



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Bishop Field Office
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August 6, 2014

CACA 052688
2800 (P)
CA170.10

DECISION

County of Mono, California	=	
Department of Public Works	=	Application for road ROW
74 North School Street	=	CACA 052688
Bridgeport, CA 93517	=	

**Right-of-Way Granted
Rental Exempt**

On June 4, 2010 the County of Mono, Department of Public Works filed an application for a right-of-way (ROW) for the construction, operation, maintenance, and termination of an alternate ingress/egress road for Mono City, California under the authority of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2773, 43 U.S.C. 1701). In March 2014, Mono County revised their ROW application to incorporate the following changes: widen a portion of the existing road near the well from 12' to 18' and include a turnaround area (hammerhead) next to the well; reduce the number of turnouts from 7 to 2; add an additional gate near the well; and install concrete-filled bollards around the well and monitoring station. The proposed ROW is located adjacent to, and north of, the Mono City sub-division.

The proposed road would be 2,850 feet long and consist of two sections: a one-way section being 12 feet wide and 2,590 feet long and a two-way section being 18 feet wide and 260 feet long. The proposed road would also include two (2) turnouts, three (3) gates, and steel bollards around the existing water well fenced area.

The application for the right-of-way over public land is generally located in:

Mount Diablo Base and Meridian, California,
T. 2 N., R. 26 E.,
Section 7,
S1/2 of the SW1/4 of the NE1/4,
E1/2 of the NW1/4 of the SE1/4,
NE1/4 of the SW1/4 of the SE1/4.

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Under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2773, 43 U.S.C. 1761) Title V, as amended, I hereby issue Right-of-Way Grant CACA 052688 for the construction, operation, maintenance, and termination of an alternate ingress/egress road for Mono City, California to the County of Mono, Department of Public Works. The Stipulations under Exhibit A and Mitigations under Exhibit B and Exhibit C dated April 8, 2014 are attached to the Grant document and are hereby applied. Habitat rehabilitation will cover 0.44 acres. The ROW is exempt from annual rent per the 43 CFR 2800 regulations. The ROW is issued for 30 years + 5 months. The ROW will expire on December 31, 2044 and is renewable.

This decision is in full force and effect upon signature by the Bishop Field Manager.

Rational

The Mono County right-of-way (ROW) application was analyzed under environmental assessment (EA) DOI-BLM-CAC-070-2013-0025-EA. Three alternatives were analyzed in detail and the Fire Station Alternative - Proposed Action (Alternative 1) with mitigation was selected. The required mitigations for the selected alternative are attached to the ROW Grant document as Exhibit B (Right-of-Way Mitigations) and Exhibit C (Mono City Local Area Mitigation Rehab Areas) dated April 8, 2014. The selected alternative with mitigation is the ROW being granted.

The environmental review included the identification, explanation, and resolution of any potentially significant effects on the human environment that would result from implementation of the selected alternative (Fire Station Alternative - Proposed Action) for the construction, operation, maintenance, and termination of a gravel secondary ingress/egress road for Mono City, California. The environmental review also included numerous opportunities for public involvement in the decision making process. Based on my review of the environmental analyses, I determined that implementation of the Fire Station Alternative, when fully mitigated as recommended by staff in the EA, does not constitute a major federal action that would significantly affect the quality of the human environment. I issued a finding of no significant impact (FONSI) for the selected alternative on April 8, 2014.

The proposed action is subject to the Bishop Resource Management (RMP), approved March 25, 1993 and is within the Granite Mountain Management Area. I have reviewed the Bishop RMP and determined that the selected alternative, when all recommended mitigation measures are applied, does conform to the terms and conditions of the applicable land use plan as defined at 43 CFR 1601.0-5(b) and as required by 43 CFR 1610.5-3(b).

I have determined the selected alternative meets the intended purpose of Mono County's applied for right-of-way, which is, to improve public safety by providing a controlled alternate access road to, and/or from, the Mono City subdivision should the primary access road (East Mono

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Lake drive) be blocked. The selected alternative provides the shortest alternate access road between the community and Highway 167 of all the action alternatives considered, reasonable separation (0.7 miles) between East Mono Lake Drive and the alternate access road, and a well-defined staging area (Mono City Fire Station) for emergency use.

Implementation of the selected alternative will result in the least new surface disturbance, vegetation loss and habitat fragmentation of all the action alternatives considered. In addition, the selected alternative requires the least mitigation to conform to the Bishop RMP. With the required mitigations, the selected alternative is not likely to have an adverse effect on greater sage-grouse or their habitat or on migratory mule deer.

Implementation of the selected alternative will eliminate motorized vehicle use on two short dirt roads and one small area that will be closed and rehabilitated as mitigation. This use, for the most part, was exclusive use by a few individuals that were accessing public land via unauthorized roads that the majority of Mono City residents and the general public could not access or use. This slight loss of access will affect a few individuals but will not adversely affect the majority of Mono City residents or the general public. The public benefit of authorizing an alternate access road for Mono City as requested by Mono County outweighs the minimal loss of access that will result from the required mitigation.

Implementation of the selected alternative may result in some slight and intermittent disturbance impacts to property owners living adjacent to the Mono City Fire Station from increased vehicle use through the fire station area even with a gate and signage. I have included mitigation in my decision that requires the BLM to work with Mono County and the Mono City Fire Department to determine a method to reduce any increase in vehicle use through the fire station area should it occur.

A fire behavior report was developed to analyze past fire history for the immediate area. Since 1970, the majority of fires have started west and south of Mono City with fires also occurring to the east. Most large fires in the Mono Basin are wind driven. Wind events associated with frontal passage are common from October through May and occasional in June and August. The most commonly observed wind direction is south-southwest. Topography, generally, does not alter wind speed and/or direction except for erratic winds near canyon mouths. Past fire history indicates that a wildfire could start west and south of Mono City and that wildfires in the Mono Basin tend to travel north or northeast driven by south or southwest winds. However, it is not possible to accurately predict where a fire start might occur or which direction a fire would progress.

As noted above, the authorized alternate access road will be positioned near the eastern end of Mono City and about 0.7 miles east of the main paved entrance to the community. This location should provide a reasonable secondary ingress/egress road for the community. However, the authorized route may not provide for the safe evacuation of Mono City, or for safe access to the community by emergency response vehicles, under all emergency situations. To ensure public safety, Mono County will need to closely manage the use of the authorized route in the event of an emergency.

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I did not choose the East Side Alternative because it would result in the greatest level of new surface disturbance, vegetation loss and habitat fragmentation of all the action alternatives considered. In addition, this alternative would require the greatest level of mitigation to conform to the Bishop RMP. Although this alternative would provide the largest separation between existing access via North Mono Lake Drive and an alternate access road, this route would be longer than the selected alternative and would lack a well-defined staging area. This alternative would also require a use authorization from the Inyo National Forest since a portion of the road would be on National Forest System land. While this alternative would meet Mono County's intended purpose for an alternate access road for Mono City, it would not adequately address the concerns raised during public scoping such as minimize vegetation/habitat loss, reduce risk, minimize length, minimize cost, minimize travel time, reduce congestion, allow fastest emergency response from surrounding communities, and provide the best evacuation point.

I did not choose the No Action alternative because it would not meet Mono County's stated purpose and need for a secondary access road for Mono City. Under this alternative there would be no secondary access road, thereby eliminating any solution for safety considerations as expressed by residents, local emergency response agencies, and the county. Under this alternative, the only means of secondary access would be the existing cemetery dirt road at the eastern end of Mono City. This road is narrow, long, and has sandy sections where vehicles could easily become stuck during an evacuation. As has been stated by emergency responders, most emergency vehicles could not, or would not, utilize this road.

Therefore, I have decided to issue a thirty (30) year renewable road ROW (CACA 052688) to Mono County for a gravel secondary ingress/egress road for Mono City, California, as described and analyzed under the Fire Station Alternative - Proposed Action (Alternative 1) in EA DOI-BLM-CAC-070-2013-0025-EA. My decision incorporates all the mitigation measures recommended in Section B.1.M. of the EA and requires 0.44 acres of rehabilitation in the immediate project vicinity to mitigate the 0.30 acres of new surface disturbance and vegetation loss that will occur from road construction. The areas to be rehabilitated are the Pit Road Diagonal Extension #1 (6,537 sq. ft., 0.15 acre), the Pit Road North/South Extension #2 (5,328 sq. ft., 0.12 acre), and the Disturbed Area North Side #4 (7,600 sq. ft., 0.17 acre). The BLM Bishop Field Office will provide botanical and wildlife staff support for implementation of the required mitigation and assist with other aspects of the mitigation effort as needed to ensure implementation of the mitigation required by my decision. The implementation of all required rehab work will be a cooperative effort by Mono County and the BLM.

It is in the public interest to issue Right-of-Way Grant CACA 052688 to the County of Mono, Department of Public Works. The alternate access road authorized under this ROW will provide a reasonable means of secondary ingress and egress for the Mono City community. The road will allow residents and emergency personnel/vehicles to enter or leave the sub-division during most emergency events should the primary access road (East Mono Lake drive) be blocked.

Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision being appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted:

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Steven Nelson

Steven Nelson
Bishop Field Manager

Enc: Appeal Form 1842-1
Grant Document CACA 052688