

ENVIRONMENTAL ASSESSMENT, and FONSI

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

EA Number: DOI-BLM-CAC-070-2013-0012-EA

Lease/Serial/Case File No.: CACA 053568

Proposed Action Title/Type: Kinninger Private Property Road Access

Location of Proposed Action: Mt. Diablo Base & Meridian, California,
T. 4 N., R. 25 E.,
Section 21, SW1/4NE1/4, NW1/4SE1/4.

Applicant (if any): James Kinninger

Plan Conformance:

The proposed action would be the issuance of a thirty (30) year renewable road Right-of-Way (ROW) CACA 053568 for construction, operation, maintenance, and termination of a gravel access road to private property.

The action is subject to the Bishop Resource Management Plan (BRMP), approved March 25 1993 and is within the Bridgeport Valley Management Area. The BRMP has been reviewed.

The proposed action would not violate any specific decisions for the Bridgeport Valley Management Area and would be in conformance with the direction for the management area, but would not be in conformance with the general plan.

The Bishop RMP states under General Policies on Page 8, No.1; "Management will be on the basis of multiple use and sustained yield as per Federal Land Policy and Management Act of 1976 (FLPMA) section 102 (a)(7)."

Under the idea of multiple-use and sustained yield, the BLM is authorized, under FLPMA section 501(a)(1-7), to grant Rights-of-Way (ROW), amendments, and temporary use permits for such uses as pipelines, roads, power lines, wells, and other facilities on the public lands for the public good. The BLM can authorize ROWs as proposed in this document under FLPMA and 43 CFR 2800 regulations.

The BRMP does have specific direction for Sensitive species habitat, mule deer habitat, and mule deer migration corridors.

Under Standard Operating Procedures, Wildlife, No. 4, page 12; “Manage candidate species, sensitive species and other species of management concern in a manner to avoid the need for listing as state or federal endangered or threatened species.”

Under RMP Decisions, page 17; “Protect and enhance unique or important vegetation communities and wildlife habitats. -Yearlong Protection of endangered, threatened, candidate and sensitive plant and animal habitats.”

The BRMP defines Yearlong Protection as: No discretionary actions which would adversely affect target resources would be allowed. Existing uses and casual use would be managed to prevent disturbance which would adversely affect the target resources. See Glossary G-7.

Regarding these RMP directions, the proposed action with associated cumulative effects would cause adverse impacts to Sensitive plant species and Bi-State greater sage-grouse, also Sensitive. The proposed action would not meet RMP Standard Operating Procedures and Decisions for sensitive plant species and sage-grouse. Please refer to wildlife and plant affected environment and resource impacts concerning these issues.

Mitigation measures have been listed for the proposed action which, if applied, would bring the proposed action into conformance with the RMP Guidelines and Decisions for Sensitive plant species and sage-grouse.

Purpose and Need for Proposed Action:

The purpose of the proposed action is to provide public land for a long term road access to private property. The private property owner has purchased a 40 acre parcel which has two dirt roads accessing the property, both of which cross public land. Although not an inholding, the property is surrounded by public land on three sides. There are no other potential access points to this property.

The owner wishes to build a recreational residence and has stated a desire for legal access to his property. The build-out of the property would include; horse corrals, storage shed, water well, and off-grid solar. The property owner also states that the road must be able to allow passage for an eight (8) foot wide horse trailer. The application for the road ROW would provide for the proposed use and also legal access.

The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA) to respond to an application for a road ROW for construction activities and access across public land for a private property owner. The BLM also has an obligation to provide reasonable access to private property owners where no other access is possible.

A.1 Description of Proposed Action:

The proposed action would be the issuance of a FLPMA thirty (30) year renewable road Right-of-Way (ROW) CACA 053568 for construction, operation, maintenance, and termination of a gravel access road to private property. The access road would be located off the Green Creek county dirt road. See Map A (Red dashed lines).

An existing 1,120 foot dirt road which is an unmaintained fence maintenance road would be widened to 12 feet. Vegetation would be manually removed resulting in approximately 0.22 acres of vegetation disturbance. A 4-6 inch gravel base would be added to the road surface. A 15 foot long culvert might be needed at the county road drainage ditch but would not require excavation. One or two turnouts (passing area) might be needed, depending on sight distance along the length of the road. Each turnout would be 20 feet long and 8 feet wide with 10 foot tapered ingress and egress sections.

Construction activities would take place after January 1, 2013, taking 3-4 days to complete. Gravel would be dumped using a 5-10 yd dump truck and spread with a backhoe or tractor. Water would be used for dust control during the construction activities. The property owner would apply for a road encroachment permit for the proposed culvert and the developed road access onto Green Creek road.

The road would require periodic grading maintenance and would be plowed in the winter for snow. The road would be used for access during any time of year. It is expected that construction activity on the private property could take place during any time of year

A. 2. No Action Alternative:

Under the no action alternative, the proposed road ROW would not be issued for the existing road, and the proposed road work would not be completed. The property owner would have to utilize the road in its present condition which might prohibit the ability to bring a horse trailer onto the property. Any construction equipment associated with the private property development would be limited to the existing road width and construction material delivery would not be delivered to the site, instead, unloading them on the county road. Construction activities on the private land could take place during any time of year.

Vehicle use of the road would take place during any time of year. Snow removal would not be allowed.

Although the road would not be widened, developed, or have a legal access status, Mono County planning department could still issue building permits for the proponent's recreational structures and facilities.

A. 3. Alternative Considered but Rejected:

The proponent in his application and the BLM upon review of the application considered an alternative to the proposed action. This alternative was considered but rejected.

Under this alternative, a different existing road, which cuts through the southwest corner of the private property, would be developed for the access. This dirt road is about $\frac{3}{4}$ mile long and varies from 7-9 feet wide with mature shrub vegetation along both sides and partially in the median. This road would have been widened to 12 feet, graveled, and two culverts would have to be added for drainage crossings. Once on private land the road would have to be side-hilled (benched construction) or located up a moderate slope to access the buildable portion of the private property. See Map B

In review of this alternative, it was determined that this alternative would remove about 0.6 acres of shrub vegetation which would also be considered removal of sage-grouse habitat. This is three (3) times the amount of habitat loss of the proposed action. In addition, the county might require 14 turnout slots every 300-400 feet due to the length of this road in order to provide a safety passing zone for emergency vehicles, incurring more habitat loss. Use of this road with the associated vehicle disturbance would be nearer to sage-grouse use areas and would result in sage-grouse displacement during road use and increased habitat loss and fragmentation. This alternative would avoid a sensitive plant population and habitat. The longer road would cost much more to construct.

The proponent's additional cost would not eliminate this alternative. This alternative was rejected due to the increased loss and fragmentation of sage-grouse habitat, and the sage-grouse displacement related to increased use of this road. This longer road would not provide enough positive benefits from the removal of impacts on draba to overcome the negative impacts related to sage-grouse.

B.1. Affected Environment and Environmental Impacts (Proposed Action):

Required Resource Analysis

The proposed action is not within a Wilderness, Wilderness Study Area (WSA), Area of Critical Environmental Concern, nor Wild and Scenic River corridor, nor Essential Fishery habitat and there would be no effects on any lands so designated. There would be no impacts to prime farm lands or water quality (including ground or surface waters).

There would be no impact to federally listed species or habitats. There are BLM Sensitive species or habitats within the proposed action area, which are sage-grouse and Bodie Hills draba (*Cusickiella quadricostata*).

Wilderness Characteristics

The proposed action would be on public land that was inventoried for wilderness characteristics in 1979 and identified as CA-010-093 Conway Summit, but were identified as not being suitable for identification as a Wilderness Study Area (WSA).

This area is impacted by a power distribution line and telephone line with associated maintenance roads, three old material sites immediately adjacent to the proposed action area which have not been rehabilitated, livestock drift fences and associated

maintenance road, county maintained dirt roads, an existing material pit that has recently been rehabilitated, and less than 5,000 acres of contiguous roadless area. The area was reviewed in 2011 and 2012 and all of the various man-made intrusions are still there and continue to impact the area. The area does not have wilderness characteristics at this time.

Air Quality

Air quality would not be affected. The proposed action is not within a federal air quality nonattainment area. The action would result in an extremely small amount of PM₁₀ being emitted during the construction phases of the project. Water would be used during construction activities in order to reduce dust emissions. The emissions would be extremely low and would not exceed air quality standards for the Bridgeport Valley air quality area.

Cultural Resources

A cultural resource inventory for the proposed project was completed in June 20, 2012 by the Bishop FO archaeologist and no cultural resources were located within the APE area of the proposed project. It has determined that there would be no impact to cultural resources as a result of the proposed action. The results of this evaluation are detailed in cultural resource report CA170-13-04.

Visual Resources

The proposed action area would take place on public lands having a Visual Resource Management (VRM) rating of Class III.

VRM 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. However, the changes should remain subordinate to the existing characteristic landscape."

The Key Observation point for the proposed action would be along the Green Creek county road. The road does provide recreational access to the Green Creek area and USNF lands to the west during the summer months. The road is also used by livestock operators, ranch owners, and the SCE maintenance crews periodically throughout the year except when snow prohibits any access. This road is closed from December 1 through April 1 due to snow. Travel speed on this road is about 30 MPH and the dominant views are to the west away from the proposed action area.

Under the proposed action a fence line maintenance road would be improved. This road originates from the county road at a 30 degree angle to the southeast and moves up and across a gently slope. The road is un-noticeable to any travelers along the Green Creek road due to relatively high (2-3 foot high) shrub vegetation along the road edges and the shorter vegetation that grows in the median. This vegetation effectively blocks the road from view along the county road.

Upon completion of the proposed action, the road would be widened, graveled, and vegetation in the median would be removed. Shrub vegetation along both edges would still be retained, although the median vegetation would be lost.

It is expected that travelers on Green Creek road would not notice the road after improvement. Travelers' views would continue to be drawn to the landscape to the west and away from the eastern improved gravel road. Because the road is at a diagonal to the county road, at a higher elevation, and has shrub vegetation along the edges, the road continues to be block from view and at an angle that doesn't lend itself to long-term viewing where the observer has time to notice any landscape variances.

The project would meet Class III VRM standards. The proposed action not be evident and begin to attract attention in the characteristic landscape, however, the changes would remain subordinate to the existing characteristic landscape.”

Vegetation/Threatened and Endangered/Special Status Plants

Vegetation surveys were conducted in June and July, 2012.

Vegetation, General

The dominant vegetation types of the project area include big sagebrush (including species of big sagebrush (*Artemisia tridentata* species) and bitterbrush (*Purshia tridentata*)) and smaller patches of low sagebrush (*Artemisia arbuscula*) intermixed (Sawyer, Keeler-Wolf, Evans 2009). Perennial grasses, including Indian ricegrass (*Stipa hymenoides*), squirreltail (*Elymus elymoides*), Great Basin wildrye (*Elymus cinereus*) and varied bluegrass (*Poa secunda*) occur in the understory of both vegetation types. The big sagebrush and low sagebrush vegetation types and their associated species are common and abundant in the area and throughout the Great Basin.

The above vegetation lines and surrounds the road proposed for ROW access with some vegetation occurring within the road itself. The road is an existing road that is open for public use but is currently unmaintained and infrequently used. The road is estimated to be, on average, approximately eight (8) feet wide along its' length. Due to the infrequent existing use, approximately half of the width of the road along its length is vegetated to some degree (i.e., vegetation is growing in the center and along the edges of the road).

Widening and improving the existing road and the creation of turnouts would cause approximately 0.22 acres of vegetation loss. Because the vegetation types and dominant species are common and abundant in the area and throughout the Great Basin, the proposed alternative is not expected to have negative effects on the general vegetation.

Special Status Plant Species

The BLM uses the term "Special Status Plants" to include:

- Federal Endangered, Threatened, and Proposed plants.
- BLM Sensitive plants. Sensitive plants are those species that are not Federally listed as Endangered, Threatened or Proposed for Federal listing, but which are designated by the BLM State Director for special management consideration. By national policy, Federal Candidate species are automatically treated as Sensitive. The California State Director has also conferred sensitive status on California State Endangered, Threatened, and Rare species, on species on List 1B (plants rare and endangered in California and elsewhere) of the California Native Plant Society's Inventory of Rare and Endangered Plants of California (unless specifically excluded by the State Director on a case-by-case basis), and on certain other plants the State Director believes meet the definition of Sensitive.

No Federally Threatened, Endangered or Proposed plants are known or suspected to occur in the project area.

Bodie Hills draba (*Cusickiella quadricostata*), which is a BLM Sensitive Plant, occurs within the proposed project area. Specifically, *C. quadricostata* occurs on and adjacent to the road proposed for ROW access, on the private parcel associated with this ROW, and on BLM lands adjacent to the proposed project area.

C. quadricostata is only known to occur in Mono County, California (primarily in the Bodie Hills) and Mineral, Lyon and Douglas Counties in Nevada. The plant is most often associated with the low sagebrush vegetation type. However, the presence of the low sagebrush vegetation type does not necessarily mean *C. quadricostata* will be present. When *C. quadricostata* does occur it is often abundant.

No other BLM Sensitive Plants are known to occur in the proposed project area based on field surveys, historical records and a records search of the CNDDDB (California Natural Diversity Database).

It is expected that the *C. quadricostata* plants that occur within and immediately adjacent to the road would be destroyed due to the proposed blading and gravelling. Currently, approximately 390 feet of the proposed ROW access road occurs in occupied and/or potential *C. quadricostata* habitat. Because *C. quadricostata* is growing within the existing road as well on nearby roads that are in similar condition and receive similarly infrequent use, the entire 8 foot road width within the *C. quadricostata* habitat is considered occupied or potential habitat. Additionally the areas immediately adjacent to the road sections with habitat are also considered *C. quadricostata* habitat. Therefore the total occupied and/or potential *C. quadricostata* habitat that would be impacted by the proposed action is 390 feet in length and 12 feet in width.

Implementation of the Proposed Action and issuance of the ROW (including allowance for widening, gravelling and maintaining of the existing road) would result in the permanent loss of approximately 0.11 acres of occupied and/or potential *C. quadricostata* habitat. The amount of habitat lost would be increased slightly (approximately 260 square feet) if a turnout were placed within *C. quadricostata* habitat.

Based on current data, there are at least eleven (11) acres of occupied habitat within two (2) miles of the proposed project area on public lands administered by the BLM Bishop Field Office. Using these numbers, the proposed action would result in an impact to approximately 1.0 % of the existing occupied habitat that is in the vicinity of the project area. Although individual *C. quadricostata* plants would be adversely impacted and there would be loss of occupied habitat, it is not expected that these impacts would result in population level impacts. The proposed action is not expected to adversely affect the viability of the *C. quadricostata* occurrence that is within and adjacent to the project area nor is it expected to contribute to the need to list *C. quadricostata* as a Federally Threatened or Endangered Species. However, these adverse impacts would not be consistent with the Bishop RMP guidance of Yearlong Protection.

Invasive, Non-native Species

Cheatgrass (*Bromus tectorum*) is the only invasive non-native plant that is known to occur within the proposed alternative project area. Cal-IPC (California Invasive Plant Council) gives cheatgrass an overall rating of “High”. An overall rating of “High” means that: “These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically” (California Invasive Plant Council, 2012).

Currently cheatgrass occurs sparingly or in isolated patches within the area. It is believed that any existing effects to the native vegetation community due to the presence of cheatgrass are less than significant.

The disturbance associated with road widening and the potential introduction of invasive plants on equipment or in road material could lead to introduction or spread of invasive plants. Introduction or spread could result in adverse impacts to the native vegetation. The severity of these impacts would be dependent in part on if a new invasive plant is introduced and if so, what that species is. In general though, due to the small size of the proposed project area and the relatively intact native vegetation community, probable impacts from invasive plants are expected to be slight.

Wildlife/Threatened and Endangered/Sensitive Habitat

Site specific wildlife surveys occurred June 20, July 19 and July 23 of 2012.

Wildlife General

The road proposed for widening is in a sagebrush-bitterbrush community, while the private lands that the road would access are a mixture of this same habitat with pinyon

and rocky outcrops on the northeastern edge of the property. The area to the west of the project area is dominated by sagebrush and bitterbrush with scattered pinyon trees. Pinyon trees were removed adjacent to and west of the project area from 2005 to 2010 to improve sagebrush habitat for sage-grouse. There is a telephone line approximately 0.1 miles to the west of the project area. The private land parcel and the proposed road widening are within ¼ mile of highway 395, an interstate highway and less than ¼ mile from the Green Creek Road, a busy, county maintained, dirt road use to access campgrounds and hiking trails.

The sagebrush/bitterbrush and pinyon habitats in the area support a variety of wildlife species, including migratory birds, small mammals, mule deer (*Odocoileus hemionus*), and other species. Migratory birds in the vicinity of the project area may include sagebrush-obligate songbirds such as sage sparrow, sage thrasher and brewer's sparrow; other birds that largely depend on shrub habitats; pinyon-nesting birds; and generalists that may utilize a combination of habitats. Pygmy rabbit (*Brachylagus idahoensis*) and greater sage-grouse (*Centrocercus urophasianus*) are both BLM sensitive species that could be found in or near the project area and are discussed in further detail below.

No long-term impacts are expected to wildlife in general because the amount of habitat lost (0.22 acres) is a very small proportion of the habitat available to wildlife in the area. The project area is surrounded by thousands of acres of suitable habitat with similar characteristics as found along the edges of the road that will be widened. Additionally, the existing habitat is fragmented by the road and therefore of lower quality for wildlife. Project activities merely increase the size of the road, rather than create a new fragmentation. In the short-term, wildlife may be displaced during road-widening activities, but these activities are expected to take less than 4 days, resulting in minimal disturbance.

There may be negative impacts to migratory birds if project activities occur during the breeding season, as no mitigation to limit vegetation removal during breeding season is in place.

Threatened, Endangered, Candidate and Sensitive Species.

There are no Threatened or Endangered species in the project area. Pygmy rabbit and the Bi-State Distinct Population Segment of greater sage-grouse are both BLM Sensitive, and the greater sage-grouse is a Candidate species.
Pygmy rabbit

Pygmy rabbits are a sagebrush-obligate species known to occur in the project vicinity. One of two rabbit species in North America that dig their own burrows, pygmy rabbits are dependent on areas of sagebrush growing in deep, friable soils. Pygmy rabbits remain close to their distinctive-looking burrows, so their presence or absence in a specific area may often be determined with a high degree of confidence by searching for their burrows. The area of potential disturbance was surveyed in 2012 and no rabbits or burrow systems were located. The soils in the project area are likely too rocky to be suitable for pygmy rabbits.

No impacts are expected to pygmy rabbits as they were not located during surveys and because the soil in the project area is likely to rocky to support burrows.

Greater Sage-Grouse

The sage-grouse found in the vicinity of the project area are part of a distinct population segment (DPS) of the greater sage-grouse, called the Bi-State population. This DPS was given a higher priority for listing under the Endangered Species Act than the greater sage-grouse range wide as a result of more immediate and severe threats the Bi-State population is facing (USDI FWS 2010). The Bi-State DPS has been further broken down into Population Management Units (PMU) and the project area is in the Bodie PMU. The Bodie PMU is 349,630 acres. Preliminary Priority Habitat (PPH) was mapped within the boundaries of the PMU and was split into two categories. The first is resource selection function (RSF) that models habitat suitability to predict what habitat the sage-grouse will use. The RSF PPH habitat will typically represent the most suitable habitat for grouse. The second category is Utilization Distribution (UD) which represents areas the grouse are likely to occur regardless of habitat type, based on a 3.25 mile buffer around leks. The UD could contain habitat such as pinyon that would be of poor quality for grouse but is adjacent to RSF habitat that was modeled as suitable for grouse. In the Bodie PMU, 197,850 acres of RSF PPH habitat was modeled.

A conservation plan for sage-grouse in the Bi-State area was created in 2004, and in 2012, a new plan was created to summarize accomplishments related to the 2004 plan and strategize future conservation efforts (Bi-State Technical Advisory Committee 2012). This 2012 plan characterizes wildfire and pinyon-juniper encroachment as the highest threats in the Bodie PMU while linear infrastructure (such as power lines) and urbanization (such as an increase in residential structures in grouse habitat) are moderate threats.

The Bodie PMU includes the second-largest breeding complex in the Bi-State area. The Lower Summer's Meadow lek (strutting area for males) is a little over 2 miles from the project area. Greater sage-grouse generally nest in the vicinity of leks and studies have found high percentages of nests within 3.2 km (2 miles) of occupied leks (Braun 1977). Sage-grouse population trends in the Bodie PMU, as indicated by annual lek censuses, go through periods of highs and lows, but overall remain stable (Bi-State Technical Advisory Committee 2012).

No grouse or their sign was observed in the project area, however grouse scat was observed in 2 locations approximately ¼ mile from the southern boundary of the private parcel. Approximately 400 feet of the proposed road widening is just inside the boundary of the most suitable habitat for grouse as modeled (RSF PPH). The remainder of the road and the private parcel is in the habitat that was not modeled as suitable for grouse, but within 3.25 miles of a lek (UD PPH). This is because the habitat changes to a more pinyon dominated area with rocky outcrops less than 0.1 miles from the proposed road widening. This pinyon dominated habitat is of poor quality for grouse.

The proposed action would result in the loss of 0.22 acres of vegetation primarily outside of the most suitable habitat for grouse. This represents 0.00011% of the most suitable habitat (RSF PPH) in the Bodie PMU and 0.00008% of the total acres in the PMU. Because this vegetation loss is a small proportion of the habitat available to grouse in the area, no measurable negative impacts are expected. Additionally, the existing habitat that would be lost is fragmented by the road, with project activities merely increasing the size of the road, rather than creating a new fragmentation. The proposed road widening is adjacent to an existing phone line. The poles create perches for avian predators of grouse and grouse tend to avoid these linear features. The proposed road widening is also less than 0.1 miles from pinyon habitat that occurs on the private property. This pinyon habitat is of poor quality for grouse. In summary, because the amount of habitat lost is so minimal in relation to what is available and because the habitat quality is poor due to presence of a phone line, pinyon and existing roads, the project is expected to have impacts that are so minimal that they are immeasurable on grouse and their habitat.

Minerals

No impact. There are no known mining claims or mineral material lease in the proposed action area.

Economic Impacts

The proposed action by itself would not result in economic impacts at the county level except that eventual structure construction as a result of the property obtaining legal access would result in an increase in the county tax base.

Environmental Justice

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

Hazardous Materials

There would be no hazardous materials associated with the proposed action.

Adherence to Local, State and Federal Environmental Ordinances / Laws

No impact from the actual ROW grant. The property owner does not need legal access in order to obtain a county issued construction permit.

Discussion of Trust Status, Federal Trust Responsibilities, Tribal Sovereignty

No impact to tribal interests. The Bridgeport Tribe is within 5.5 miles of the proposed action. The tribe has not asserted any interest or concern for the public land area within which the proposed action would take place.

Land Uses / Realty / Rights-of-way

The fence line maintenance road has no BLM authorization but is associated with an old livestock drift fence. This two track road has had no grading maintenance and receives little use.

There is a dirt road which “Y”s off of the above mentioned fence line road which travels in a northwest and southeast direction. This is a maintenance road for the Verizon telephone line authorized under CAS 037351. Verizon has been contacted regarding the use of this road for maintenance. Verizon has stated that should a portion of the road be closed, this would not interfere with any projects in the local area. See Map B.

Cumulative Effects

For most resources besides *C. quadricostata* and invasive non-native plants, because no direct or indirect impacts are expected, there will be no cumulative impacts from implementation of this project. The vegetation communities where the action takes place are well represented throughout the area, and the permanent loss of 0.22 acres of this vegetative community, which is adjacent to a road, is relatively minor. For wildlife in general, while there may be short-term impacts from displacement, these impacts are so minor, that the incremental impact of the project when combined with any past, present, and reasonably foreseeable future actions would be negligible.

For sage-grouse, potential cumulative effects include new structures leading to birds avoiding the area, loss of habitat on the private property and pets such as dogs disturbing birds. While direct impacts from the proposed action of road widening are expected to be so minimal as to be immeasurable, the potential cumulative effects from the changes of use in the private property could lead to some displacement of birds and loss of potential habitat. These impacts are expected to be minor as the habitat on much of the private land is of poor quality for grouse due to the presence of pinyon. However, because the private parcel is very close to documented grouse use, the increase in structures, such as the proposed residence, the increase in vehicle and human traffic related to a new residence and the potential for non-native predators such as dogs, could lead to adverse impacts to grouse. Because of these potential cumulative effects, the proposed action as described would not meet the direction in the RMP for yearlong protection of Sensitive species habitat as it would result in minor adverse impacts to grouse habitat.

Cumulative impacts to *C. quadricostata* could include potential loss of additional individuals and habitat on the private parcel if the recreational residence and stables are built in locations with *C. quadricostata* or its habitat. At this time, the BLM is unaware of the extent of the plan for development, so it is unknown if or how much habitat or how many individuals could be lost as a result of the buildings. Because the plant is well represented both on the private parcel and the adjacent BLM lands, it is not expected that any alternative will have population level impacts.

Cumulative impacts to invasive plants could include a greater increase of invasive plant abundance, distribution or diversity due to activities that may occur on the private parcel. The cumulative impact to invasive plants would be the same for all alternatives because development of the private parcel could occur under any of the alternatives.

Description of Mitigation Measures and Residual Impacts:

1. Close approximately 0.75 miles of adjacent road. The road would be closed from its origin along the fence line road for about 0.5 miles to an intersection of a dirt road. Another dirt road which “Ys” off of the maintenance road would also be closed for about 0.25 miles. See Map C. These roads would be closed at each end with 3-4 foot diameter boulders. The road segment from the access road to Kinninger property would be rehabbed by ripping three (3) to six (6) inches deep. Road rehab would only take place where there are no Bodie Hills draba (*Cusickiella quadricostata*) in the roadway. Closed roads would be seeded with native supplied by the BLM. These road closures would be completed by the proponent and under BLM guidance. The proponent would be responsible for any road closure work and expense. Roads would be signed as closed at all ends. BLM would provide the signs.
2. Access road improvement work would be authorized after January 1, 2013 except during May 15 through August 30 (migratory breeding season). If this is not feasible, a nest survey would be conducted prior to any disturbance during the breeding season. If nests are located, or if other evidence of nesting is observed, a protective buffer would be delineated and avoided to prevent destruction or disturbance to nests until they are no longer active. The start and end dates of the seasonal restriction may be altered based on site-specific information such as elevation and winter weather patterns, which would affect breeding chronology and the presence of the species.
3. Road closure and rehab would be authorized after January 1, 2013 except during May 1 through June 30 (sage grouse restrictions).
4. During improvements to the ROW access road as well as during the use of the access road during development of the private property, portions of the access road containing the *C. quadricostata* habitat would be covered with a full width steel protection grid capable of supporting any and all construction equipment (or a similarly functioning structure approved by the BLM).
5. The portion of the access road containing the *C. quadricostata* habitat would not be bladed or covered with gravel nor would snow removal be conducted on the habitat. Snow removal would be allowed for the remaining road without side casting.
6. Gravel for the road improvement activities would be clean and free of invasive plants.
7. All equipment and vehicles, during road work or property development, would be washed or sprayed off in order to remove any vegetation or seeds debris prior to entering public land.

8. If turnouts are needed these would be placed outside of low sagebrush sites that may provide habitat for the Bodie Hills draba (*Cusickiella quadricostata*).

9. Routine maintenance would be conducted so as to not cause cast off onto low sagebrush sites.

Residual impacts after application of the above mitigation are as follows:

The application of the above mitigation would bring the proposed action into compliance with the Bishop RMP.

The Proposed Action would result in adverse impacts to individual *C. quadricostata* plants located in the access road. With the above mitigation, the loss of *C. quadricostata* habitat would be mitigated by the closure of adjacent roads that contain both occupied and potential *C. quadricostata* habitat. It is estimated that the road closure would result in a gain/improvement of approximately 0.46 acres (net gain of 0.35 acres) of *C. quadricostata* habitat. Additionally, not blading and graveling the portions of the proposed ROW access road that contains *C. quadricostata* habitat, as well placing protective structures over habitat would decrease impact to *C. quadricostata* individuals and habitat.

The Proposed Action Alternative with or without mitigation is not expected to adversely affect the viability of the *C. quadricostata* occurrence that is within and adjacent to the project area nor is it expected to contribute to the need to list *C. quadricostata* as a Federally Threatened or Endangered Species.

Verizon has been contacted and agrees with the proposed partial closure of the maintenance road. Access to the telephone line would still be possible using existing routes.

There would be a net gain of habitat for wildlife on BLM lands with the closure of the roads adjacent to the project area. While 0.25 miles of road would be widened, 0.75 miles of road would be closed and reseeded with native vegetation resulting in a net gain of 0.5 acres of habitat. After restoration of these roads, there would be reduced fragmentation of habitat associated with these roads. While this would be beneficial, this improvement would represent a very small proportion of available habitat, so benefits are negligible.

The mitigations would remove impacts to nesting migratory birds because activities would take place outside the breeding season for migratory birds or if work is proposed during breeding season, no work would occur in a buffer around located nests.

The proposed action would result in minor adverse impacts to grouse due to the cumulative impacts from potential residence building. However, with the mitigations, there would be a net gain of preliminary priority habitat for grouse on BLM lands with the closure of the roads adjacent to the project area. After restoration of these roads, there would be reduced fragmentation of habitat associated with these roads. The road

closure and restoration would represent only a small improvement of grouse habitat. The acreage improved by closure would be an increase of much less than 1% of preliminary priority habitat for grouse. However, because the mitigations improve habitat in an area that is being used by grouse and the loss of habitat related to the cumulative effects is in an area that is of poor quality due to pinyon presence, the mitigations would result in an overall benefit to grouse.

Road improvement activities could increase the potential for invasion by invasive, non-native species. However, implementing the mitigation measures (i.e. requiring that equipment be washed and that gravel be free of invasive plants) would decrease the potential for adverse impacts. Specifically these mitigation measures would reduce the potential for introduction of an invasive plant that could have adverse impact (i.e. introduction of *Lepidium latifolium*). Any residual impacts are expected to be small in scale and are not expected to have broader impacts to the local native plant communities.

Cumulative effects to *C. quadricostata* would be similar to those discussed in the proposed action alternative because loss of individual plants or habitat may still occur on the private parcel however this cumulative effect would be lessened due to the net gain of approximately 0.35 acres of *C. quadricostata* habitat associated with the road closure.

Cumulative impacts to invasive plants would be similar to those discussed in the proposed action.

Cumulative impacts for grouse would be similar to those discussed in the proposed action. While this alternative is better for grouse, the benefits are minor due to the small amount of habitat improved.

B. 2. Affected Environment and Environmental Impacts (No Action Alternative):

Under this alternative the affected environment would be the same as stated under Section B-1. There would be no resource impacts except for the following:

Under the no action alternative, the proposed road ROW would not be issued and the proposed road work would not be completed. The property owner would have to utilize the road in its present condition which might prohibit the ability to bring a horse trailer onto the property. Since the road would not be widened, no turnouts provided, and with no gravel surface, any construction equipment would be limited to the existing road width and probably would not deliver construction materials to the site, unloading them on the county road. Mono County planning department could still issue any building permits for the proponent's recreational structures and facilities.

Vegetation/Threatened and Endangered/Special Status Plants

Vegetation, General

The No Action Alternative is expected to result in impact to vegetation that is growing within the existing road. As noted in vegetation analysis section of the proposed action, due to the current infrequent use of the existing road, native vegetation does grow within the roadbed. Although the No Action Alternative would not allow for widening or improvement of the existing road, the road in its' current condition could still be used to access and develop the private parcel. Therefore it is likely that the road would be driven at a much greater frequency than it currently is. This is expected to result in damage/mortality to those plants that are growing within the existing roadbed. Because the vegetation types that would be impacted are common and abundant in the area and throughout the Great Basin, the proposed alternative is not expected to have negative effects on general vegetation.

The No Action Alternative is expected to result in a loss of approximately 0.15 acres of existing vegetation and habitat.

Special Status Plant Species

The No Action Alternative is expected to result in a negative impact to individuals of *C. quadricostata* that are currently growing within the existing roadbed.

As noted above, the No Action Alternative would still likely result in the use of the existing road in the development of the private parcel. The likely development of the private parcel is expected to result in increased and more frequent use of the existing road. Therefore the No Action Alternative is expected to result in mortality to some (if not all) of the *C. quadricostata* individuals that are growing within the existing roadbed and a loss of approximately 0.05 acres of habitat. This number was calculated based on a loss of a six (6) foot width (two (2) three (3) foot wide wheel ruts) along the 390 feet of road that contains *C. quadricostata* habitat.

Using current data, there are eleven (11) acres of occupied habitat within two (2) miles of the project area. The No Action Alternative would result in adverse impacts to individuals of *C. quadricostata* as well as a loss of approximately 0.49% of the existing occupied habitat that is in the vicinity of the proposed project area.

Due to the current extent and condition of the population of *C. quadricostata* within and adjacent to the proposed project area and multiple other occurrences of *C. quadricostata* in the surrounding area, the no action alternative is not expected to adversely affect the viability of the *C. quadricostata* occurrence that is within and adjacent to the project area nor is it expected to contribute to the need to list *C. quadricostata* as a Federally Threatened or Endangered Species.

Invasive, Non-native Species

Under the No Action Alternative, development of the private parcel may still occur. Development of the private parcel would likely result in an increased use of the existing road. This may result in a slight increase in potential for introduction of invasive, non-native plants. Whatever impact that may occur is expected to be slight due the small size of the project area and relatively intact nature of the surrounding vegetation community.

Wildlife/Threatened and Endangered/Sensitive Habitat

There would be no vegetation disturbance related to road widening, therefore there would be no loss of wildlife habitat on BLM lands.

No impacts are expected to pygmy rabbits as they were not located during surveys and because the soil in the project area is likely to rocky to support burrows.

There would be no impacts to sage-grouse from road widening, as it would not occur.

Cumulative Effects

Because the residence could be built with no right of way from the BLM, effects described in the above cumulative effects section resulting from construction and use of residential buildings would occur in this alternative. In addition to the adverse effects from building on the private parcel, there would be no beneficial impacts from road closures as described in the mitigated alternative. However, because there would be no direct or indirect impacts because no action would occur on BLM lands, there would be no cumulative effects associated with this alternative.

Literature Cited

Bi-State Technical Advisory Team. 2012. Bi-State Action Plan. Past, Present and Future Actions for Conservation of the Greater Sage-grouse Bi-State Distinct Population Segment.

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California Invasive Plant Council, 2012. <http://www.cal-ipc.org/>

Sawyer, J.O., T. Keeler-Wolf, J.M. Evans. 2009. A Manual of California Vegetation, Second Edition. Sacramento, CA: California Native Plant Society.

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FINDING OF NO SIGNIFICANT IMPACT
Kinninger Private Property Access Road Environmental Assessment
DOI-BLM-CAC-070-2013-0012-EA, CACA 053568

I have reviewed the environmental assessment DOI-BLM-CAC-070-2013-0012-EA for the Kinninger access road project including the explanation and resolution of any potentially significant environmental impacts.

I have determined that the proposed alternative (Alt 1) with all mitigation measures as described in the alternative analysis will not have any significant impacts on the human environment and that an EIS is not required.

I have determined that the proposed project, when all mitigation measures as defined for the Proposed Action Alternative are applied, will be in conformance with the Bishop Resource Management Plan, which was approved March 25, 1993. This plan has been reviewed, and the proposed action with mitigation conforms to the land use plan terms and conditions as required by 43 CFR 1610.5.

There will be no effect on Wilderness, Wilderness Study Area (WSA), Area of Critical Environmental Concern, Wild and Scenic River corridor, Essential Fishery habitat or on any lands so designated as a result of the action. The proposed action area is not within or near any of the above cited special designated areas nor does the area have these characteristics. There will be no effect on threatened or endangered species as a result of the action. The proposed action area is not within existing or potential habitat for known threatened or endangered species.

There will be a long-term loss of 0.22 acres of sagebrush/bitterbrush vegetation community and wildlife habitat from the road improvement, but 0.75 miles of existing road would be closed and reseeded with native vegetation resulting in a net gain of 0.5 acres of sagebrush/bitterbrush vegetation community and wildlife habitat. These types of vegetation communities are extensive in the surrounding area. This will have no measurable detrimental effects on the current or long-term availability of habitat for any animal species known or likely to occur in vicinity of the proposed project area.

The Proposed Action with mitigation will result in adverse impacts to individual *C. quadricostata* plants, however, it is expected that these impacts will be less than those of the No Action Alternative. Similar to the No Action, the Proposed Action Alternative is not expected to adversely affect the viability of the *C. quadricostata* occurrence that is within and adjacent to the project area nor is it expected to contribute to the need to list *C. quadricostata* as a Federally Threatened or Endangered Species.

Overall, the Proposed Action with mitigation is expected to result in a net benefit to *C. quadricostata* and its habitat compared to the No Action Alternative because: Closing and rehabbing adjacent roads will reduce the potential for future impacts to *C. quadricostata* plants that occur on those roads and it will improve the habitat within the

rehabbed roadbed. It is expected that the *C. quadricostata* populations in the rehabbed area will improve over time.

There may be some short-term disturbance and displacement of wildlife from the immediate project vicinity as the result of noise and activity associated with project implementation. Displacement and disturbance impacts will be short-term and no measureable detrimental effects are expected.

The Proposed Action with mitigation is expected to have minor negative cumulative effects on sage-grouse as a result of the development of the private parcel. However, with the mitigation of road closures in grouse habitat, there would be a net gain of grouse habitat. The No Action alternative allows this same development, but does not provide a net gain as no roads would be closed to improve sage-grouse habitat.

A cultural resource inventory has been conducted and there are no cultural resources that will be impacted by the proposed action. A cultural resource stipulation will be applied to the authorization.

It is my decision to implement the project as defined under the proposed action alternative with all mitigation measures identified below. I will issue a thirty (30) year renewable road right-of-way CACA 05356 to James Kinninger. A Decision citing this environmental document will be used to issue the ROW and will contain appeal procedures for this environmental document and the ROW.

Mitigation Measures/Remarks:

1. Close approximately 0.75 miles of adjacent road. The road will be closed from its origin along the fence line road for about 0.5 miles to an intersection of a dirt road. Another dirt road which "Ys" off of the maintenance road will also be closed for about 0.25 miles. See Map C. These roads will be closed at each end with 3-4 feet diameter boulders. The road segment from the access road to Kinninger property will be rehabbed by ripping three (3) to six (6) inches deep. Road rehab will only take place where there are no Bodie Hills draba (*Cusickiella quadricostata*) in the roadway. Closed roads will be seeded with native seed supplied by the BLM. These road closures will be completed by the proponent and under BLM guidance. The proponent will be responsible for any road closure work and expense. Roads will be signed as closed at all ends. BLM will provide the signs.
2. Access road improvement work will be authorized after January 1, 2013 except during **May 15 through August 30** (migratory breeding season). If this is not feasible, a nest survey will be conducted prior to any disturbance during the breeding season. If nests are located, or if other evidence of nesting is observed, a protective buffer will be delineated and avoided to prevent destruction or disturbance to nests until they are no longer active. The start and end dates of the seasonal restriction may be altered based on site-specific information such as elevation and winter weather patterns, which will affect breeding chronology and the presence of the species.

Road closure and rehab will be authorized after January 1, 2013 except during **May 1 through June 30** (sage grouse restrictions).

3. During improvements to the ROW access road as well as during the use of the access road during development of the private property, portions of the access road containing the *C. quadricostata* habitat will be covered with a full width steel protection grid capable of supporting any and all construction equipment (or a similarly functioning structure approved by the BLM).
The portion of the access road containing the *C. quadricostata* habitat will not be bladed or covered with gravel nor will snow removal be conducted on the habitat. Snow removal will be allowed for the remaining road without side casting.
4. Gravel for the road improvement activities will be clean and free of invasive plants.
5. All equipment and vehicles, during road work or property development, will be washed or sprayed off in order to remove any vegetation or seeds debris prior to entering public land.
If turnouts are needed these will be placed outside of low sagebrush sites that may provide habitat for the Bodie Hills draba (*Cusickiella quadricostata*).
Routine maintenance will be conducted so as to not cause cast off onto low sagebrush sites.

Authorized Official: _____
/s/ Bernadette Lovato
Bernadette Lovato
Field Manager
Bishop Field Office

January 25, 2013
Date: _____