ENVIRONMENTAL ASSESSMENT, FONSI AND DECISION RECORD

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

EA Number:	DOI-BLM-CA-070-2009-0028-EA
Lease/Serial/Case File No.:	CACA 049807
Proposed Action Title/Type:	Bridgeport Landfill Ditch/Access Row
Location of Proposed Action:	MDM, T. 5 N., R. 25 E., Section 28, W1/2E1/2NE1/4NE1/4.
Applicant (if any):	County of Mono

Plan Conformance:

The proposed action is subject to the Bishop Resource Management Plan, approved March 25, 1993. The proposed action has been reviewed and is in conformance with the plan.

Under the 1993 Bishop RMP General Policies, Page 8, No.1; "Management will be on the basis of multiple use and sustained yield as per FLPMA section 102 (a)(7)." As part of the multiple-use and sustained yield, the BLM can authorize Rights-of-Way (FLPMA section 501(a)(1-7) such as pipelines, roads, power lines, wells, and other facilities on the public lands for the public good.

Need for Proposed Action:

In 1997, the BLM patented a 40 acre parcel to the County of Mono under the Recreation and Public Purpose Act for the existing Bridgeport Landfill. Since patenting, the County has converted the landfill to a transfer station and is now filing for a closure permit for the landfill. The State closure permit requires that any uphill surface water flow be restricted from entering the closed landfill. This would be accomplished by constructing a ditch on the upslope side of the landfill to catch any runoff. The upslope area of the landfill does not have enough area to allow for the ditch construction. Mono County has filed an application for a Right-of-Way (ROW) for the construction of the ditch and access road along the uphill boundary of the existing landfill in order to fulfill the State closure requirements.

Description of Proposed Action: Alternative A

The proposed action would be to authorize the use of public land for a ROW being 1,330 foot long and 100 feet wide (amounting to 3 acres) for the construction of a ditch and access road. See Exhibit A and B.

Within the ROW would be located: a ditch being 900 feet long, 26 feet wide, and 2 feet deep; and an adjacent gravel access road being 900 feet long and 20 feet wide. In addition, an existing monitoring well and access road (8 feet wide) located about 200 feet east of the landfill boundary would be included in the proposed ROW. This well was installed years ago for the landfill without authorization. No new ground disturbance activity would be associated with this well and road. The perimeter of the ROW would be fenced with 4-strand barb-wire with a spacing of 16", 22", 28", 40."

The construction would include the use of pickups trucks, dump trucks, backhoe, and excavator. All vegetation within the area of the new road and ditch would be removed (amounting to 1 acre). The disturbed area would not be re-vegetated due to future maintenance activities for the road and ditch. Any extra dirt excavated from the ditch and not used for the road would be hauled to the landfill for use in the landfill closure operation. A water truck would be used for dust abatement during construction.

Construction activities would take place immediately after ROW authorization, if and when a ROW is authorized. The construction would take about 1 month.

Maintenance would consist of: periodic silt removal from the ditch, weed control, long-term ditch maintenance, road regrading, and monitoring well testing.

No Action: Alternative B

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

Affected Environment/Environmental Impacts: Alternative A

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

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

There would be no disproportionate impacts to low income or minority groups, per Executive Order 12898 (2/11/94). There are no known groups of this type that utilize the proposed action area.

Air Quality

Air quality would not be affected. The proposed action is not within a federal nonattainment designated area.

Cultural resources

Cultural resources were evaluated for the project by Gnome, Inc. under private contract in April, 2009. The Bishop FO Archeologist has reviewed this report. There would be no impact to known historic or prehistoric cultural resources from the project construction activities.

Visual resources

The Visual Resource Management Class for the proposed action area is VRM Class III. Class III is defined as contrasts to the basic elements caused by a management activity may be evident and begin to attract attention in the characteristic landscape but should remain subordinate to the existing landscape. The Key Observation Point (KOP) is Highway 182. This is the state highway between Bridgeport, CA and Smith Valley, NV.

The proposed project is upslope of the highway and about ¼ mile east of the road. The slope is a 1-2% grade (gentle). The view, looking east from the highway toward the project area, is mainly of the existing landfill and is comprised of gentle rolling hills which make up the landfill terrain.

The proposed project would be a ditch and access road, both of which would be at or slightly above the existing surface grade. Due to the gentle slope of the land west of the project area and meeting the level surface of the proposed road and ditch, the project area would not be seen from Highway 182.

The proposed action meets the Class III standard.

Vegetation

A Special Status Plant survey and general vegetation assessment was completed on 5/6/09. Target species surveyed for included; *Arabis bodiensis* (Bodie Hills Arabis), *Astragalus oophorus* var. *lavinii (*Lavin's milk-vetch)*,* and *Cusickiella quadricostata* (Bodie Hills draba)*, Phacelia monoensis* (Mono Phacelia). Twenty *Cusickiella*

quadricostata plants were found in a section of the project area where a fence line is proposed. The project proponent has changed the fence alignment to avoid these plants. Two other groups of Bodie Hills draba were located outside of the project area and contained 30 and 200 plants respectively. All plants were flowering. No other Special Status species were found. No impacts to BLM Special Status Species would occur because the plants would be avoided.

Vegetation comprising the project area consists of an overstory of Wyoming big sage (*Artemesia tridentata* ssp. *wyomingensis*), gray horsebush (*Tetradymia canescens*), and green rabbit brush (*Chrysothamnus viscidiflorus*). Understory species include; *Astragalus malacus, Mimulus bigelovii, Leymus cinereus, Poa secunda* ssp*. secunda, Elymus elymoides, Antennaria dimorpha, Erigeron aphanctis, Lomatium nevadense,* and *Aster scopulorum*. Ratios of shrubs grasses and forb cover is 45% shrubs, 25% grasses and 30% forbs.

Impacts of the proposed action would include removal of approximately one acre of Wyoming sagebrush within the 3 acre ROW. The fence-line would not involve any removal of vegetation. Some temporary crushing of vegetation where the fence posts would be installed would occur.

There would be no attempt to replant this area, since the access road and ditch would occupy this area. It is expected that any disturbance outside the road and ditch would naturally re-vegetate due to abundance of mature vegetation surrounding the project area providing an excellent seed source. It is expected that the area would have re-established native vegetation within one year and that vegetation would become mature within 5 years.

Invasive, non-native species

There are invasive, non-native species within the disturbed landfill area and in the proposed project area. It is expected that noxious weeds would grow in the disturbed areas of the road and ditch unless noxious weed control measures are utilized. Russian thistle would be the dominate colonizer.

Wildlife habitat

No threatened or endangered species known to exist in the proposed action area.

The proposed action area is habitat to various birds, small mammals, and insects. It is expected that there would be displacement of these resident species and/or destruction of habitat would occur for these resident species during the construction phase of the project. This would be an unavoidable impact to these species.

The proposed project area is within migratory and summer habitat for mule deer from the East Walker Deer Herd. The proposed project area is on the edge of the identified migration corridor, but there are no seasonal restrictions prescribed by the Bishop RMP

that would affect this project. Deer use close to the landfill is limited to a small number of animals. It is expected that any deer currently utilizing the area would be displaced during project construction. This would be a temporary disturbance impact to mule deer utilizing the immediate area. There would be no measureable long-term impact to the herd as a whole. The barb-wire strand fencing, as designed, meets the requirements to facilitate mule deer passage.

The proposed action area is considered to be on the western edge of sage grouse habitat. Sage grouse is a sensitive listed species and there is seasonal protection from 11/15 to 5/1 for sage grouse wintering areas. The habitat is not a wintering area. There would be a loss of 1 acre of low quality sage grouse habitat.

Minerals

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

Economic Impacts

Viability of the Proposed Development

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

Impacts to the Community and to Tribal Interests

Some labor jobs would be created in the short term. There would be no impact to Tribe interests, although air quality and visual quality would slightly improve upon closure of the landfill.

Environmental Justice

The proposed action area is located adjacent to the Bridgeport Indian Rancheria or Reservation. This community has been in existence for about 50 years and typically has a lower than average income level when measured against Mono County averages. Their primary concerns would be; enhancement of air quality and visual quality at the landfill. The proposed action area is not part of the area where the Tribe would have cultural concerns.

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

Hazardous Materials

No impact

Consistency with County Planning

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

Impacts to County Infrastructure

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

Impact to the Local Community

It is expected that the impact to the local community would be limited, although the completion of the landfill closure would improve air quality and visual quality from the highway.

Adherence to Local, State and Federal Environmental Ordinances / Laws

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

Land Uses / Realty / Rights-of-way

No impact.

Global Climate Change

United States Department of Interior, Order Number 3226, signed January 19, 2001, Evaluating Climate Change Impacts in Management Planning, is an order to ensure that climate change impacts are taken into account in connection with planning and decision making. Climate change refers to any significant change in measures of climate (e.g. temperature or precipitation) lasting for an extended period of time (decades or longer). Climate change may result from: natural processes, such as changes in the sun's intensity, natural processes within the climate system (e.g. changes in ocean circulation); human activities that change the atmosphere's composition (e.g. burning fossil fuels) and the land surface (e.g. urbanization) (IPCC, 2007).

Changes in the atmosphere have likely influenced temperature, precipitation, storms, and sea level (IPCC, 2007). Rising greenhouse gases (GHG) levels are likely contributing to global climate change. In the eastern Sierra region of California, climate change may result in warmer, drier conditions, and potentially more extreme weather events.

The proposed action would result in the some emissions of GHG from construction equipment diesel fuel exhaust. Current regulations and standards in regards to GHG have not been developed and finalized, nor have GHG emissions been quantified, in a

reliable scientific based relationship, to the eastern Sierra regional climate in order to determine the potential impact on the local and regional climate. The overall contribution to GHG emissions is considered quantitatively small to overall state GHG emissions, the impacts of the proposed project on global climate change would be considered insignificant, but an unavoidable impact. It cannot be determined to a reasonable degree of certainty that the proposed project would result in a considerable incremental contribution to a significant cumulative impact of global climate change.

Environmental Impacts: Alternative B

Under this alternative, the proposed action resource impacts identified under Alternative A would not take place. The landfill closure plan would have to be redesigned in order to accommodate the lack of upslope runoff control. It is unknown what the additional costs would be to the County would be. The existing contract for construction of the road and ditch would have to be terminated with an associated cost for contract termination.

GHG emissions from equipment use would be eliminated, but GHG emissions would be generated from continued use of the landfill operation.

Cumulative Impacts of Alternative A – Proposed Action

The proposed project would result in a permanent loss of 1 acre of suitable habitat for mule deer utilizing the area. This loss would be on the edge of mule deer habitat and therefore does not represent a fracturing of habitat. This loss is in addition to losses taking place within the Bridgeport community where vacant lots are being developed at a very slow pace. Mule deer habitat adjacent to the proposed action is intact and is expected to continue to provide historic mule deer winter range. The 1 acre loss as a cumulative impact will not adversely impact local mule deer habitat or mule deer population.

The proposed project would result in a permanent loss of 1 acre of suitable habitat for sage grouse. Due to the immediate location of the habitat next to existing residents where dogs and cats might displace any sage grouse in the local area, this loss is not expected to result in any adverse impact to the habitat as a whole nor would the loss impact the grouse population.

Cumulative impacts to Global Warming cannot be determined due to the lack of reliable relational information required to gauge the project's affects on the local and regional atmospheric levels.

Description of Mitigation Measures and Residual Impacts:

1. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds.

2. Execute noxious weed control measures during the life of the project and up to five years after rehabilitation of the site upon BLM notification that a weed problem exists. Weed treatment would include physical removal of Russian thistle seedlings.

3. Apply standard ROW stipulation for cultural resources

Residual impacts include the permanent loss of 1 acre of plant, landscape, and wildlife habitat and the elimination of weed expansion.

Implementation Monitoring:

The BLM realty specialist would monitor the construction and the BLM botanist would monitor the project for noxious weed problems.

Persons/Agencies Consulted:

Evan Nikirk	Mono County Public Works, Director
Matt Carter	Mono Co Public Works, Solid Waste Supervisor
Mike Drews	Gnomon Inc., Cultural contractor

Literature Cited:

None

Preparer(s):

Larry Primosch	BLM, Realty Specialist
Anne Halford	BLM, Botanist
Greg Haverstock	BLM, Archeologist
Steve Nelson	BLM, Supervisory Natural Resources Specialist

Date: May 12, 2009

/s/ by Joseph P. Pollini May 12, 2009

Reviewed By:_____ **Date:** _____
Environmental Coordinator

****

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this environmental assessment DOI-BLM-CA-070-2009-0028-EA for the County of Mono Public Works Landfill ditch and access road proposal including the explanation and resolution of any potentially significant environmental impacts.

I have determined that the proposed project is in conformance with the Bishop Resource Management Plan, which was approved March 25, 1993. This plan has been reviewed, and the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. The overall contribution to GHG emissions is considered quantitatively small to overall state GHG emissions, the impacts of the proposed project on global climate change would be considered insignificant, but an unavoidable impact. Cumulative impacts to Global Warming cannot be determined due to the lack of reliable relational information required to gauge the project's affects on the local and regional atmospheric levels.

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

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

The proposed project would result in a permanent loss of 1 acre of suitable habitat for the West Walker mule deer winter range and sage grouse habitat. This loss will not result in fracturing the available habitat in the area nor contribute to the overall decline of habitat or either species population.

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

Mitigation Measures/Remarks:

1. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds.

2. Execute noxious weed control measures during the life of the project and up to five years after rehabilitation of the site upon BLM notification that a weed problem exists. Weed treatment would include physical removal of Russian thistle seedlings.

3. Apply standard ROW stipulation for cultural resources

/s/ by Steve Nelson

Authorized Official: _____
Acting Field Manager, Bishop Field Office

May 12, 2009
Date: _____