



**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
Keeler Dunes Dust Control Project
Inyo County, California
(DOI-BLM-CAC-070-2014-0023-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 (Alternative 5, with Stipulations) for implementation of dust control measures in the Keeler Dunes by the Great Basin Unified Air Pollution Control District (GBUAPCD) in Inyo County, California, as described and analyzed in EA DOI-BLM-CAC-070-2014-0023-EA.

Finding of No Significant Impact and Land Use Plan Conformance Determination

I have reviewed EA DOI-BLM-CAC-070-2014-0023-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 (Alternative 5, with Stipulations) for the use of public land for the construction, operation, maintenance, and termination of a straw bale and native vegetation dust control project in the Keeler Dunes along the eastern shoreline of Owens Lake in Inyo County, California.

Based on my review of the environmental analyses, I have determined that implementation of the selected alternative (Alternative 5), when constructed according to the project design features, best management practices, and minimizing measures described in the EA and supplemented by recommendations from BLM staff (Stipulations), 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.

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I have also reviewed the *Bishop Resource Management Plan Record of Decision* (Bishop RMP) and determined that the selected alternative (Alternative 5), when constructed according to the project design features, best management practices, and minimizing measures described in the EA and supplemented by recommendations from BLM staff (Stipulations), 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 General Policies and Area Manager’s Guidelines, Standard Operating Procedures, and Decisions prescribed by the Bishop RMP:

1. Public lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will reserve and protect certain public lands in their natural condition..... (General Policies, Page 8, No. 4).
2. BLM will comply with the provisions of Sections 106 and 110 of the Historic Preservation Act including consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation for actions which may affect prehistoric and historic properties (General Policies, Page 9, No. 12).
3. The Bureau will consult with local Indian communities to identify their concerns when projects might affect them. These concerns will be considered in the decision making process (General Policies, Page 9, No. 13).
4. 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).
5. Manage all activities to conform with Visual Resource Management (VRM) standards. VRM standards will be applied according to Visual Standard Operating Procedures (Area-Wide Decisions, Page 17).
6. 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.

The goal of the project is to reduce dust emissions from the Keeler Dunes to a level that meets National Ambient Air Quality Standards (NAAQS) and California State standards for particulate matter (PM10) air pollution. To that end, the project would use straw bales and native vegetation on up to 144.5 acres of public land in order to stabilize the dune surface. Project construction

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would require the temporary establishment of three staging areas, all-terrain vehicle (ATV) access routes totaling approximately 2 miles, and an above ground irrigation system about 48,000 feet in length comprised of a main supply line with lateral lines every 150 to 160 feet across the project footprint. A portion of the pipeline would be placed under California State Highway 136 and connected to the Keeler community water well. These temporary project elements would be removed after three years, at which point it is anticipated that a natural, self-sustaining vegetated dune community would be established and would mitigate PM10 emissions.

Therefore, I will issue a decision to grant a right-of-way (ROW) to the GBUAPCD for the use of public land for the construction, operation, maintenance, and termination of a straw bale and native vegetation dust control project in the Keeler Dunes along the eastern shoreline of Owens Lake in Inyo County, California, as described and analyzed under Alternative 5 in EA DOI-BLM-CAC-070-2014-0023-EA. The design features, best management practices, and other minimizing measures described in the EA will be supplemented by recommendations from BLM staff and applied in total as Stipulations to the ROW grant.

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-070-2014-0023-EA as summarized below:

Context

The proposed action is the issuance of a decision to grant a right-of-way to the GBUAPCD for the construction, operation, maintenance, and termination of a straw bale and vegetation dust control project in the Keeler Dunes along the eastern shoreline of Owens Lake in Inyo County, California. The project area covers 144.5 acres of public land. The selected alternative (Alternative 5) for implementation of the dust control project includes design features, best management practices, and other minimizing measures including recommendations from BLM staff (Stipulations) that will avoid any significant impacts to biological, cultural, or other resources within or adjacent to the project area. Such stipulations include, but are not limited to: a worker education and awareness program, a pre-construction archeological survey and the development and implementation of an inadvertent archeological resource discovery plan, and the development and implementation of a comprehensive adaptive weed control plan, among others.

Overall, the beneficial and adverse effects expected from implementation of the selected alternative for the Keeler Dunes dust control project are site specific and localized in scale, with the exception of predicated beneficial effects on air quality that may extend to the regional scale. None of the predicted effects associated with implementation of the project are considered measureable at the 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 a straw bale and native vegetation dust control project in the Keeler Dunes along the eastern shoreline of Owens Lake in Inyo County, California, as described and analyzed under the selected alternative (Alternative 5, with Stipulations) in EA DOI-BLM-CAC-070-2014-0023-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 selected alternative for the Keeler Dunes dust control project. Primary effects are briefly summarized below:

Beneficial Effects

The primary beneficial effect is the reduction of windblown dust that is causing and contributing to exceedances of both the National Ambient Air Quality Standards (NAAQS) and the California State standards for particulate matter (PM10) air pollution. The primary goal of the project is to attain both the NAAQS and the California PM10 standards in the communities of Keeler and Swansea. Overall, the magnitude of the predicted beneficial effects are limited and restricted to the local scale with some regional air quality benefits possible.

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 project installation and maintenance; 2) Removal of vegetation associated with the construction of staging areas and access routes, followed by restoration including de-compaction, broadcast seeding and raking upon project completion; and 3) Temporary restriction of public access during project construction. These impacts will be short-term and no measureable 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 selected alternative for the Keeler Dunes dust control project. The magnitude of both the predicted beneficial effects and the predicted adverse effects of the selected alternative are minimal and restricted to the local scale, with the exception of predicated beneficial effects on air quality that may extend to the regional scale. None of the direct, indirect, or cumulative effects associated with the selected alternative are considered significant, either individually or cumulatively, based on the analyses provided in the EA. In addition, none

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of the predicted adverse effects are considered significant, even when evaluated independent of the beneficial effects that will occur from implementation of the selected alternative.

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

I have determined that the selected alternative meets the intended purpose of the project which is to reduce dust emissions from the Keeler Dunes to a level that meets both National Ambient Air Quality Standards (NAAQS) and California State standards for particulate matter (PM10) air pollution. Implementation of the selected alternative 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 project area is not characterized by proximity to any park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The Keeler Dunes are recognized as having abundant and significant cultural resources, but the selected alternative will avoid any known historic or cultural sites. Implementation of the selected alternative for the Keeler Dunes dust control project will have no effect on any park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas and will have no adverse effect on any historic or cultural resources.

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

No anticipated effects have been identified that are scientifically controversial. The effects of constructing and maintaining a straw bale and native vegetation dust control project were previously investigated in a test study undertaken by the GBUAPCD on 1.2 acres of the Keeler Dunes as authorized under a short-term right-of-way grant (CACA 054024). That study used similar methods as the selected alternative and found that plant survivorship rates were above 50% and that the surface within the project area became more stable, thereby reducing PM10 emissions.

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

There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks. See the previous discussion of the GBUAPCD straw bale and native vegetation test study.

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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 selected alternative for the Keeler Dunes dust control project 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 Keeler Dunes dust control project was evaluated in the context of past, present, and reasonably foreseeable actions. No individually significant or cumulatively significant effects are identified in the EA. Implementation of the selected alternative for the Keeler Dunes dust control project will not 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 has been completed and Tribal Consultation for the project was also conducted. Additional pre-construction archeological surveys are required prior to implementation to insure avoidance in response to the changing surface conditions typical of the dune environment. Implementation of the selected alternative 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.

No threatened or endangered species are known or likely to occur within the Keeler Dunes project area based on historical records, project specific biological surveys, and habitat suitability. In addition, there is no designated or proposed critical habitat for any listed species within or immediately adjacent to the project area. Implementation of the selected alternative for the Keeler Dunes dust control project will have no effect on any threatened or endangered species, nor will it have any effect on any designated or proposed critical habitat for any listed species.

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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 selected alternative for the Keeler Dunes dust control project 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-070-2014-0023-EA) and this FONSI for the selected alternative (Alternative 5, with Stipulations) for implementation of the Keeler Dunes dust control project in Inyo County, California, may be appealed to the Interior Board of Land Appeals, Office of the Secretary.

A separate Decision for the Application for a Right-of-Way Grant for the Keeler Dunes Dust Control Project will be issued that will cite the EA and FONSI as the basis for the Decision. That Decision will provide the procedure for appealing the Decision, EA and FONSI.

Authorized Official

/s/ Steven Nelson

Steven Nelson
Bishop Field Manager

08/15/2014

Date: _____