Coordinator/Wildlife Biologist
Joseph Pollini	BLM Supervisory Resource Management Specialist
Larry Primosch	BLM Realty Specialist
Terry Russi	BLM Supervisory Wildlife Biologist
Cheryl Seath	BLM Geologist

Signed by Joseph Pollini March 29, 2007

Reviewed By:_____ **Date:** _____

Environmental Coordinator


Material Site 118
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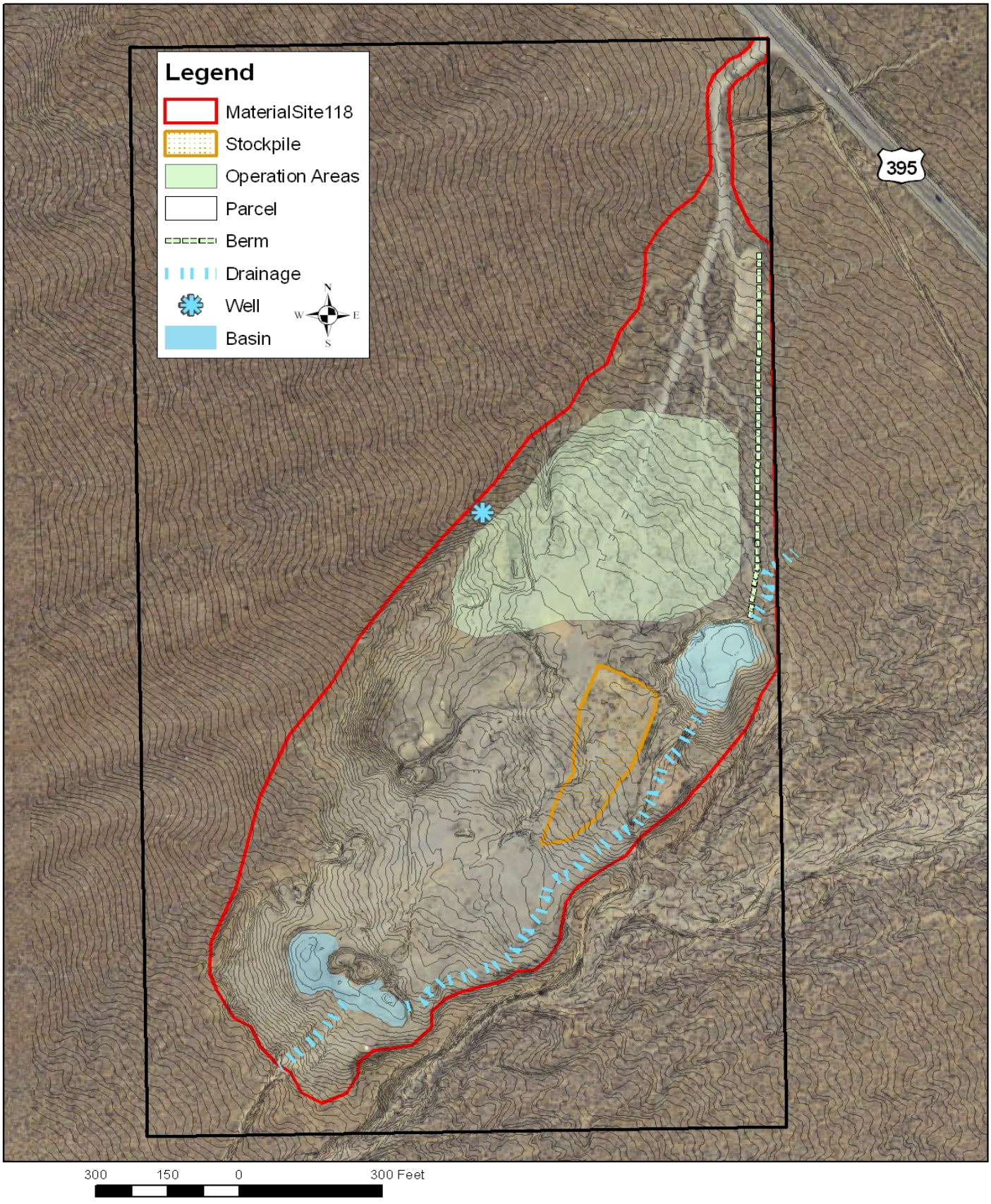
FORT INDEPENDENCE INDIAN RESERVATION
Oak Creek
Mt Whitney Fish Hatchery
ACCESS ROAD
FISH HATCHERY ROAD
Sewage Disposal Ponds
INDEPENDENCE ROAD
Gravel Pit
Borrow Pit
INDEPENDENCE AIRPORT
Old Independence Cem
Independence
Radio Tower
MAZOURKA CANYO
ROAD AQUEDUCT
ONION VALLEY ROAD
Independence Creek
1 0.5 0 1 Miles

MAP #1


Legend
MaterialSite118
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Operation Areas
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Berm
Drainage
Well
Basin
N
W
E
S
395
300
150
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300 Feet

Map 2

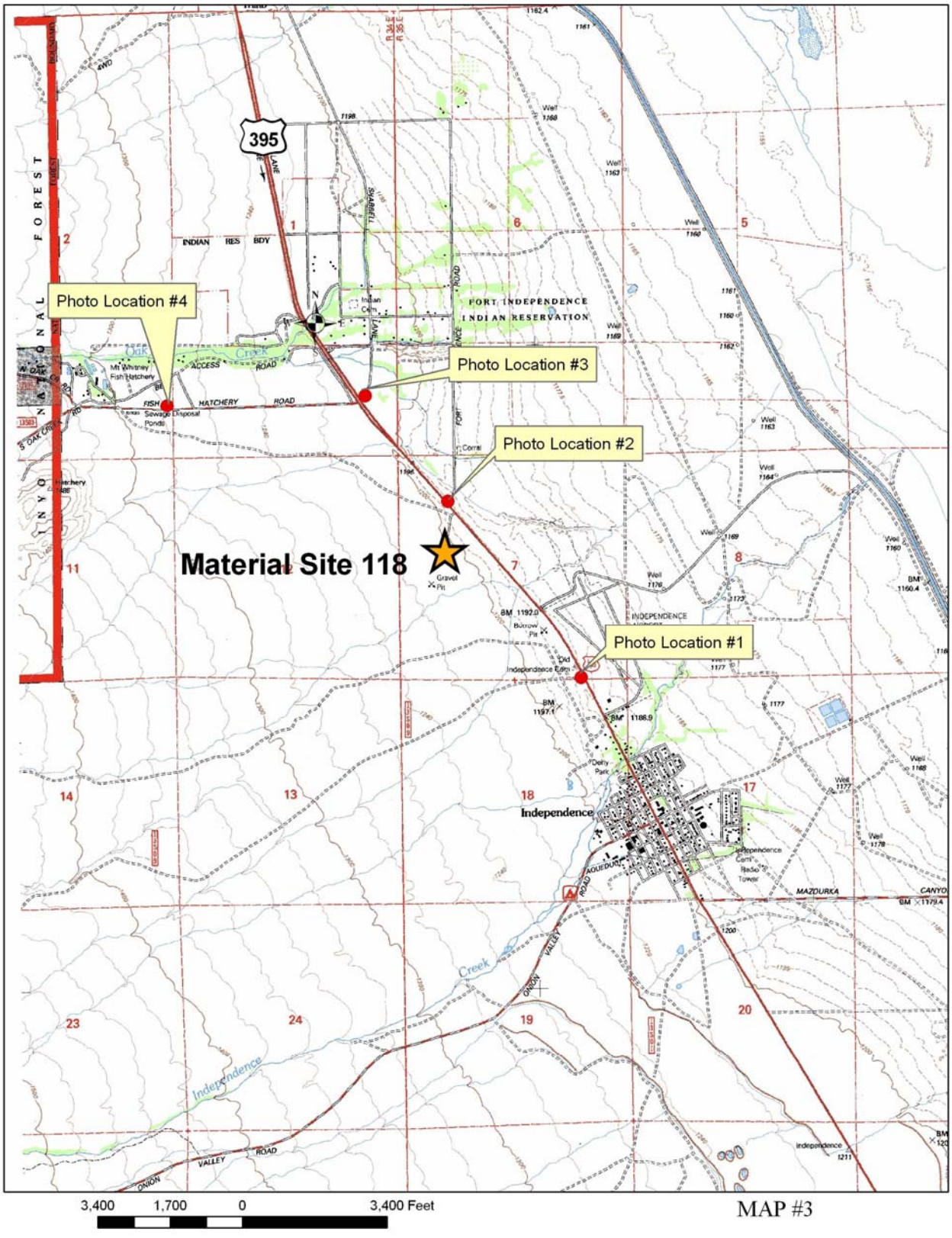
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Photo Location #3
Photo Location #2
Photo Location #1
Material Site 118
395
INDIAN RES BDY
FORT INDEPENDENCE INDIAN RESERVATION
Oak Creek
ACCESS ROAD
HATCHERY ROAD
Mt Whitney Fish Hatchery
Sewage Disposal Ponds
Gravel Pit
Borrow Pit
Independence
Independence Creek
Creek
MAZOURKA CANYON
ROAD
VALLEY
ONION
INYO NATIONAL FOREST
3,400 1,700 0 3,400 Feet

MAP #3

PHOTO KOP #1 EXISTING

PHOTO KOP #1 PLANT SIMULATION

PHOTO KOP #2 EXISTING

PHOTO KOP #2 PLANT SIMULATION

PHOTO KOP #2 HIGHWAY PLANT SIMULATION

PHOTO KOP #3 EXISTING

PHOTO KOP #3 PLANT SIMULATION

PHOTO KOP #4 EXISTING

PHOTO KOP #4 PLANT SIMULATION

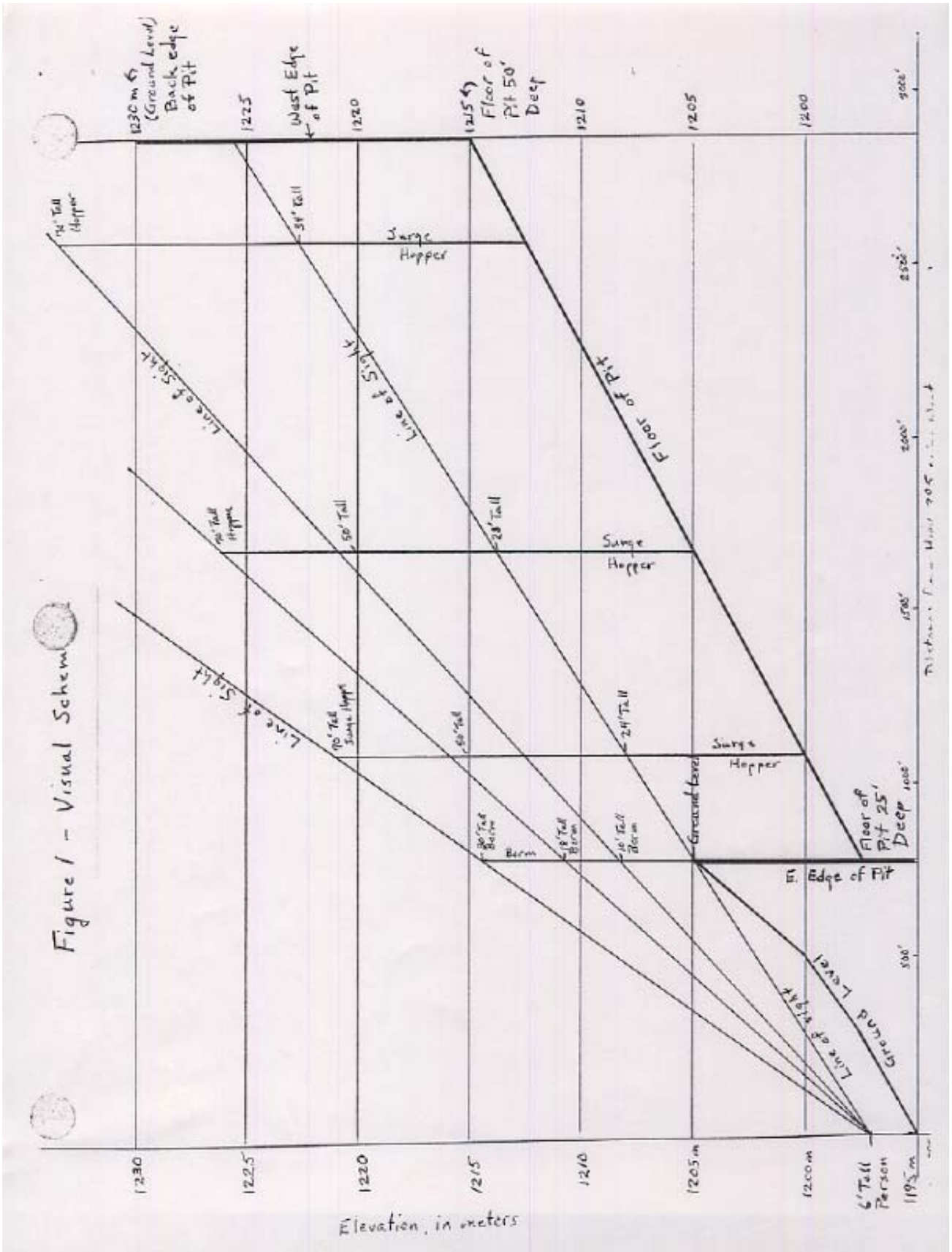
Figure 1 - Visual Scheme
1230 m (Ground Level) Back edge of Pit
1225
West Edge of Pit
1220
1215 Floor of Pit 50' Deep
1210
1205
1200
70' Tall Hopper
50' Tall
28' Tall
Surge Hopper
Line of Sight
Floor of Pit
70' Tall Surge Hopper
50' Tall
24' Tall
Surge Hopper
30' Tall Berm
18' Tall Berm
10' Tall Berm
Ground Level
Floor of Pit 25' Deep
Edge of Pit
Ground Level
6' Tall Person
1230
1225
1220
1215
1210
1205 m
1200 m
Elevation, in meters

Graph #1