

ENVIRONMENTAL ASSESSMENT, FONSI AND DECISION RECORD

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

EA Number: CA-170-06-05
Lease/Serial/Case File No.: CACA 047623
Proposed Action Title/Type: Barnard Construction Haul Road

Location of Proposed Action:

MDM, T. 16 S., R. 37 E., Section 25, NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4;

T. 16 S., R. 38 E., Section 30, E1/2NE1/4, SW1/4NE1/4, S1/2NW1/4.

Applicant (if any): Barnard Construction Co., Inc.

Plan Conformance:

The proposed action is subject to the Bishop Resource Management Plan, approved March 25, 1993. The proposed action has been reviewed and is in conformance with the plan.

Need for Proposed Action:

A long history of water diversion from the Owens River for agricultural use and as a water supply for the City of Los Angeles contributed to drying up of much of the Owens Lake. These relicted lands and lands surrounding Owens Lake have been identified as contributing significant PM10 emissions, exceeding air quality standards under the 2003 State Implementation Plan EIR and Phase V Mitigated Negative Declaration. In this final implementation phase to reduce these hazardous emissions, the Los Angeles Dept. of Water and Power (LADWP) is utilizing various dust control methods which require rock aggregate in various sizes for the project. The project aggregate uses are for access roads, flooding berms and facing, structure foundation, and equipment pads. Barnard Construction Co has been awarded the contract for production and delivery of 650,000 yds of aggregate for the Owens Lake project. The aggregate would be produced on private land (owned by Federal White Aggregate) southeast of Swansea and trucked to the lakebed for the Phase V project areas. The private land is separated from the lake by public land and the only feasible access is across public land where the haul road is proposed. The proposed road would end at the Dust Control Area (DCA 18) on the lakebed west of Swansea.

Description of Proposed Action: Alternative A

The proposed action would be to issue a renewable 2 year Right-Of-Way (ROW) to Barnard Construction for the construction of a 30 foot wide (35 feet total disturbance) by 8,400 foot long haul road. See Exhibit A.

The constructed haul road would widen an existing dirt road to the private land rock source from 8 feet to 30 feet wide with 3' of sidecasting. The sidecast material would be stored on the disturbed road edge. The 30 foot width is required for safe haul road operation where numerous trucks would use the road continuously. The haul trucks are semis with tandem full length dump trailers which require a very wide turning radius. At certain turns these trucks would use the entire road width for maneuverability. About 1 mile of the existing road is a maintenance road for a LADWP 34.5 Kv power line. About 400 feet of the proposed road, just west of Hwy 136, would be newly constructed road where none existed. Along the LADWP maintenance road, a stabilized dune would be avoided to reduce any impacts to this microhabitat.

The road would be constructed using bulldozers, scrapers and loaders. Topsoil would first be scraped off and stockpiled in windrows along side the road. Some of the existing road would be filled with native material to bring the road up to the existing level of the surrounding area. The "cut and fill" technique would not be used except to flatten existing rolling terrain. Where the road would cross existing drainages, a road design concept used in Arizona would be applied. The roadbed would be sloped into the drainages rather than installing culverts and then backfill. This design would complement the drainage and facilitate water runoff in the site's natural topographic features. Crushed rock would be placed on the roadbed for a haul surface. Water would be used for dust control during operations.

The road construction would take place as soon as authorized and would take 10 days for completion. The road would be used from daylight to dark and for at least a year. The ROW may be renewed for additional time if Barnard requires more time for completion of the contract. Barnard has applied for a Caltrans encroachment permit for the road crossing on Hwy 136. This section of Hwy 136 is considered a RS 2477 road and the Caltrans authorization is limited to previous existing disturbance. At the proposed crossing, there is 200-300 feet of previous disturbance on both sides of the highway where Caltrans has removed and spread fluvial deposits from an adjacent flood-water diversion ditch. This area would be used for a portion of the haul road and a portable weigh scale would be located here.

Upon completion of the contract, Barnard would rehabilitate the haul road so that only the original 8 foot wide road would remain. The rehabilitated area would be regraded for contour and then surface-ripped if needed. The windrowed sidecast native soil and vegetation would be bladed back for coverage and large excavated rocks would be

scattered throughout in order to discourage off road driving. Natural seed dispersal from the rehabilitation and nearby plants would occur within a year. No seeding would be done due to the low precipitation for the area and the associated very low success rate for seeding. It would likely take ten years or more before plants become uniformly established and vigorous throughout the area.

No Action: Alternative B

Under this alternative, the proposed haul road would not be authorized. The aggregate coming from private land would not be available for use on the Owens Lake dust mitigation project. Other rock sources are available, such as, the Inyo Marble property which supplied the rock for a previous Lake contract. The Inyo Marble property located 5.5 miles northwest of Swansea has high haul costs associated with it. Based on a telephone conversation (11/19/05) with Scott Brady and Ryan Nutt of Barnard Construction, the additional cost to use the Inyo Marble site would be over \$100,000. It is currently unknown if Barnard Construction could utilize Inyo Marble for their contract.

Additionally, utilization of the Inyo Marble site, if available, would necessitate up to 60,000 haul trips on Highway 136 by large semi-trailer trucks filled with aggregate material from this source to the project site on Owens Lake. (Telephone conversation with S. Brady/R. Nutt – 11/19/05)

Affected Environment/Environmental Impacts: Alternative A

The proposed action is not within a Wilderness, Wilderness Study Area, Area of Critical Environmental Concern, nor Wild and Scenic River corridor, and there would be no effects on any lands so designated.

Air quality would not be affected. The proposed action is within the Owens Valley federal nonattainment area. The action would not result in the emission of PM₁₀. Contractor will be using dust control measures during road use.

There would be no impact to listed species or habitat. There are no known sensitive species or habitats within the proposed action area except for the Le Conte Thrasher. See Wildlife Section.

There would be no impacts to prime farm lands, flood plains, or water quality (including ground or surface waters).

There would be no disproportionate impacts to low income or minority groups, per Executive Order 12898 (2/11/94).

Cultural resources

Cultural resources were inventoried under private contract and the Bishop FO Archeologist has reviewed the report. A historic mill site is located within 100 feet of the road. The haul road has been rerouted around this site using an alternate existing road which would move the disturbance another 100 feet south. There would be no impact to cultural resources.

Visual resources

The Visual Resource Management Class for the proposed action area is split between a VRM Class II area east of Hwy 136 and VRM Class III west of Hwy 136. Class II is defined as changes to the basic elements caused by a management activity should not be evident in the characteristic landscape. A contrast may be seen but should not attract attention. 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 but should remain subordinate to the existing landscape. The critical view points (CVP) are Highway 136 and the Cerro Gordo road (western travel or coming down the grade).

a. The Hwy 136 CVP

The road construction and hauling activity consisting of equipment moving across the landscape would be visible and would draw some attention from the passing public. None of the road activity would be directly adjacent to the highway except at the highway crossing. It is expected that at any one time there would be 2-3 haul trucks using the road so that a passing motorist would see all of the equipment in a visual sweep. The visual aspect of the haul road section adjacent to the 34.5 Kv line would not be noticeable since this road already exists but the road would be wider. The highway crossing would be very noticeable but the view would be of short duration, the passing motorist would drive by at about 60 MPH+. The haul road going east from Highway 136 is slightly higher than the highway and would not be very noticeable except for the haul trucks moving along it. The haul road profile would be at the same height or higher than a passing motorist, and in most areas, would be shielded by vegetation.

b. The Cerro Gordo road (downward travel only)

The Cerro Gordo road runs from Keeler at Hwy 136 (3600') to Cerro Gordo (8000') and is 2 miles east of the proposed haul road at the bottom. Cerro Gordo is 5.5 miles from the proposed haul road. Portions of the Cerro Gordo road allow for overviews of the Owens Lake basin and the proposed action area. It is expected that the haul road would be visible if one were to stop and look at the basin and surrounding area. Since the haul road would be located along the toe-slope of the Inyos, its visibility would be less noticeable as one would tend to look at the background in the distance that being the Owens Lake and eastern Sierra mountain range. The haul road at this point is

about 0.9 miles long. It is not expected that the proposed action would dominate the visual aspect of the Owens Lake/eastern Sierra or attract attention.

Additionally, a small portion along the southwest tip of the Inyo Wilderness is within the viewshed of the proposed haul road and development on the private property. The wilderness boundary is between 1-3 miles from the proposed developments. Any visitors within this locale of the wilderness could see some portions of the operation depending on their location, hiking direction, time, light conditions, etc. The area is believed to receive very low visitor use.

In conclusion, the proposed action just meets Class II standard and fully meets the Class III standard. Additionally, the project would be rehabilitated to reduce any visual contrast, although the disturbance's contrast would take upwards of ten years to diminish and blend in with the surrounding areas.

Vegetation

Five acres of mixed desert saltbush scrub would be lost. This vegetation is dominated by widely spaced shadescale and associated shrubs located on a gently sloped alluvial fan. This vegetation community, extending north, south and east is well represented in the area. It is expected that native vegetation would begin growing in the area within one year of project termination and would mature within 10 years.

A large stabilized dune is located west of the 34.5 KV pole line maintenance road and terminates alongside of the maintenance road. This dune would be avoided by the proponent and no impact to the dune would occur.

Two desert vegetation species *Echinocactus polycephalus* (barrel cactus) and *Opuntia basilaris* (beavertail) are present. About 20 individuals of each species would be lost.

There is potential habitat for four rare plant species *Astragalus geyeri* (CNPS 2), *Eriogonum nutans* (CNPS 2), *Erigeron calvus* (CNPS 1B) and *Scelerocactus polyancistrus* (CNPS 1B) which are found on calcareous substrates such as the area of the proposed haul road east of Hwy 136. No known populations of these species exist along the proposed route but the annual has the potential to occur. Field surveys would have to be done for this species in spring. There would be a potential loss of this species within the 2 acres of road disturbance on the east side of Hwy 136. However, it is likely that the *in situ* soil would contain seeds of this and other associated native species. The proposed stockpiling of native soil and associated vegetation would increase the natural rehabilitation of the site.

Invasive, non-native species

It is possible that noxious weeds would grow alongside the roadway and during rehabilitation of the site unless noxious weed measures are utilized. Russian thistle would be the dominate colonizer.

Wildlife habitat

The Le Conte thrasher, a ground inhabiting/foraging bird found in some of the driest desert habitats of southern California, is known to occur in the desert scrub and open flat, sandy habitat bisected by the proposed project. The species has incurred great losses of habitat within its historical range in the driest desert environments of southeastern California, extreme southern Nevada and western Arizona. The Le Conte thrasher is known to be uncommon to rare in its occurrence throughout its range and is a California BLM Sensitive Species and is therefore provided the same level of protection that is given to species that are candidates for listing under the Endangered Species Act (PL 97-304), as amended. The level of protection is identified in BLM Manual 6840(C) as: "The BLM shall carry out management, ..., consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened or endangered."

Habitat is defined as the area where the thrasher is able to carryout foraging, reproductive and other necessary maintenance behavior activities for its welfare. The most recent sightings for this species in the project area were west of Highway 136 in the sandy saltbush scrub habitat and in the stabilized larger dune area immediately to the north. The proposed project to the east of Hwy 136 is an area described by physical features consistent with habitat also very suitable for this species; saltbush/shad scale scrub with low canopy cover and sparsely covered ground with an open desert wash. Habitat characteristics are available throughout the project area east of Hwy. 136 for the thrasher to conduct breeding activities (nest establishment/incubation/fledging) which occurs from late January into early June. Habitat for breeding appears more suitable for this species east of Hwy 136, while the only area where the thrasher would find breeding opportunity is within the stabilized sand dunes west of the highway. This thrasher is known to establish a home range of around 100 acres in saltbush scrub habitat with a nesting territory of around 15 acres to 50 acres, based on nest counts within 1 km² (Sheppard, J.M. 1996). The bird is exceptionally wary of human activity and removal of vegetation through modification of the landform is likely detrimental to its ability to utilize habitat beyond the immediate physical boundary of the land alteration.

Enlarging the width of the 2-track road to accommodate truck traffic would remove slightly over 5 acres of habitat along the length of the haul road. Due to its behavior in response to human activity (based on the author's personal observation of thrasher behavior), an additional area of 150 ft (minimum) either side of the haul road would likely become unsuitable for the thrasher for the thrasher to establish a nest site and

breeding territory due to bird displacement from the trucks moving along the haul road. Under this scenario, the thrasher would effectively not utilize an additional 60+ acres of habitat. In a worse case situation, this would account for the elimination of 1 to 4 breeding territories per annum. The physical extent of thrasher habitat use and the degree to which the habitat contributes to the thrasher population on southern Owens Valley public land is unknown. However, the active time span for the proposed action (18 months) and the residual time necessary for recovery of the habitat to become suitable for thrasher use (approximately 20 to 30 years for native plant community recovery) potentially eliminates the establishment of from 20 to 120 nesting attempts by the thrasher. Due to the historic uncommon occurrence of the thrasher throughout its range, actions permitting habitat elimination along with displacement from adjacent areas could contribute to the thrasher to becoming increasingly uncommon in the southern Owens Valley. Cumulative loss of habitat for the species has been substantial throughout its range. The proposed action would contribute to some additional habitat loss and potential population decline and potentially be one of numerous causal factors contributing to a need for status review in the future. However, this proposed action alone is not likely to cause an irreversible decline in the species viability.

Minerals

FW Aggregate has applied for a SMARA plan with Inyo County for the quarry located on their private property.

Economic Impacts

Viability of the Proposed Development

The proposed action is a short term authorization which would be terminated within 12-16 months. The proponent is a viable business entity having experience in the construction business and is well able to complete the project.

Impacts to the Community and to Tribal Interests

Some labor jobs would be created for the short term and various taxes will be paid to Inyo County for the operation. There should be no impact to Tribe interests

Environmental Justice

No impact

Hazardous Materials

No impact

Consistency with County Planning

Private property owner has submitted a SMARA plan for the proposed quarry on private property. Bonds have been filed with the county.

Impacts to County Infrastructure

N.A.

Impact to the Local Community

It is expected that Barnard employees would purchase lodging, food, and miscellaneous items from Lone Pine businesses and stimulate the economy in the short term.

Adherence to Local, State and Federal Environmental Ordinances / Laws

The proposed project is directly related to LADWP’s PM10 dust mitigation on Owens Lake which has been analyzed by 3 EIRs. Barnard’s material contract contains various clauses to insure that the contract performance meets various local, State and Federal laws.

Land Uses / Realty / Rights-of-way

No impact.

Environmental Impacts: Alternative B

Under this alternative, the proposed action resource impacts identified under Alternative A would not take place. The five acres of new bladed road disturbance, plant removal, wildlife habitat loss, etc. would not occur and thus, maintain the landscape in its present state. There would be economic, community, and dust mitigation impacts that would affect the local area adversely. There would be some loss of business in Lone Pine if the Barnard contract is not completed, limiting the exchange of goods and services from lack of employment for its employees.

Under this alternative, there would be no feasible way to move the mineral material from the private land to the Owens Lake sites where the aggregate is to be used. There would be an economic impact to Barnard since they were awarded the contract to produce and deliver the rock. Although they may be able to acquire rock from Inyo Marble there would be a substantial cost increase of over \$100,000 for the 5.5 mile transportation to sites on the lake. Inyo Marble and the Swansea properties are owned by F.W. Aggregate. The Swansea site is desirable due to the shorter haul distance than the Inyo Marble location.

Additionally, the projected 60,000 semi-trailer truck haul trips would increase traffic congestion and hazards on Highway 136 along the 5.5 mile stretch from the Inyo Marble rock source to the project site. Any aggregate material such as crushed rock dislodged from moving trucks would add an additional traffic hazard to the high volume of increased truck traffic expected under this alternative.

The Owens Lake Dust Mitigation Phase V Project would be set back due to the loss of aggregate unless a substitute site is located and economically feasible to haul. LADWP has a very strict timeframe to finish construction of the Phase V portion of the dust mitigation project.

Cumulative Impacts of Alternative A – Proposed Action

Overall, the addition of the proposed material pit on private land and associated haul road on public land incrementally adds to the fragmented landscape of roads, mines, mine structures, pits, the massive discoloration contrast of Owens Lake playa, etc. that currently dot the Sierra Nevada and Inyo Mountains alluvial bajadas and adjoining foothills. Most of these developments are located in the southern Owens Valley and specifically are located along the stretch of Highway 136 from the north end of Owens Lake to south of Keeler and in the Olancho/Cartago area along US Highway 395.

Another cumulative impact concern lies with the unknown demand for materials that is expected from the enormous Owens Lake Dust Mitigation Project. As the project continues and depending on the Great Basin Air Pollution Control District's determination of project success, it is expected that the demand for mineral materials could possibly continue resulting in short or long term physical impacts on public and private lands in the southern Owens Valley area.

Historical alteration of the saltbush scrub/sand dune/desert wash habitat has been considerable in the southern Owens Valley. Road building, home construction and the attendant activities encouraged by those changes in the vegetation and land form have likely contributed to a reduced capability of the southern Owens Valley to support the Le Conte thrasher. The proposed project contributes at least a short term additional loss of up to 60 acres of suitable habitat for this uncommon bird. The ongoing effort to complete dust abatement measures on the Owens Lake bed will not positively contribute to the thrasher's occurrence in the area. Thrasher mortality from vehicle strikes, avoidance of habitat along the haul road negatively affecting foraging and reproductive strategies and a long term loss of between 5 and 60 acres of habitat are the most immediate detrimental effects to the species.

Cumulative loss of habitat for the species has been substantial throughout its range. The proposed action would contribute directly to at least short term habitat loss and likely some population decline. The proposed action could potentially be one of

numerous causal factors contributing to a need for status review sometime in the future, however the proposed action alone is unlikely to adversely affect the species viability.

There would be a potential loss of up to four (CNPS) plant species populations if these species existed within the 2 acres of road disturbance on the east side of Hwy 136.

The proposed rehabilitation of the road and dust mitigation accomplishments would offset some of the newly created impacts although the private land material pit would remain a permanent blight on the landscape, some of which would be observable from the nearby Inyo Wilderness and along the Cerro Gordo road.

The authorization of the haul road would allow 650,000 yds of crushed rock to be used for the Owens Lake PM10 dust mitigation project. The dust mitigation project has and would continue to reduce PM10 dust emissions from lands surrounding the lake. The direct and indirect benefits of the project are improvements in public health of local and valley residents, air quality and visual quality during major wind events.

Description of Mitigation Measures and Residual Impacts:

1. Transplant the cactus species *Echinocactus polycephalus* (barrel cactus) and *Opuntia basilaris* (beavertail) from the constructed roadway to adjacent areas by hand prior to disturbance.
2. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds. Spray or wash all equipment which leaves the area to work at alternative locations where invasive weed seed might occur and then returns.
3. Ensure that the road is rehabilitated as soon as practical after the conclusion of the applicant's contract. Require permittee to post a \$20,000 bond with the BLM as beneficiary. Return the bond upon rehabilitation of the haul road to BLM satisfaction.
4. Execute noxious weed control measures during the life of the project and up to one year after rehabilitation of the site upon BLM notification that a weed problem exists. BLM will approve the weed control measures.
5. Proceed with haul road construction only when Inyo County SMARA plan is finalized and Caltrans Access Permit is obtained.

Residual impacts include loss of 5 acres of plant, landscape, and wildlife habitat for 20-30 years on public lands until the proposed road has undergone successful rehabilitation as endemic plants reoccupy the area. If the project is approved, there are

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

I have reviewed this environmental assessment for the Barnard Construction haul road including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required.

There will be no effect on threatened or endangered species as a result of the action.

I have determined that the proposed project is in conformance with the Bishop Resource Management Plan, which was approved March 25, 1993. This plan has been reviewed, and the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

It is my decision to implement the project and issue a one year renewable road Right-of-Way CACA 047623 to Barnard Construction Co., Inc. with the mitigation measures identified below. The road is to be constructed as per the submitted drawings and maps.

There will likely be detrimental effects to the Le Conte thrasher from mortality from vehicle strikes, avoidance of habitat along the haul road negatively affecting foraging and reproductive strategies, a loss of up to 60 acres of habitat, and the elimination of up to 4 breeding territories per annum. The proposed action could potentially be one of numerous causal factors contributing to a need for status review sometime in the future, however the proposed action alone is unlikely to adversely affect the species viability.

There is an economic benefit of the short haul from the private land southeast of Swansea rather than the long haul of bringing rock from the Inyo Marble site. LADWP has a critical time schedule for finishing the dust mitigation Phase V project. The schedule has little opportunity for delay if another rock site must be found as a result of denying the construction of the haul road.

It is in the public interest to allow Barnard to build the haul road in order to transport rock aggregate to the Owens Lake for use on the LADWP Dust Mitigation Project. The rock is a necessary material for the various structures being built to reduce PM10 dust emissions from the Lake. The dust mitigation project has and will continue to reduce PM10 dust emissions from lands surrounding the lake. The benefits of the mitigation project are considerable. Authorizing this project will directly contribute to improving regional air quality and visual quality during major wind events and reducing substantial human health risks associated with high levels of PM10 particulates.

Mitigation Measures/Remarks:

1. Transplant the cactus species *Echinocactus polycephalus* (barrel cactus) and *Opuntia basilaris* (beavertail) from the constructed roadway to adjacent areas by hand prior to disturbance.
2. Spray or wash all equipment used during construction or hauling prior to entering public land to remove debris which may contain noxious weeds. Spray or wash all equipment which leaves the area and then returns which leaves the area to work at alternative locations where invasive weed seed might occur and then returns.
3. Ensure that the road is rehabilitated as soon as practical after the conclusion of the applicant's contract. Require permittee to post a \$20,000 bond with the BLM as beneficiary. Return the bond upon rehabilitation of the haul road to BLM satisfaction.
4. Execute noxious weed control measures during the life of the project and up to one year after rehabilitation of the site upon BLM notification that a weed problem exists. BLM will approve the weed control measures.
5. Proceed with haul road construction only when Inyo County SMARA plan is finalized and Caltrans Access Permit obtained.

Authorized Official: _____
Field Manager, Bishop Field Office

Date: _____