

Worksheet
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)
Bishop Field Office

Section A

DNA No.: CA-170-06-11

Lease/Serial/Case File No.: CACA 047347 4-Lane Letter of Consent
CACA 047714 ROW TUP 4-Lane
CACA 026398 Fiber Optic Realignment

Proposed Action Title/Type: Black Rock 4-Lane Highway Project

Location of Proposed Action:

Letter of Consent:

Mount Diablo Meridian, California,
T. 10 S., R. 34 E.,
Sec. 35 SE1/4SW/4NW1/4,
SE1/4NE1/4SW1/4SW1/4;
T. 11 S., R. 34 E.,
Sec. 2, W1/2 of Lot 2 of the NW1/4;
T. 12 S., R. 34 E.,
Sec. 35, SW1/4SW1/4.

ROW Temporary Use Permit

Mount Diablo Meridian, California,
T. 10 E., R. 34 E.,
Sec. 35, E1/2W1/2SW1/4;
T. 12 S., R. 34 E.,
Sec. 3, N1/2SE1/4,
Sec. 35 SW1/4SW1/4;
T. 13 S., R. 34 E.,
Sec. 1, N1/2N1/2 of Lot 42.

ROW Amendment

Mount Diablo Meridian, California,
T. 10 S., R. 34 E.,
Sec. 35, NW1/4.

Description of the Proposed Action:

The proposed action would be the issuance of a:

1. Letter of Consent CACA 047347 to the Federal Highway Administration so that a highway easement deed would be created for 6 parcels of public land (parcels 3681-1, 3682-1, 3683-1, 3696-1, 3697-1, and 3699-1) amounting to 8.834 acres for the Highway 395 Black Rock 4-Lane Project. The proposed action would be in conformance with the Interagency Agreement between the Bureau of Land Management and FHWA signed on July 27, 1982 and the Federal Highway Act of 1958. The existing highway is within a 400' wide highway ROW, but the 4-lane design requires small parcels of public land for completion.
2. 2-year ROW temporary use permit CACA 047714 would be issued to Caltrans for the use of 6 parcels (2.974 acres) of public land (parcels 3714-1, 3715-1, 03-58A, 03-58B, 03-58C, and 03-58D) for aligning existing access roads, constructing a new cattle guard and rebuilding a ROW fence.
3. amendment to the existing buried Fiber Optic line ROW CACA 026398 so that the existing line running along the west side of Hwy 395 (1200') would be moved to the east side of the highway outside of the 4-lane project ROW maintaining the existing ROW total width of 10 feet .

Applicant (if any):

Federal Highway Administration (FHWA)
California Dept of Highways (Caltrans)
Verizon of California, Inc.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP: Bishop Resource Management Plan

Approved: March 25, 1993

Other Plans or Documents: N.A.

Approved: N.A.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

General Policies; Management will be on the basis of multiple use and sustained yield as per FLPMA section 102 (a)(7). As part of the multiple-use and sustained yield, the BLM can authorize Rights-of-Way such as highways/roads on the public lands for the public good..

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Black Rock Four-Lane Project, Environmental Assessment with Finding of No Significant Impact/Initial Study with Mitigated Negative Declaration, U.S. Route 395, from PM 77.3 to 91.6 south of Poverty Hills from Elna road to Fork road in Inyo County, 09-214600, May 2004, Caltrans.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The Caltrans EA was specifically written for the Black Rock 4-Lane Project. The proposed action is a part of Alternative 1 in the Caltrans EA. Alternative 1 was the Alternative selected by Caltrans for the Black Rock 4-Lane project.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. The Caltrans EA has 3 alternatives: Alternative 1 and 2 were design different Alternatives based on median width and Alternative 3 was “No Action”. Impacts to public land would be the same under both Alternative 1 and 2. Two additional alternatives were considered but rejected: Building east of the highway had environmental, engineering, and cost considerations or an All paved four-lane which had higher costs and did not remedy safety concerns.

Public involvement consisted of publishing the availability of the EA for public review and comment in the Inyo Register for 2 additions. The Draft Environmental Assessment: was given public review from April 7, 2003 to May 21, 2003, circulated to public and local agencies and sent to the Independence library.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes. The Caltrans EA cited minor impacts to cultural resources for the BLM public land involved in the project. The cultural report has been reviewed by the Bishop FO archeologist and concurs with its findings. Caltrans still needs to complete the cultural recovery for the project. This will be stipulated in the Letter of Consent.

Yes. There have been no new information or changes to the project which would result in more analysis or changes to the existing Caltrans EA.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The methods and analysis of the Caltrans EA are currently relevant and applicable to the proposed action and would not differ in any new NEPA analysis.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. An internal scoping process conducted by the BLM staff on January 19, 2006 determined that the direct and indirect impacts of the current proposed action would be the same as identified in the Caltrans EA. There have been no changes relating to environmental conditions or resources that would require changes to the Caltrans EA.

Yes. The Caltrans EA was written specifically for the proposed action and addresses site-specific impacts. The scoping also determined that the site specific impacts would be the same as identified in the Caltrans EA.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. Generally this project has little impact on the environment and mitigation has been used to minimize cited impacts. It is expected that cumulative impacts would be as stated in the EA, but the EA did not mention the positive cumulative impact of improved highway safety and travel surface resulting from this project and future 4-lane projects on Hwy 395.

E. Interdisciplinary Analysis:

<u>Name</u>	<u>Title</u>	<u>Represented</u>
Tom Dayak	Environmental Coordinator	Caltrans
Bob Pingel	ROW Utility Coordinator	Caltrans
Anna Halford	Botanist	BLM
Kirk Halford	Archeologist	BLM
Larry Primosch	Realty Specialist	BLM

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

1. Prior to surface disturbing activity, all cultural mitigation consisting of avoidance or data recovery will be completed to the satisfaction of the SHPO and the BLM Bishop FO.

2. All mitigation used for Alternative 1 and associated with the public land involved in the project will be incorporated in the Letter of Consent and the ROW TUP

Environmental Coordinator
CONCLUSION

Date

Based upon the review documented above, I conclude that this proposal conforms to the Bishop Resource Management Plan and that the California Department of Transportation Environmental Assessment for the Black Rock 4-Lane Project 09-214600 fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

It is my decision to give the Letter of Consent CACA 047347 to the Federal Highway Administration for the Black Rock 4-Lane Project for issuance of a highway easement deed for 6 parcels of public land amounting to 8.834 acres more or less generally located in Mount Diablo Meridian, California, T. 10 S., R. 34 E., Sec. 35 SE1/4SW/4NW1/4, SE1/4NE1/4SW1/4SW1/4; T. 11 S., R. 34 E., Sec. 2, W1/2 of Lot 2 of the NW1/4; T. 12 S., R. 34 E., Sec. 35, SW1/4SW1/4. The below stipulation will be part of the Letter of Consent.

I will also issue a 2-year ROW Temporary Use Permit CACA 047714 to Caltrans amounting to 2.974 acres for aligning existing access roads, constructing a new cattle guard and rebuilding a ROW fence generally located in Mount Diablo Meridian, California, T. 10 E., R. 34 E., Sec. 35, E1/2W1/2SW1/4; T. 12 S., R. 34 E., Sec. 3, N1/2SE1/4, Sec. 35 SW1/4SW1/4; T. 13 S., R. 34 E., Sec. 1, N1/2N1/2 of Lot 42.

In addition, I amend the existing buried Fiber Optic line ROW CACA 026398 in order to move it from the west side of the Hwy 395 ROW to the east side of the existing ROW generally located in Mount Diablo Meridian, California, T. 10 S., R. 34 E., Sec. 35, NW1/4. The realignment would be immediately adjacent to the highway ROW.

It is in the public interest to issue the Letter of Consent and the two other authorizations for the Black Rock 4-Lane highway project so that this portion of Hwy 395 can be upgraded which will reduce traffic congestion, reduce the accident rate, and improve overall safety to the traveling public.

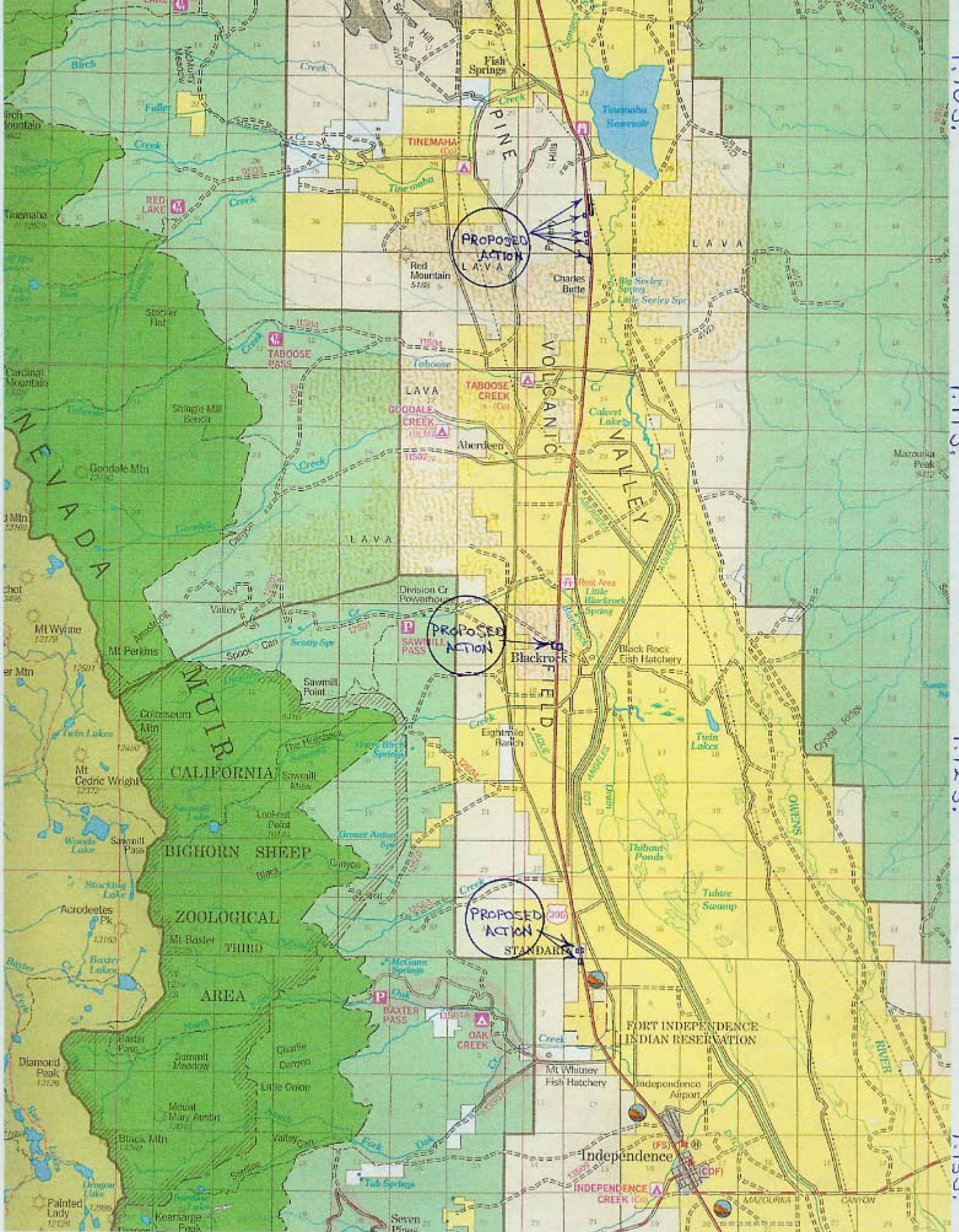
Stipulation:

1. Prior to surface disturbing activity, all cultural mitigation consisting of avoidance or data recovery will be completed to the satisfaction of the SHPO and the BLM Bishop FO.

2. All mitigation used for Alternative 1 and associated with the public land involved in the project will be incorporated in the Letter of Consent and the ROW TUP.

Bill Dunkelberger, Bishop Field Manager

Date



R 34 E

R,35 E.

BLACK ROCK 4- LANE

T.105S.

T.115S.

T.125S.

T.135S.