



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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## DECISION RECORD

for the

### **Crowley Communities Fuel Reduction Project Environmental Assessment: DOI-BLM-CAC-070-2010-0038-EA**

#### **I. Introduction**

The Bureau of Land Management (BLM) and the USDA Forest Service have prepared a joint Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) analyzing a proposal to implement and maintain strategic fuels treatments around communities in the Crowley Lake area. This Environmental Assessment disclosed the direct, indirect, and cumulative environmental impacts that would result from the proposed action. Additional documentation, including more detailed analyses of the project-area resources referenced in the EA can be found in the Project Planning Record located at the BLM Bishop Field Office in Bishop, CA. This decision is based on a thorough review of the EA and documents incorporated by reference.

The project is located along the Highway 395 corridor around Crowley Lake from Tom's Place and Sunny Slopes to McGee Creek. The treatment areas are immediately adjacent to homes, communities, and recreational facilities. All treatment units are within the Wildland – Urban Interface (WUI), as defined in the Mono County Community Wildfire Protection Plan (CWPP). The communities in the project area are surrounded by a mix of BLM and Forest Service lands, so cooperation between both Agencies will facilitate more effective fuels treatments. The Inyo National Forest and the Bishop BLM's fire and vegetation management programs work together in a Service First Interagency Organization. Each Agency retains the authority to make decisions for the lands they manage, so this decision is specific to only the BLM lands within the proposed project.

The project was planned under of the Healthy Forest Restoration Act (Public Law 108-148) authority.

#### **II. Decision**

Based upon my review of the Crowley Communities Fuels Reduction Project EA, I have decided to implement Alternative 1, The Proposed Action (EA pgs 5-12), which involves strategic fuels

treatments on approximately 318 acres managed by the Bishop Field Office of the BLM in close proximity to communities in the Crowley Lake area including Crowley Lake, McGee Creek, and the Crowley Lake Campground. I am selecting Alternative 1 as it is described in the EA. My decision includes the units to be treated (EA pgs 6-7), the treatment methods (EA pg 7), prescriptions by vegetation type (EA pg 8), and the design features to protect visual, wildlife, soils and hydrology, air quality, cultural, vegetation, and recreational resources (EA pgs 8-12), and a monitoring plan (EA pgs 12).

### **III. Decision Rationale**

My reasons for the decision are based on the purpose and need for the Crowley Communities Fuels Reduction Project (EA, pgs. 2-3), which includes the following:

**1) Decrease intensity of future fires in strategically located treatment areas to provide a location where fire suppression forces can work to control the fire.**

Providing strategically located fuelbreaks meets multiple goals for both the local communities and for the management of the BLM and Forest Service lands in the area. The purpose of the fuel breaks is both to reduce the threat to communities from wildfires originating in the wildlands, and to protect the wildlands from fires that originate in developments as described in 1a and 1b respectively:

**a) Protect human life and property from wildfire by increasing the safety of residents, visitors, and firefighters and reducing the risk to homes and facilities in the Wildland Urban Interface (WUI) due to wildfire.**

The CWPP community hazard ratings for the Crowley communities range from High to Extreme (Mono County 2009). Fires that originate on the federal land can threaten local communities without adequate defensible space to protect homes, residents, visitors, and firefighting personnel. The communities in the project area are embedded in wildland vegetation that has become very dense after a century of fire suppression. Fires can carry very quickly in these types of vegetation, and an area of reduced fuel near homes is necessary to provide defensible space. The purpose is to give fire suppression forces a place to hold the fire or anchor fire line by creating an area of reduced fire intensity. The treatments are not expected to stop a fire on their own.

**b) Reduce the risk of impacts to ecosystems and cultural resources from fires that can become severe or uncharacteristic landscape scale fires by reducing the number of human ignitions that escape into the wildlands.**

Fires that originate in the WUI can easily escape into wildlands without adequate defensible space and there is a risk of these fires becoming uncharacteristically severe or large and disproportionately affecting wildlife habitat, watershed conditions and cultural resources compared to a fire within the range of natural variability.

**2) Move fire adapted systems back towards their natural range of variability after a century of fire suppression.**

Because of the history of fire suppression, the ecosystems in the project area are outside of their natural range of variability and vulnerable to high intensity fire. The project will introduce more areas of early seral vegetation and open stand structures, bringing the

landscape closer to the natural range of variability close to homes and developments where the probability of ignition is higher and the need to protect nearby homes and structures requires fire suppression.

Alternative 1 best meets the purpose and need by reducing fuels in the wildland-urban interface and restoring ecosystems to within their natural range of variability while protecting other natural resources including vegetation, wildlife, watersheds, air quality, cultural resources, and visual quality.

I have also considered the comments submitted during public scoping for this project. The comments received during the scoping period with responses are summarized in the EA pgs 40-45. The agency provided multiple opportunities for comment, collaboration and input from the public. See the public involvement section below.

#### **IV. Alternative Considered But Not Selected**

I did not select Alternative 2 (No Action) because, based on the analysis in the EA (pgs 13-34), it would not meet the purpose and need, as no fuels reduction treatments would occur, leaving residents, visitors, firefighters and the natural resources at high risk due to the potential for future high severity wildfire.

#### **V. Other Alternatives Considered But Eliminated from Detailed Analysis**

The No Burning Alternative was developed but eliminated from detailed study because it did not meet the purpose and need. (See EA pgs 12-13.) Due to fuel characteristics, access, and topography it is not possible to treat all the fuels adjacent to the communities using mechanical methods alone. The selected Alternative was modified in the EA to minimize the use of burning as much as practical to minimize impacts to air quality.

#### **VI. Public Involvement**

The BLM and Forest Service sent a joint scoping letter on April 8, 2009 to interested parties, adjacent landowners, and local agencies requesting input and announcing a public meeting to encourage collaboration on the project proposal. A news release regarding the project proposal and the public meeting was sent to the Inyo Register on April 10, 2009 to local news outlets. The announcement was broadcast on the Sierra Wave radio station. The public collaborative meeting was held in Crowley Lake on April 29, 2009 and was attended by approximately 20 individuals. Sixteen comment letters or calls were received from the public regarding the proposal. A summary of the public comments, how they were combined into the issues, and what changes or additional analysis were used to address them is in the EA in Appendix D pgs. 40-45.

The BLM and the Forest Service collaborated with the local fire district (Long Valley Fire Protection District) in developing the proposal and several changes were made based on input from the Fire Chief, Fred Stump. The BLM and the Forest Service also contacted the City of Los Angeles Department of Water and Power and invited them to participate as an adjacent landowner.

A legal notice was published in the Inyo Register on June 29, 2010 announcing that the EA was available and announcing the beginning of the Objection Period for the Forest Service decision

(not applicable to the BLM decision). Copies of the EA were mailed to 14 individuals and organizations who made comments during the scoping period. The Forest Service's 30-day objection period closed on July 29, 2010. No objections were filed with the Forest Service.

The agencies and people consulted during the analysis process are listed in the EA on page 34.

## **VII. Plan Consistency**

I have determined that this action conforms to, and is consistent with, the overall guidance and management direction provided by the Bishop Resource Management Plan (RMP), approved March 25, 1993 as Amended to Incorporate Fire Plan Strategies and Objectives (US Department of the Interior 1993; US Department of Interior 2004) (EA pg. 5).

## **VIII. Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision and who commented during the planning process. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer, Bernadette Lovato, at the Bishop Field Office of the Bureau of Land Management, 351 Pacu Lane, Suite 100, Bishop, CA 93514. The appellant has the burden of documenting their standing to appeal and that the decision appealed from is in error. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, Pacific Southwest Region, US Dept. of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, not later than 15 days after filing the document with the Authorized Officer.

This wildfire management decision is issued under 43 CFR Part 5003.1 and 4190.1 and is effective immediately. The BLM has made the determination that vegetation, soil, and other resources on the public lands are at substantial risk of wildfire due to fuels buildup (see the decision rationale above and the purpose and need in the EA pgs. 2-3). Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR 4.416.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and

4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

**IX. Contact Person**

For additional information about this decision and implementation, please contact Heather Swartz, Interagency Project Leader, at White Mountain Ranger Station, 798 N. Main St., Bishop, CA 93514, phone: 760-873-2561 or myself, Bernadette Lovato, at 351 Pacu Lane, Suite 100, Bishop, CA 93514, phone: 760-872-5011.

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Bernadette Lovato  
Bishop Field Manager

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Date

# FINDING OF NO SIGNIFICANT IMPACT

for the

## **Crowley Communities Fuel Reduction Project Environmental Assessment: DOI-BLM-CAC-070-2010-0038-EA**

I have determined that this project is not a major Federal action that would significantly affect the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an Environmental Impact Statement is not required. This determination was made based on the detailed analysis in the Crowley Communities Fuels Reduction EA and the documents incorporated by reference and considering the following factors:

**(1) Beneficial and adverse impacts.**

Mitigations and management requirements designed to reduce the potential for adverse impacts were incorporated into the proposed action including direction from the BLM's Bishop Resource Management Plan as Amended to Incorporate Fire Plan Strategies and Objectives (US Department of the Interior 1993; US Department of Interior 2004). These mitigations and management requirements would minimize or eliminate potential adverse impacts caused by fuels reduction treatments.

A discussion of potential effects is summarized in the EA (pgs 23-26) from supporting analysis. None of the potential adverse effects of the proposed action alternative would be significant, even when considered separately from the beneficial effects that occur in conjunction with those adverse effects.

**(2) The degree to which the proposed action affects public health or safety.**

The fuel treatments are designed to increase the efficiency of fire suppression efforts and reduce risks to firefighters, the public (residents and visitors), residences and other improvements, water quality, and natural resources. There would be improved public and firefighter safety, as the treatments are intended to slow the rate of fire spread and reduce fire intensity, which would increase the chances that fire suppression forces could safely and effectively make a stand to control the wildfire. Smoke and air quality effects have been minimized using design features to ensure dissipation and transport of the smoke away from populated areas and by limiting burning to the areas where it is necessary (see EA pg. 10). Implementation of the Proposed Action would be governed by standard public health and safety contract clauses.

**(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There are no parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas within the project area. The project area is completely outside of designated wilderness. There are wetlands and riparian areas and the effects to those features area analyzed in the EA (pgs. 16 and 25). Analysis in the Cultural Resources report found there would be no adverse effects to historic and cultural resources (EA pgs. 15 and 26).

**(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The proposed project follows the management direction in the Bishop BLM Resource Management Plan as Amended to Incorporate Fire Plan Strategies and Objectives (US Department of the Interior 1993; US Department of Interior 2004) . Potential adverse effects have been minimized to the point where there are few effects to draw controversy. Public involvement efforts did not reveal any significant controversies regarding environmental effects of this proposal. Based on comments from the public and the analysis of effects by an Interdisciplinary Team of specialists, there are no significant effects expected to the quality of the human environment from implementing either of the alternatives, including the proposed action alternative.

**(5) Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

Local expertise in implementation of these types of projects minimizes the chance of highly uncertain effects or effects which involve unique or unknown risks. Proposed activities are routine in nature, employing standard practices and protection measures, and their effects are generally well known.

**(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The Crowley Communities Fuels Reduction project represents a site-specific project that does not set precedence for future decisions with significant effects or present a decision in principle about future considerations. Any future decisions would require a site-specific analysis to consider all relevant scientific and site-specific information available at that time. These activities are in accordance with the best available science to manage fuels and fire behavior at this time.

**(7) Whether this action is related to other actions with individually insignificant but cumulatively significant impacts.**

A cumulative effect is the consequence on the environment that results from the incremental effect of the action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership on which the actions occur. A summary of the cumulative effects analyses for each resource area was included in the EA (pgs 29-33) based on specialist reports in the project record. None of the resource specialists found the potential for significant adverse cumulative effects.

**(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

It was determined that there would be no effect to cultural resources from implementing this project, and the proposed action does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (see EA pgs. 15 and 26).

**(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

There are no federally listed threatened or endangered wildlife or plant species that are known to occur or have suitable habitat (including critical habitat) within the project area. There would be no effect to federally listed threatened or endangered wildlife or plant species or critical habitat from implementation of the proposed action.

There is habitat for one federal Candidate species, the greater sage-grouse. Analysis of effects to this species were included in the EA (pgs. 17 and 23). The determination by the wildlife biologists was that the proposed action may impact individuals, but would not lead toward federal listing or a loss of viability for greater sage-grouse. Seasonal protections for greater sage-grouse are included in the selected alternative to prevent disturbance during nesting season.

**(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The proposed action would not threaten a violation of Federal, State, or local law, or requirements imposed for the protection of the environment. The proposed action is consistent with the Healthy Forest Restoration Act (HFRA), National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act, and the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act, and the Native American Indian Religious Freedom Act. The proposed action is fully consistent with the Bishop BLM Resource Management Plan as Amended to Incorporate Fire Plan Strategies and Objectives (US Department of the Interior 1993; US Department of Interior 2004).

**Conclusion.**

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

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Bernadette Lovato  
Bishop Field Manager

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Date