



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

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**Finding of No Significant Impact with Administrative Appeal
for the
Great Basin Unified Air Pollution Control District
Air Monitoring Sites Right-of-Way Amendment
Environmental Assessment
Inyo County, California
(DOI-BLM-CAC-070-2014-0011-EA)**

One of the primary purposes for preparing an environmental assessment (EA) is to determine whether or not a proposed action will have a significant impact on the human environment and therefore require the preparation of an environmental impact statement (EIS). As defined in 40 CFR 1508.13, a finding of no significant impact (FONSI) is a document that briefly presents the reasons why a federal agency action will not have a significant effect on the human environment and for which an EIS will therefore not be prepared. The regulations specify that both the context and intensity of effects be considered when determining significance (40 CFR 1508.27).

This document presents the findings of the Bureau of Land Management (BLM) Bishop Field Manager concerning the selected alternative (Proposed Action - Alternative A) for amending an existing right-of-way held by the Great Basin Unified Air Pollution Control District (GBUAPCD) for air monitoring sites on public land (CACA 046216) in Inyo County, California, as described and analyzed in EA DOI-BLM-CAC-070-2014-0011-EA.

Finding of No Significant Impact and Land Use Plan Conformance Determination

I have reviewed EA DOI-BLM-CAC-070-2014-0011-EA which includes the identification, explanation, and resolution of any potentially significant effects on the human environment that would result from implementation of the selected alternative (Proposed Action - Alternative A) for the use of public land for construction, operation, maintenance, and termination of three new air monitoring sites located on the shoreline of Owens Lake in Inyo County, California.

Based on my review of the environmental analyses, I have determined that implementation of the Proposed Action Alternative, when constructed with four mitigations as described in the EA, does not constitute a major federal action that would significantly affect the quality of the human environment. None of the effects identified, including the direct, indirect and cumulative effects, in the environmental analyses meet the definition of significance either in context or intensity as outlined in 40 CFR 1508.27. Therefore, an EIS is not required and will not be prepared.

I have also reviewed the *Bishop Resource Management Plan Record of Decision* (Bishop RMP) and determined that the selected alternative, when air monitoring sites are constructed as per the description in the proposed action with four mitigations, 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). Specifically, the Bishop RMP provides that “Management will be on the basis of multiple use and sustained yield” pursuant to Section 102 (a)(7) of the Federal Land Policy and Management Act of 1976 (FLPMA) (General Policies, Page 8, No. 1).

In addition, the selected alternative is consistent with the following Area Manager’s Guidelines, Standard Operating Procedures, and Decisions prescribed by the Bishop RMP:

1. 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 (Standard Operating Procedures, Wildlife, Page 12, No. 3).
2. Protect and enhance unique or important vegetation communities and wildlife habitats (Area-Wide Decisions, Page 17).
 - Yearlong Protection of endangered, threatened, candidate, and sensitive plant and animal habitats.

Public land would be used for three new air monitoring sites along the eastern and southern edges of the Owens Lake. The Los Angeles Department of Water and Power (LADWP) is mitigating dust emissions from the Owens Lake through the Owens Lake Dust Mitigation Project. The new air monitoring sites would enhance the ability of the GBAPCD to monitor the effectiveness of the dust mitigation efforts.

The GBUAPCD has been monitoring the lake air quality for the last decade in order to establish a base-line for air quality in the basin. Twenty three air monitoring sites are currently operating on public land under an existing right-of-way (ROW) CACA 046216. Now that the mitigation project is close to completion, additional sites are needed to enhance data gathering for those areas currently lacking monitoring sites. There are currently 187 wind and sand monitoring sites located on the Owens Lake bed. The three new proposed sites on public land are also intended for that purpose.

Therefore, I will issue a Decision amending the existing ROW held by the GBUAPCD to include three additional air monitoring sites along the Owens Lake shoreline in Inyo County, California, as described and analyzed under the Proposed Action (Alternative A) in EA DOI-BLM-CAC-070-2014-0011-EA.

Rationale for Finding of No Significant Impact

My finding is based on consideration of both the context (40 CFR 1508.27(a)) and intensity (40 CFR 1508.27(b)) of the effects identified in EA DOI-BLM-CAC-070-2014-0011-EA as summarized below:

Context

The proposed action is the issuance of a Decision to amend an existing right-of-way (CACA 046216) held by the GBUAPCD for the construction, operation, maintenance, and termination of three new air monitoring sites along the shoreline of Owens Lake, Inyo County, California. The proposed sites each cover an area measuring about 5 feet by 5 feet. There would be no vegetation loss from construction. The proposed action also includes mitigation to avoid the introduction and/or spread of noxious weeds and to avoid impacts to migratory birds and wildlife burrows.

The beneficial and adverse effects expected from the construction, operation, maintenance, and termination of the air monitoring sites are site specific and localized in scale. None of the effects associated with the proposed action are considered measurable at the regional, state-wide, national, or international scale.

Intensity

I have considered the intensity and severity of effects anticipated from the use of public land for the construction, operation, maintenance, and termination of three new air monitoring sites along the shoreline of Owens Lake in Inyo County, California, as described and analyzed under the Proposed Action (Alternative A) in EA DOI-BLM-CAC-070-2014-0011-EA. My consideration of the ten “significance” criteria identified in 40 CFR 1508.27(b) is summarized below:

1) Impacts that may be both beneficial and adverse.

The EA provides a description of both beneficial and adverse effects expected from implementation of the proposed action. Primary effects are briefly summarized below:

Beneficial Effects

The primary beneficial effects will accrue from: 1) Increasing the number of air monitoring sites along the Owens Lake shoreline in order to gather data on sand movement and air quality within the Owens Lake basin. This information can be used to gauge the effects of dust mitigation measures being used on the lake. Overall, the magnitude of the predicted beneficial effects are limited and restricted to the local scale.

Adverse Effects

The primary adverse effects will incur from: 1) Short-term disturbance and displacement of wildlife in the immediate project vicinity as the result of noise and human activity associated with site installation and maintenance. These impacts will be short-term and no measurable long-term detrimental effects are expected. Overall, the magnitude of the predicted adverse effects are limited and restricted to the local scale.

Conclusion

The EA provided a description of both beneficial and adverse effects expected from implementation of the proposed action. The magnitude of both the predicted beneficial effects and the predicted adverse effects of the proposed action are minimal and restricted to the local scale. None of the direct, indirect, or cumulative effects associated with the proposed action are considered significant, either individually or cumulatively, based on the analyses provided in the EA. In addition, none of the predicted adverse effects are considered significant, even when evaluated independent of the beneficial effects that will occur from implementation of the proposed action.

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

I have determined the proposed action meets the intended purpose of the GBUAPCD air monitoring program and will enhance on-going air monitoring taking place in the Owens Lake basin. This program is part of the overall dust mitigation project being conducted on the Owens Lake and dust emission within the basin has improved air quality. Implementation of the proposed action will not have an adverse effect on public health or safety.

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

The proposed project site is not characterized by proximity to park lands, prime farmlands, wetlands, wild and scenic rivers, essential fisheries, or ecologically critical areas. The general area is recognized as having abundant cultural resources, but the proposed action is not in proximity to any known historic or cultural sites. Implementation of the proposed action will have no effect on any historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the surrounding geographic area.

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

The effects of enhancing monitoring activities for sand movement and air quality are well understood. Implementation of the proposed action will result in negligible environmental impacts due to the small footprint of the equipment. None of the anticipated effects identified in the EA are considered highly controversial.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The proposed action is not unique or unusual. The effects of installing sand and air monitoring equipment are well understood and the BLM has extensive experience evaluating the environmental effects associated with the proposed project. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

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.

Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. Implementation of the proposed action will not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration.

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

The proposed action was evaluated in the context of past, present, and reasonably foreseeable actions. No individually significant or cumulatively significant effects are identified in the EA. None of the alternatives analyzed in the EA were predicted to contribute to significant cumulative effects on the human environment at either the local, regional, state-wide, national, or international scale.

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.

A Class III cultural resource inventory of the area of potential effect for the proposed project was completed and no districts, sites, highways, structures, or other objects currently listed in or eligible for listing in the National Register of Historic Places were identified. Implementation of the proposed action will not adversely affect any cultural properties currently listed in, or eligible for listing in, the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

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.

Implementation of the proposed action would result in no vegetation loss and negligible surface disturbance. Existing roads will be utilized to access the sites for equipment installation and future maintenance will be conducted on foot. The proposed project includes mitigation to avoid the introduction and/or spread of noxious weeds and to avoid impacts to migratory birds and wildlife burrows. Implementation of the proposed action will have no effect on any threatened or endangered species, or on any designated or proposed critical habitat for any listed species.

10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The EA included consideration of applicable federal, state, and local laws and requirements imposed for the protection of the environment. Federal, state, local, and tribal interests were consulted and/or considered during the environmental review process and no potential violations or inconsistencies with existing laws or policies were identified or left unresolved.

Implementation of the proposed action does not threaten a violation of any known federal, state, or local law or requirements imposed for the protection of the environment.

Administrative Appeal

The EA (DOI-BLM-CAC-070-2014-0011-EA) and this FONSI for the proposed installation of three new sand and air monitoring sites (CACA 046216 Amendment) 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 appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) 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.

Authorized Official

/s/ Steven Nelson

Steven Nelson
Bishop Field Manager

06/16/2014

Date: _____