



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

Bishop Field Office
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Bishop, California 93514
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Decision Record

**Keeler Dunes Dust Control Project Straw Bale Plan Design Adjustment
Right-of-Way Grant CACA 054155
(DOI-BLM-CA-C070-2016-0022-DNA)**

Introduction and Background

In 2014, the Great Basin Unified Air Pollution Control District (GBUAPCD) was authorized to install a dust control project on public land known as the Keeler Dunes northwest of the town of Keeler in Inyo County, California under Right-of-Way Grant CACA 054155. This project covering about 144 acres of sand dunes uses a combination of ground placed straw bales and native plant seedlings to reduce wind velocity across the dune surface to minimize emissions of PM10 particles into the air. This project is part of the Owens Lake Dust Mitigation Project currently underway at Owens Lake.

Although the Keeler Dunes project has been successful in the northern 2/3 of the project area, in the southern portion (~ 50 acres) of the project area ground based placement of individual bales has been less effective due to hilly topography and additional sources of wind-blown material. The result has been that bales are being buried by material movement and are not dissipating wind velocity and controlling dust as well as expected.

In an effort to increase the effectiveness of the project, the GPUAPCD has requested, and the Bureau of Land Management (BLM) Bishop Field Office intends to authorize, a project design adjustment that would modify the placement and configuration of straw bales in the southern 1/3 of the Keeler Dunes project area.

The proposed design adjustment would allow the GPUAPCD to create circular bale mounds by stacking bales on top of each other forming a mound or pyramid shape. Bale mounds would consist of 6-9 bales, stacked 3-4 layers high, resulting in a mound height of 4-5 feet. There would be 0.5 to 12 inches of separation between each bale within a layer. Existing bales already placed would be used and additional bales would be added to create the mounds where needed. Native plant seedlings would also be planted around the mound perimeters consistent with the original design. Location of the mounds in the southern project area would be at the discretion of GBUAPCD staff. No other changes to the original project parameters would be made and the methods for moving and placing bales and for planting and watering seedlings would not change. All design features and mitigation measures applied to the original project to minimize and avoid impacts would be maintained. No additional mitigation measures are needed. Project area boundaries would not change and no bale mounds would be placed in areas previously identified

for avoidance to protect sensitive resources.

The purpose and need for action is to respond to a request from the GBUAPCD to adjust the project design by modifying the placement and configuration of straw bales in the southern portion of the Keeler Dunes Dust Control Project as described above.

The goal of the original project and the current proposed action 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 proposed project design change would use mounds of straw bales and native vegetation within the southern portion of the project in order to stabilize the dune surface and contribute to the overall success of the original project. A small scale test of the proposed design change has been conducted and the results indicate that this mound design would likely be successful.

Decision and Rationale

Based on the information and analysis provided in the original Environmental Assessment (DOI-BLM-CAC-070-2014-0023-EA) and the associated Finding of No Significant Impact dated August 15, 2014 for the Keeler Dunes Dust Control Project in Inyo County, California; a Determination of Land Use Plan Conformance and NEPA Adequacy (DOI-BLM-CAC-070-2016-0022-DNA) for the proposed straw bale plan design adjustment in the southern portion of the Keeler Dunes project area requested by the Great Basin Unified Air Pollution Control District (GBUAPCD); review of the project record; and consultation with staff; I have determined that implementation of proposed design adjustment will not result in any significant adverse environmental impacts and no further NEPA analysis is required.

I have also determined that this action conforms to, and is consistent with, the overall guidance and management direction provided by the *Bishop Resource Management Plan* (RMP), approved March 25, 1993, as amended. The proposed action has been reviewed and found to conform to the land use plan terms and conditions as defined at 43 CFR 1601.0-5(b and c) and as required by 43 CFR 1610.5-3.

The proposed design change would have no effect on any cultural properties, including those currently listed in, or eligible for listing in, the National Register of Historic Places.

The proposed design change would have no effect on any species listed, or proposed for listing, as either threatened or endangered under the Endangered Species Act of 1973 (ESA), as amended; nor would it have any effect on any proposed or designated critical habitat for any such species.

Implementation of the proposed design change would increase the overall success of the Keeler Dunes Dust Control Project by further reducing dust emissions in support of efforts by the GBUAPCD to meet National Ambient Air Quality Standards (NAAQS) and California State standards for particulate matter (PM10) air pollution in the southern Owens Valley in Inyo County, California.

Therefore, it is my decision to authorize the proposed straw bale plan design adjustment for the Keeler Dunes Dust Control Project as requested by the GBUAPCD. Implementation of the modified design is restricted to the southern 1/3 of the Keeler Dunes project area as described in the proposed action. Implementation of the modified design is also subject to all existing design features, best management practices, and other minimization measures (mitigations) and stipulations (Exhibits A, B and C) previously applied to Right-of-Way Grant CACA 054155.

Project Information

For more information about this decision and the Keeler Dunes Dust Control Project, please contact Larry Primosc, Realty Specialist, via phone at 760-872-5031 or email at LPrimosc@blm.gov.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. The appellant has the burden of showing that the decision being appealed is in error.

Notices of appeal must be filed with the Field Manager, Bureau of Land Management, Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, California, 93514 within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, E-1712, Sacramento, California, 95825-1890. Please consult the regulations (43 CFR Part 4) for further appeal requirements.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 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 must accompany your notice of appeal. A 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 the Board and the Regional Solicitor identified above (*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 Officer

This decision is issued pursuant to 43 CFR 2801.10(b) and is effective immediately upon signature. The decision and the action authorized herein will remain in effect unless stayed by the Interior Board of Land Appeals in accordance with the regulations at 43 CFR Part 4.

/s/ Steven Nelson

Steven Nelson
Bishop Field Manager

07/14/2016

Date: _____