Mono County
Community Development Department

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Mammoth Lakes, CA 93546
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Planning Division

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Date: August 21, 2013

To: Interested individuals

From: Gerry Le Francois, Principal Planner

Re: Rock Creek Road Improvement Project - Initial Study / Mitigated Negative Declaration

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NOTICE OF AVAILABILITY and INTENT TO ADOPT

NOTICE IS HEREBY GIVEN that the Mono County Community Development Department, as lead agency under California Environmental Quality Act (CEQA), has prepared a Mitigated Negative Declaration (MND) and supporting Initial Study for Rock Creek Road Improvement Project and is providing public notice.

Project Title: Rock Creek Road Improvement Project

Project Location: US Highway 395 and Rock Creek Road, 9.1 miles from its junction with US 395 south to the end of the road near Rock Creek Pack Station. The project is in Mono and Inyo counties.

Project Description: The project consists of the rehabilitation, restoration and resurfacing with the addition of a bicycle climbing lane approximately 9.1 miles of FH 89/Rock Creek Road, from its junction with US 395 south to the end of the road near Rock Creek Pack Station. The project will be funded through the Federal Lands Access Program with a local matching grant. Construction will occur over two construction seasons and is scheduled for 2015-16. Access to recreational uses along the length of the road would remain open during construction, although traffic delays and temporary road closures could occur.

Rock Creek Road provides access to Rock Creek Lake, 12 Inyo National Forest campgrounds, two privately owned and operated lodges, a privately owned pack station, recreational areas, and three trailheads. The pavement condition of the segment of Rock Creek Road proposed for rehabilitation is "failed"; rehabilitation is necessary to prevent further deterioration of the road surface.

The road is a two-lane paved roadway with paved widths varying from 22 to 24 feet and variable-width unpaved shoulders, along with multiple unpaved pull-offs and intersecting roadways. The proposed improvements would follow the existing road and would include the following:

- Widening the existing roadway to include two 11-foot travel lanes, a 4-foot wide striped bike lane along the southbound (uphill) travel lane, and 1-foot paved shoulders for a total paved width of 28 feet;
- Rehabilitation or removal of existing pull-outs;
- Extension of existing culverts to accommodate a wider roadway and replacement of older or damaged culverts; and
- Upgrading regulatory/warning signs to meet current standards.

There will be a 30-day public review period. Any comments concerning the findings of the proposed Initial Study/Mitigated Negative Declaration must be submitted in writing and received by Mono County no later than 5 p.m. on **Sept. 25, 2013**. Comments received will be considered by Mono County prior to certification of the Mitigated Negative Declaration and action on the proposed project. Mono County

will adopt the Mitigated Negative Declaration on September 30, 2013. The Proposed Mitigated Negative Declaration and related documents can be viewed online at: http://monocounty.ca.gov/ltc/page/resources and scroll down to supporting documents or by visiting the Community Development Department offices in Mammoth Lakes or Bridgeport.

For additional information, comments and/or concerns, contact Gerry Le Francois at 760-924-1810 or at glefrancois@mono.ca.gov.

CEQA Rock Creek Road Improvement Project_NEPA CE

Initial Study / Mitigated Negative Declaration

California Forest Highway 89-1
Rock Creek Road Improvement Project
Inyo and Mono Counties, California

August 2013

PREPARED BY:

Mono County Community Development Department
Post Office Box 347
Mammoth Lakes, CA 93546
(760) 924-1807

INITIAL STUDY

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to consider the effects that development projects will have on the environment. The Mono County Community Development Department has prepared an Initial Study to identify potential environmental impacts related to this project. Significant environmental effects are not anticipated if the project is carried out as proposed and designed.

II. PROJECT INFORMATION

1. **Project Title:**
   California Forest Highway 89 / Rock Creek Road Improvement Project

2. **Lead Agency Name and Address**
   Mono County Community Development Department
   Planning Division
   P.O. Box 347
   Mammoth Lakes, CA 93546
   (760) 924-1800
   Contact Person: Gerry Le Francois

3. **Project Sponsor's Name and Address:**
   Federal Highway Administration
   Federal Lands Highway Division
   12300 W. Dakota Avenue, Ste. 280
   Lakewood, CO 80229
   Project Manager: Wendy Longley
   (720) 963-3694

4. **Property Owners:**
   Public land managed by the Inyo National Forest

5. **General Plan Land Use Designation/Zoning:**
   Not applicable. Surrounding land is public land managed by the Inyo National Forest, guided by the management prescriptions in the *Inyo National Forest Land and Resource Management Plan* (1988). Rock Creek Road is within the Rock Creek-Pine Creek Management Area, with lands immediately adjacent to Rock Creek Road managed under the Concentrated Recreation Area prescription. Areas adjacent to the Concentrated Recreation Area prescription are managed under the Semi-Primitive Recreation and Mule Deer Habitat prescriptions.

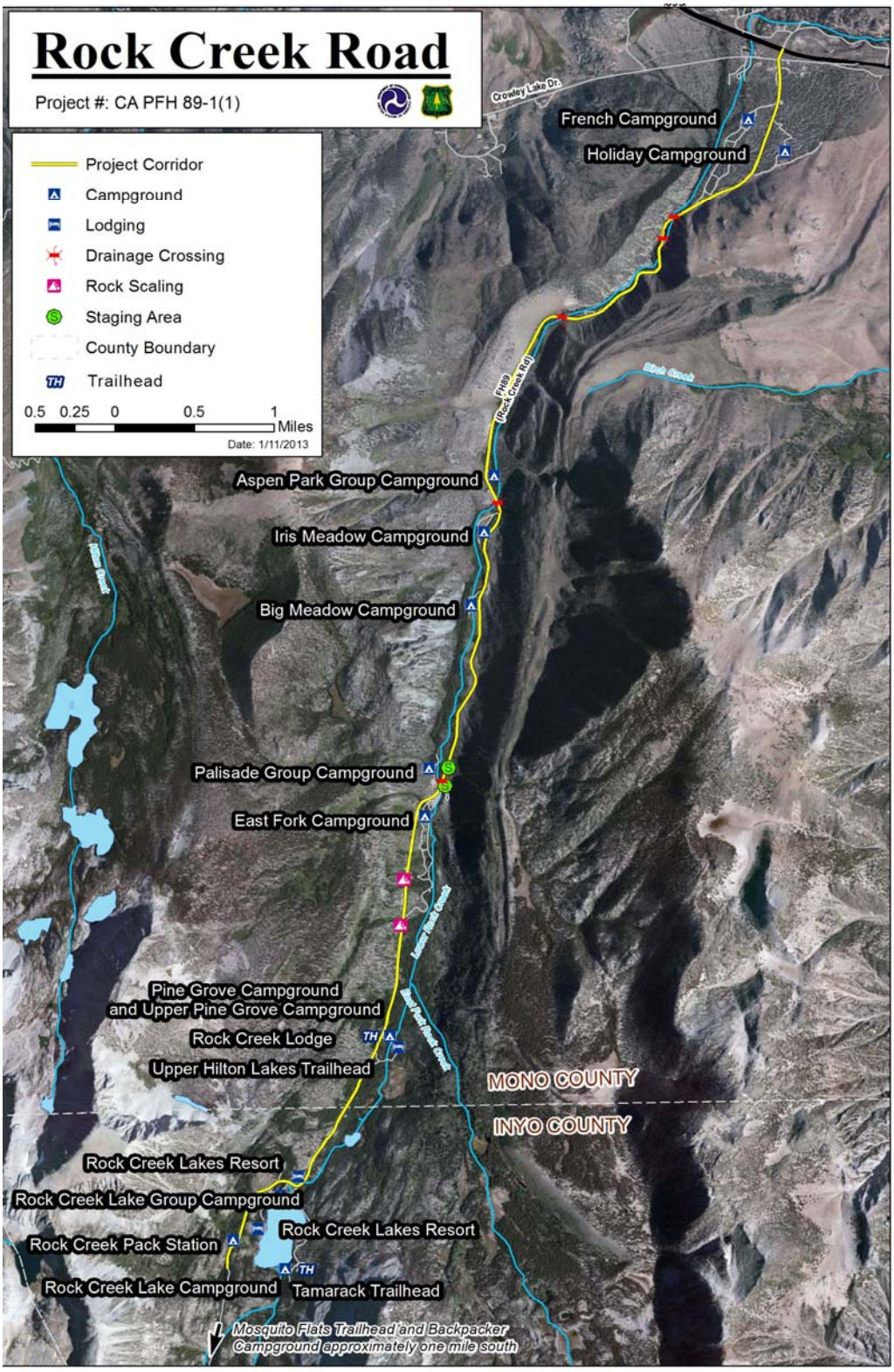
6. Other Public Agencies Whose Approval May Be Required:

California Department of Transportation:
Encroachment Permit
California State Water Resources Control Board:
Project specific National Pollutant Discharge Elimination System Permit
Section 401 Water Quality Certification
Inyo County:
Encroachment Permit
Mono County:
Encroachment Permit
US Army Corps of Engineers:
Section 404 Nationwide Permit

7. Description of Project:

The Federal Highway Administration (FHWA), in cooperation with the Inyo National Forest, Inyo County and Mono County, is proposing to rehabilitate California Forest Highway 89 (FH 89), also known as Rock Creek Road, which runs through a portion of the Inyo National Forest in Inyo and Mono counties, California.

Project Location



Source: US Dept. Transportation, Federal Highway Administration. Rock Creek Road 3R Project, Categorical Exclusion. May 6, 2013.

The project consists of the rehabilitation, restoration and resurfacing of approximately 9.1 miles of FH 89/Rock Creek Road, from its junction with Highway 395 south to the end of the road near Rock Creek Pack Station. The project will be funded through the Federal Lands Access Program with a local matching grant. Construction will occur over two construction seasons and is scheduled for 2015/2016. Access to recreational uses along the length of the road would remain open during construction, although traffic delays and temporary road closures could occur. Typical traffic delays during construction are anticipated to be up to 30 minutes (FHWA, Categorical Exclusion, p. 4). Road closures may result from certain construction activities, such as culvert replacement; those closures would occur Monday through Friday only and not during holidays or special events (FHWA, Categorical Exclusion, p. 5). Closures and delays would occur over two construction seasons, each approximately five months long. The contractor will provide advance notice of temporary construction-related access issues; public notices of construction locations, dates, and times will be provided in advance through local media and on-site information signs.

Rock Creek Road provides access to Rock Creek Lake, 12 Inyo National Forest campgrounds, two privately owned and operated lodges, a privately owned pack station, recreational areas, and three trailheads. The pavement condition of the segment of Rock Creek Road proposed for rehabilitation is "failed"; rehabilitation is necessary to prevent further deterioration of the road surface.

The road is a two-lane paved roadway with paved widths varying from 22 to 24 feet and variable-width unpaved shoulders, along with multiple unpaved pull-offs and intersecting roadways. The proposed improvements would follow the existing road and would include the following:

- Widening the existing roadway to include two 11-foot travel lanes, a 4-foot wide striped bike lane along the southbound (uphill) travel lane, and 1-foot paved shoulders for a total paved width of 28 feet;
- Rehabilitation or removal of existing pull-outs;
- Extension of existing culverts to accommodate a wider roadway and replacement of older or damaged culverts; and
- Upgrading regulatory/warning signs to meet current standards.

The intent of the project is to keep required cut and fill within the existing roadway bench as much as possible in order to avoid and minimize impacts to wetlands and other waters of the U.S.(WUS), visual quality, cultural resources. The project has been designed to avoid and/or minimize temporary and permanent impacts to wetlands and WUS. The final design will affect the following area of wetlands and WUS:

95% Design	Type of Impact			
	Temporary	Permanent	Temporary	Permanent
	Square Feet		Acres	
Wetlands	389	69	0.009	0.002
WUS	4,491	4,040	0.103	0.093
Total	4,880	4,109	0.112	0.094

Source: FHWA Letter to Jan Zimmerman, June 24, 2013.

Temporary wetland impacts will be restored after construction activities are completed. Mitigation has been proposed to offset the impacts to wetlands noted above. Mitigation would occur at a 2:1 ratio and would result in approximately 138 square feet of willow shrub land adjacent to Rock Creek Road. The understory would be seeded with native, local genotype species to increase vegetation diversity and wildlife habitat (FHWA Letter to Jan Zimmerman, June 24, 2013).

8. Surrounding Land Uses and Setting:

Forest Highway 89/Rock Creek Road is located in Rock Creek Canyon, with approximately two-thirds of the road located in Mono County and the remainder in Inyo County. Rock Creek Road provides access to Rock Creek Lake, 12 Inyo National Forest campgrounds, two privately owned and operated lodges, a privately owned pack station, recreational areas, and three trailheads. These facilities are spread out along the portion of the road proposed for rehabilitation; the pack station, one lodge, trailheads, and a campground are located in the area surrounding Rock Creek Lake in Inyo County. The remaining lodge and campgrounds are located farther down canyon.

The road is surrounded by public lands managed by the Inyo National Forest. Surrounding land is publicly owned land managed by the Inyo National Forest, guided by the management prescriptions in the *Inyo National Forest Land and Resource Management Plan* (1988). Rock Creek Road is within the Rock Creek-Pine Creek Management Area, with lands immediately adjacent to Rock Creek Road managed under the Concentrated Recreation Area prescription. Areas adjacent to the Concentrated Recreation Area prescription are managed under the Semi-Primitive Recreation and Mule Deer Habitat prescriptions.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the discussion on the following pages.

❑Aesthetics	❑Agriculture Resources	❑Air Quality
☒Biological Resources	❑Cultural Resources	❑Geology/Soils
❑Hazards & Hazardous Materials		❑Hydrology/Water Quality
❑Land Use/Planning	❑Mineral Resources	❑Noise
❑Population/Housing	❑Public Services	❑Recreation
❑Transportation/Traffic	❑Utilities/Service Systems	
❑Mandatory Findings of Significance		

IV. DETERMINATION:

On the basis of this initial evaluation:

❑ **I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**

☒ ***I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.***

❑ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

❑I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

❑I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: *Gerry Le Francois* for Name: *Scott Burns* Date: August 20, 2013

V. DISCUSSION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. The applicable section of Rock Creek Road is located in Rock Creek Canyon, a steep and narrow canyon, which transitions from sagebrush scrub at the mouth of the canyon to lodgepole pine around Rock Creek Lake. The road climbs from an elevation of 7,100 feet at its intersection with US 395 to 9,900 feet at its end adjacent to Rock Creek Lake and the Rock Creek Pack Station. Rock Creek is visible along the road throughout the corridor, with aspen, birch, and other riparian vegetation located along the creek. Development throughout the canyon is limited to campgrounds, lodges, and the pack station. The primary scenic vistas along the road corridor are from the road looking south and up canyon to the peaks of the Sierra Nevada, from the road looking north and down canyon to the distant Glass Mountains, and from the road looking toward the creek and along the canyon walls.

The Categorical Exclusion prepared for the project by the Federal Highway Administration provides the following discussion of potential visual impacts:

> "Widening the existing roadway would require rock cuts, fill slopes, and retaining walls. Rock cuts and fill slopes would generally be minor. Adjacent to sensitive resources such as wetlands or open waters, retaining walls are proposed to reduce the size of rock cuts and fill slopes and minimize impacts. Retaining walls are expected to range between approximately three feet and ten feet tall. Rock cuts, fill slopes, and retaining walls would not block or impede the existing scenic views, would be immediately adjacent to the existing roadway, and would not diminish the visual character for forest users. Direct visual effects are anticipated to be minor."
> (Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 12)

The location and extent of cut and fill areas and retaining walls will be determined during the final design phase of the project. The project sponsor, the Federal Highway Administration (FHWA), will continue to coordinate with the Inyo National Forest and Inyo and Mono counties on the final location of cut and fill and retaining walls. All disturbed areas will be revegetated using a seed mix approved by the Inyo National Forest to reestablish native vegetation.

The project site is an existing roadway, with existing culverts and signage. The road traverses the sides of the canyon, crossing the creek only five times, mostly in the lower less-expansive portion of the canyon. The proposed rehabilitation will widen the road from an average width of 22 to 24 feet of pavement to a uniform width of 28 feet of pavement. The road currently "reads" as disturbed roadway in the overall visual impact of the area. The primary scenic vistas in the area are not toward the road but up and down canyon and toward the creek at the bottom of the canyon. Since the road is located on the side of the canyon in much of the more open portion of the upper canyon, the visual impact of the road on the overall vistas in the area is minimal. Revegetation of all disturbed areas will ensure that the project blends into the surrounding environment. The design and construction of the project must comply with the Inyo National Forest Visual Quality Objectives of Partial Retention (see discussion under Item c) below. Implementation of these design and development standards will reduce visual impacts to scenic vistas to a less than significant level.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The parcel on which the project site is located is not within a state-designated scenic highway corridor or any federal scenic highway corridor.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
Less Than Significant Impact. The applicable section of Rock Creek Road is located in Rock Creek Canyon, a steep and narrow canyon, which transitions from sagebrush scrub at the mouth of the canyon to lodgepole pine around Rock Creek Lake. The road climbs from an elevation of 7,100 feet at its intersection with US 395 to 9,900 feet at its end adjacent to Rock Creek Lake and the Rock Creek Pack Station. Rock Creek is visible along the road throughout the corridor, with aspen, birch, and other riparian vegetation located along the creek. Development throughout the canyon is limited to campgrounds, lodges, and the pack station.

The Categorical Exclusion prepared for the project by the Federal Highway Administration provides the following discussion of potential visual impacts:

> "Roadway widening will result in minor impacts to existing vegetation immediately adjacent to the roadway, including native grasses, shrubs and trees. All disturbed areas will be revegetated using a seed mix approved by INF. Tree removal and mitigation will be coordinated with Inyo National Forest."
> (Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 10)

In addition, the Categorical Exclusion contains the following discussion of the Inyo National Forest visual standards for development:

> "The *Inyo National Forest Land & Resource Management Plan* (INF 1998) identifies Visual Quality Objectives (VQOs) by management prescription. VQOs describe the degree to which the natural landscape can acceptably be modified. VQOs for the project area include Retention for all new, non-recreation-oriented facilities and Partial Retention for all other facilities, including recreation sites. The proposed maintenance activities on the existing road would be subject to the objective of Partial Retention, which specifies that modifications must be visually subordinate to the natural landscape.
>
> Widening the existing roadway would require rock cuts, fill slopes, and retaining walls. Rock cuts and fill slopes would generally be minor. Adjacent to sensitive resources such as wetlands or open walls, retaining walls are proposed to reduce the size of rock cuts and fill slopes and minimize impacts. Retaining walls are expected to range between approximately three feet and ten feet tall. Rock cuts, fill slopes, and retaining walls would not block or impede the existing scenic views, would be immediately adjacent to the existing roadway, and would not diminish the visual character for forest users. Direct visual effects are anticipated to be minor."
> (Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 12)

Compliance with the design and development standards contained in the INF's Visual Quality Objectives will reduce potential impacts to the visual character of the area to a less than significant level.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?
No Impact. The project will not include any lighting or other construction that would contribute to glare.

Aesthetics Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Visual Quality. No additional mitigation measures are proposed.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment

Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project site is confined to an existing road on public lands within the Inyo National Forest. There are no agricultural lands, or any lands with an agricultural designation, within Rock Creek Canyon.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is confined to an existing road on public lands within the Inyo National Forest. There are no agricultural lands, or any lands with an agricultural designation, within Rock Creek Canyon.

c) Conflict with existing zoning for agricultural use, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project site is confined to an existing road on public lands within the Inyo National Forest. There are no agricultural lands, or any lands with an agricultural designation, within Rock Creek Canyon. The project will not cause rezoning of lands in or adjacent to the project vicinity.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is confined to an existing road on public lands within the Inyo National Forest. A minimal amount of land immediately adjacent to the roadway will be affected by the roadway widening. The Categorical Exclusion prepared for the project by the Federal Highway Administration provides the following discussion of potential impacts to roadside vegetation:

> "Roadway widening will result in minor impacts to existing vegetation immediately adjacent to the roadway, including native grasses, shrubs and trees. All disturbed areas will be revegetated using a seed mix approved by INF. Tree removal and mitigation will be coordinated with Inyo National Forest."
> (Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 10)

Compliance with Standard and Project Specific Environmental Commitments will result in no loss of forest lands. In addition, compliance with development standards contained in the INF's *Land and Resource Management Plan* will also result in the project having no loss of forest lands.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The project site is confined to an existing road on public lands within the Inyo National Forest. There are no agricultural lands, or any lands with an agricultural designation, within Rock Creek Canyon.

<u>Agriculture Resources Mitigation Measures</u>

No mitigation measures are proposed.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The project is not anticipated to induce traffic growth and no long-term impacts to air quality are anticipated. In addition, the proposed road rehabilitation activities, including pavement resurfacing, the addition of a bike lane, and improvements to and/or replacements of existing culverts,

are exempt from the conformity regulations for the Great Basin Unified Air Pollution Control District's Air Quality Plan (FHWA, Categorical Exclusion, p. 7).

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
Less Than Significant Impact. Mono County is a state-designated non-attainment area for ozone and PM_{10}; the portion of Inyo County in Rock Creek is a state-designated non-attainment area for PM_{10} (www.arb.ca.gov). Ozone issues in Mono County are centered in Mammoth Lakes, outside ~~of~~ the project area (MEA). Construction activities may contribute to short-term fugitive dust emissions. Standard Best Management Practices (BMPs), which are incorporated into the project as Standard Environmental Commitments (FHWA, Categorical Exclusion, p. A-5), will be implemented to minimize fugitive dust during construction. Application of these uniformly applied standards will reduce potential impacts to less than significant levels; no mitigation will be required.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
No Impact. Mono County is a state designated non-attainment area for ozone and PM_{10}; the portion of Inyo County in Rock Creek is a state designated non-attainment area for PM_{10} (www.arb.ca.gov). Ozone issues in Mono County are centered in Mammoth Lakes, outside of the project area (MEA). Construction activities may contribute to short term fugitive dust emissions. The capacity of the road will not increase as a result of the project, and traffic is not expected to increase as a result of the project. No long-term increase in pollutant levels is expected as a result of the project.

d) Expose sensitive receptors to substantial pollutant concentrations?
No Impact. The proposed road rehabilitation is not expected to create substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?
No Impact. The proposed road rehabilitation will not emit odors.

Air Quality Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Air Quality. No additional mitigation measures are proposed.

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
Less than Significant Impact. A Biological Assessment/Biological Evaluation (Jacobs, BA/BE, 2012) has been prepared for the project. Following a literature search (utilizing USFWS, CNDDB, CNPS, and USFS sources), and consultation with USFS personnel, the BA/BE determined that several Special Status species have the potential to occur or are known to occur in the vicinity of the project area; i.e., Sierra Nevada Bighorn Sheep, Northern Goshawk, Yosemite Toad, California Wolverine, Northern Leopard Frog, American Marten, Mountain Yellow-Legged Frog, Sierra Nevada Red Fox, Mono Milk Vetch. A field survey was conducted in July 2012 to review habitat on site and further determine the potential for these species to occur on site. The results of the field survey determined that the project would not affect any of the wildlife species, either due to lack of suitable habitat for that species within the project area, or due to no known recent occurrences of the species within the project area or close to the project area.

Mono Milk Vetch, a Forest Service Sensitive species, is known to occur in the Project Area and was observed at one location during a botanical survey conducted in July 2012. The observed location is

not within the construction zone but is within an area that may be used for construction staging. The BA/BE notes that:

> "Widening of the roadway is not anticipated to impact this species because this species was not observed along the roadway. The project would not result in any significant change in habitat availability for the Mono milk vetch or any significant change in the existing condition."
> (Jacobs, BA/BE, p. 9)

The BA/BE concludes that the project may affect individual Mono milk vetch plants but "is not likely to result in a trend toward federal listing or loss of viability for the Mono milk vetch" (Jacobs, BA/BE, p. 9). The Project Specific and Standard Environmental Commitments included in the Categorical Exclusion for the project contain a number of measures which will be implemented in order to avoid and minimize direct and indirect potential impacts to wildlife and vegetation:

- If the parking area adjacent to the Palisades campground is to be used for construction staging, a survey of that parking area will be conducted by a qualified biologist to determine the presence/absence of Mono milk vetch prior to construction. This survey will be conducted during the growing season of the construction year. If plants are found, a no-work buffer zone will be established around the plants throughout the duration of construction (Categorical Exclusion, Project Specific Environmental Commitment).
- During construction, garbage or trash produced from construction activities will be removed promptly and properly to avoid creating attractive wildlife nuisances (Project Specific Environmental Commitment).
- Do not disturb areas beyond the construction limits. Replace trees, shrubs, or vegetated areas damaged by construction operations as directed (Categorical Exclusion, Standard Environmental Commitment 2).
- All vehicles and equipment entering the Project Area must be clean of noxious weeds and free from oil leaks and are subject to inspection. Wash all construction equipment thoroughly to remove all dirt, plant, and other foreign material prior to entering the Project Area. Particular attention must be shown to the under carriage and surfaces where soil containing exotic seeds may exist. These efforts are critical to prevent the introduction and establishment of non-native plant species into the Project Area. Make arrangements for the Contracting Officer (CO) to inspect each piece of equipment before entering the project. The CO will maintain records of inspections. Equipment found operating on the project that has not been inspected or has oil leaks will be shut down and subject to citation (Categorical Exclusion, Standard Environmental Commitment 5).
- Provide certified weed-free permanent and temporary erosion-control measures to minimize erosion and sedimentation during and after construction, according to the contract erosion control plan, contract permits, FP Section 107, FP Section 157, and SCR Section 157 (Categorical Exclusion, Standard Environmental Commitment 7).
- Before grubbing and grading, construct all erosion controls around the perimeter of the project including filter barriers, diversion, and settling structures. Limit the combined grubbing and grading operations to 350,000 square feet of exposed soil at one time (Categorical Exclusion, Standard Environmental Commitment 8).

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Less than Significant Impact. See the discussion about wetlands under Item c) below.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. Rock Creek flows along Rock Creek Road for much of its length; the road crosses Rock Creek in five places in the project area. Widening the roadway at the bridge locations, and the installation of riprap, may require work to occur within Rock Creek, and may result in the discharge of fill material or excavation in wetlands of other waters of the U.S. (WUS). As a result, a **Wetlands and Other Waters of the U.S. Delineation Report** (Jacobs Engineering, 2012) was prepared for the project in order to identify potential jurisdictional wetlands and other waters of the U.S. within the area identified for the project as the Biological Survey Area (BSA). The Wetlands Delineation will be submitted to the U.S. Army Corps of Engineers with a request for a Jurisdictional Determination (JD) to validate the findings within the report. The features identified in the report have been used to avoid and minimize impacts to wetlands in the project design.

The U.S. Army Corps of Engineers defines wetlands as:

> "...those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." (33 CFR 3223.2[c])

Other WUS include unvegetated waterways and other water bodies with a defined bed and bank, such as drainages, ponds, creeks, and lakes, which typically lack hydrophytic vegetation and may lack hydric soils (Jacobs, Wetlands Delineation, p. 4).

The BSA represents the maximum extent of potential ground disturbing impacts anticipated from the project; it extends 60 feet from the edge of travel in areas where rock stabilization is proposed, approximately 40 feet where river crossing work is proposed, and 12 feet on either side of proposed edge of travel in other areas.

The methodology for the Wetlands Delineation included an office review of relevant information (including aerial photos, topographic maps, custom soil reports, climate data, and National Wetlands Inventory data), and a field survey of potential WUS and riparian areas. The literature review and field survey identified the following wetland types within the project area:

Emergent Wetlands

- Characterized by perennial and annual vegetation and relatively permanent hydrology from rain, runoff and snowmelt.
- Located at toe slopes within depressions.
- Dominant vegetation includes Sierra willow, Diamond leaf willow, horsetail, and sedges.
- Found in three locations.

Vegetated Swale

- Characterized by perennial and annual vegetation and ephemeral hydrology from runoff.
- Located along the road in minor depressions.
- Less vegetation cover and more open water.
- Dominant vegetation includes Geyer's willow and Sierra rush.
- Found in two locations (many vegetated swales with established bed and bank were delineated as other waters due to the lack of hydrophytic vegetation and/or hydric soil indicators)

Seep

- Characterized by groundwater seeping out of moderate to steep slopes.
- Dominant vegetation includes yellow willow and straight-leaved rush.
- Found in one location.

The literature review and field survey identified the following other WUS within the project area:

Non-Relatively Permanent Water

- Includes drainage features such as Vegetated Swales and Ditches.
- **Vegetated Swales**--located solely along the road in drainage depressions and identified as both wetlands and tributaries within the BSA. A hybrid characterization of features with both wetland and other waters indicators.
- **Ditches**--roadside ditches along Rock Creek Road typically reroute drainages along the road into ditches flowing into culverts and then downslope to Rock Creek. Most ditches connect two jurisdictional WUS or have a hydrologic connection to a Traditional Navigable Water; therefore, most ditches within the BSA are potentially jurisdictional.

Relatively Permanent Water

- **Rock Creek**
- **Open Water**--Pond at southern terminus of project, in a depression inside Emergent Wetland 1. Overflows and drains into a culvert that drains into Rock Creek Lake.

The Wetlands Delineation identified approximately 0.48 acres of jurisdictional WUS within the BSA. The project sponsor redesigned the project in order to avoid or minimize permanent and temporary impacts to wetlands and other WUS as much as possible. The final design impacts to wetlands and WUS would result in permanent impacts to 69 square feet of wetlands:

95% Design	Type of Impact			
	Temporary	Permanent	Temporary	Permanent
	Square Feet		Acres	
Wetlands	389	69	0.009	0.002
WUS	4,491	4,040	0.103	0.093
Total	4,880	4,109	0.112	0.094

Source: FHWA, Letter to Jan Zimmerman, June 24, 2013.

All temporary impacts to wetlands will be restored after construction activities are complete. Permanent impacts to wetlands are found at one location, within a swale along the east side of Rock Creek Road. Wetland vegetation at that location is dominated by willows, including Sierra willow and diamond leaf willow, along with understory species including horsetail and sedges. An intermittent WUS located within the same drainage swale as the impacted wetland has been identified as a viable location for wetland mitigation:

- The terrain along most of the road is very steep, in some places steeper than a 10% grade. In the identified location the grade is approximately 4.5 %;
- The mitigation site is in close proximity to an existing swale; and
- Along this 300-foot stretch, three tributary drainages enter the swale from the east, providing the necessary hydrologic support for the mitigation area.

The project sponsor is proposing to mitigate permanent impacts to the one wetland location by creating willow shrubland similar in functions and values to the wetland type affected by the project. Mitigation would occur at a 2:1 ratio, resulting in the creation of approximately 138 square feet of willow shrubland. It is anticipated that willow stakes would be gathered from the affected wetland and installed in the mitigation area. The understory will be broadcast seeded with native, local genotype seeds to increase vegetation diversity and wildlife habitat.

With the proposed mitigation, impacts to wetlands will be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The project site is not within the migration corridor used by the Round Valley mule deer herd, nor will it impact fish in Rock Creek.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
No Impact. There are no applicable local biological resource policies or ordinances. The project must comply with Inyo National Forest resource management policies for the area that require the revegetation of all disturbed areas, including mitigation for trees removed for roadway expansion. Project Specific Environmental Commitments for the project require the project sponsor to revegetate all disturbed areas using a native seed mix approved by the Inyo National Forest (INF) and to coordinate tree removal and mitigation with the INF (FHWA, Categorical Exclusion, p. A-2). The Inyo National Forest, when consulting on tree removal and mitigation, must comply with the policy direction in the **Inyo National Forest Land and Resource Management Plan**.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
No Impact. There are no habitat conservation plans of any type on lands within the project area.

Biological Resources Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Special Status species. No additional mitigation measures are proposed.

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
No Impact. No historic buildings or structures exist within or adjacent to the project area. The project would not have any effect on the built environment (FHWA, Categorical Exclusion, p. 7).

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
No Impact. An *Archaeological Survey Report* (Far Western Anthropological Research Group, Inc., December 2012) was prepared for the project taking into consideration direct and indirect effects associated with the project. Archival research, an on-site survey, and consultation with local Native American tribal groups were included in the survey process. The survey process identified two previously recorded sites and four new sites; three of those sites were considered as potentially NRHP-eligible. The project was revised to avoid those three sites. In addition, Project Specific Environmental Commitments for the project designate the sites as Environmentally Protected Areas and require the sites to be fenced during construction to avoid construction related disturbance (FHWA, Categorical Exclusion, p. A-1). The Standard Environmental Commitments for the project also require no disturbance of archaeological or paleontological remains or specimens and control of employees to ensure that protected sites are not damaged or disturbed (FHWA, Categorical Exclusion, p. A-3).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
No Impact. See Item b) above concerning paleontological resources. The project is the rehabilitation of an existing road; it will not impact unique geologic features.

d) Disturb any human remains, including those interred outside of formal cemeteries?
No Impact. The project would occur on already disturbed land along an existing road. Consultation in 2012 with local Native American tribal groups did not identify any additional religious or tribal sites in the project area (FHWA, Categorical Exclusion, p. 7). No known human remains exist on the project site.

Cultural Resource Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Cultural Resources. No additional mitigation measures are proposed.

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The project site is not located within a fault rupture hazard zone as shown on the Alquist-Priolo maps (www.quake.ca.gov). In addition, rehabilitation of an existing roadway would not expose people to earthquake hazards.

ii) Strong seismic ground shaking?

Less Than Significant Impact. All of Mono County and Inyo County are subject to ground shaking. Rehabilitation of an existing roadway would not expose people to substantial adverse impacts from ground shaking.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. All of Mono County and Inyo County are subject to ground shaking. Rehabilitation of an existing roadway would not expose people to substantial adverse impacts from ground shaking and associated ground failure.

iv) Landslides?

Less Than Significant Impact. The project site is the rehabilitation of an existing roadway within a steep canyon, in an area potentially subject to rockfalls or landslides. In some areas, the project will widen the roadway, resulting in the need for cut and fill. Retaining walls will be installed where necessary in order to minimize potential rockfall impacts that could result from the project.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Widening of Rock Creek Road will result in minor impacts to existing vegetation adjacent to the road, which will expose soil in those areas. A Storm Water Pollution Prevention Plan will be developed for the project in order to obtain a NPDES permit; BMPs in that Plan will include measures that address erosion and sediment control. In addition, the Categorical Exclusion completed for the project includes erosion and sediment control BMPs in the Project Specific and Standard Environmental Commitments for the project. The project also requires revegetation of all disturbed areas in order to avoid or minimize soil erosion.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. Soil surveys indicate that soils along Rock Creek Road are various types of rock outcrop gravelly soils (websoilsurvey.nrcs.usda.gov), which generally have a shallow distance to bedrock. In addition, compliance with existing road improvement engineering standards will ensure that the road rehabilitation activities, including the extension of the paved road surface, will result in stable surfaces.

d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact. The project is the rehabilitation of an existing road and does not include buildings. As noted in Item c) above, soils along Rock Creek Road are generally gravelly rock outcrop soils, which are not expansive soil types. In addition, compliance with existing road improvement engineering standards will ensure that the road rehabilitation activities will be located on stable soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project will not have a septic system.

Geology and Soils Mitigation Measures

No mitigation measures are proposed.

VII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?

No Impact. The proposed project is the rehabilitation of an existing road. The road will not be expanded, other than by the addition of a bike lane, and will not induce an increase in traffic. The project does not involve wood burning or the creation of any other direct emissions. The project will use a minimal amount of water, provided locally from Rock Creek, only during construction and while the required landscaping is being established. The project will use no electricity. Road widening will remove some existing vegetation immediately adjacent to the roadway, including native grasses, shrubs, and trees. Project Specific and Standard Environmental Commitments for the project require the revegetation of all disturbed areas using a native seed mix approved by the Inyo National Forest. Tree removal and mitigation will be coordinated with the Inyo National Forest. Standard Environmental Commitment #2 requires the project sponsor to "Replace trees, shrubs, or vegetated areas damaged by construction operations as directed (FHWA, Categorical Exclusion, p. A-3).

b Conflict with an applicable plan, policy, or regulation adopted for the purposed of reducing the emissions of greenhouse gases?

No Impact. There are no applicable plans, policies, or regulations for the reduction of greenhouse gas emissions in Mono County or Inyo County. In 2012, Inyo County approved a **Cost, Energy and Service Efficiencies Action Plan**, but that plan focuses on energy reduction at County facilities. The California State Air Resources Board has adopted regional greenhouse gas reduction standards for the areas included in the state's 18 Metropolitan Planning Organizations (MPOs); Mono County and Inyo County are not included in any of those MPOs (www.CoolCalifornia.org). California's Climate Change Scoping Plan encourages local governments to reduce greenhouse gas (GHG) at least 15 percent below current levels by 2020 (www.CoolCalifornia.org). The proposed project will not conflict with that goal. Many of the methods suggested to reduce greenhouse gas emissions involve reducing traffic, increasing use of mass transit, concentrating development in communities, utilizing alternative energy sources, and reducing the consumption of electricity and water. Many of those methods do not apply to the proposed project.

Greenhouse Gas Emissions Mitigation Measures

No mitigation measures are proposed.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The project will not involve the routine transport, use, or disposal of hazardous materials, other than in vehicles on site. Standard Environmental Commitments 4 and 6 address potential spills of petroleum products and other chemicals from vehicles.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. The project will not involve the use or transport of hazardous materials and will therefore not create the risk of release of those materials, other than as discussed in item a) above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. There are no schools within one-quarter mile of the project site.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
No Impact. The project site in not on any list of hazardous materials sites.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
No Impact. The project site is not located within the boundaries of an airport land use plan or within two miles of any airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
No Impact. There are no private airstrips in the general area of the project site.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
No Impact. The proposed project is consistent with Mono County's Emergency Operations Plan (EOP). The proposed project will provide adequate access for emergency vehicle--emergency access will be maintained at all times along the construction route.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
No Impact. The project is the rehabilitation of an existing roadway in an area surrounded by forest lands. While the potential for fire hazards exists in the surrounding area, the project itself will not increase that risk or expose additional people to that risk.

Hazards and Hazardous Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Hazardous Materials. No additional mitigation measures are proposed.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?
No Impact. The project will comply with a number of existing standards in order to avoid or minimize impacts to water quality. The proposed road rehabilitation project will utilize water only for dust control and irrigation. Water for both those uses will be obtained from Rock Creek, through a riparian water right owned by the Forest Service. Water drafting is subject to approval from the Inyo National Forest, as well as to Forest Service fish screen requirements (FHWA, Categorical Exclusion, p. 15).

A Storm Water Pollution Prevention Plan will be developed for the project in order to obtain a NPDES permit; BMPs in that plan will include measures that permanently reduce the potential for impacts to water quality and that comply with local plans and standards for water quality (i.e., the Inyo National Forest's Rock Creek-Pine Creek Management Area direction for water quality and the Water Quality Control Plan for the Lahontan Region). In addition, the Categorical Exclusion completed for the project includes erosion and sediment control BMPs in the Project Specific and Standard Environmental Commitments for the project.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The road rehabilitation project will not have any facilities that utilize water. Water for dust control during construction and for landscaping irrigation will be obtained by drafting from Rock Creek (as discussed in item a) above) and will be required only until construction is complete and the landscaping is established. Water used for irrigation will infiltrate back into the soil to recharge groundwater in the area.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. Drainage patterns in the area will remain the same as they are now. The project will not alter the course of Rock Creek or other streams in the area. The project will increase the total area of impervious surface associated with Rock Creek Road, increasing the amount of associated surface runoff. Drainage from the road will continue to flow into drainage ditches and culverts along Rock Creek Road. Item e) below addresses potential impacts from increased impervious surfaces.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

Less than Significant Impact. Drainage patterns in the area will remain the same as they are now. The project will not alter the course of Rock Creek or other streams in the area. The project will increase the total area of impervious surface associated with Rock Creek Road, increasing the amount of associated surface runoff. Drainage from the road will continue to flow into drainage ditches and culverts along Rock Creek Road. Item e) below addresses potential impacts from increased impervious surfaces.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. There are no stormwater drainage systems in the area. Drainage from Rock Creek Road is channeled into existing drainage ditches and culverts alongside the road. The project will create additional impervious surfaces due to widening the pavement from 22-24 feet wide to 28 feet wide. The Categorical Exclusion notes that:

> "There is the potential for a short-term increase in sediment levels because of ground disturbing activities associated with vegetation removal adjacent to the roadway, replacement and/or extension of culverts, and placement of riprap in waterways. However, these impacts would be avoided and/or minimized by the use of BMPs."
> (FHWA, Categorical Exclusion, p. 15)

A Storm Water Pollution Prevention Plan will be developed for the project in order to obtain an NPDES permit; BMPs in that plan will include measures that permanently reduce the potential for impacts to water quality and that comply with local plans and standards for water quality (i.e., the Inyo National Forest's Rock Creek-Pine Creek Management Area direction for water quality and the Water Quality Control Plan for the Lahontan Region). In addition, the Categorical Exclusion completed for the project includes erosion and sediment control BMPs in the Project Specific and Standard Environmental Commitments for the project.

f) Otherwise substantially degrade water quality?

No Impact. The project does not involve water or sewer services. A Storm Water Pollution Prevention Plan will be developed for the project in order to obtain an NPDES permit; BMPs in that Plan will include measures that permanently reduce the potential for impacts to water quality and that comply with local plans and standards for water quality (i.e., the Inyo National Forest's Rock Creek-Pine Creek Management Area direction for water quality and the Water Quality Control Plan for the Lahontan Region). In addition, the Categorical Exclusion completed for the project includes erosion and sediment control BMPs in the Project Specific and Standard Environmental Commitments for the

project. The Environmental Commitments for the project also address potential spills of oil and hazardous materials.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
No Impact. The project does not involve housing.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
No Impact. The project site is not within any 100-year flood zone and dam inundation zones as indicated on the FEMA Flood Zone Maps (FHWA, Categorical Exclusion, p. 16).

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
No Impact. The project does not involve housing.

j) Inundation by seiche, tsunami, or mudflow?
No Impact. The project site is not in an area subject to seiche, tsunami, or mudflows.

Hydrology and Water Quality Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitments which address Hydrology and Water Quality. No additional mitigation measures are proposed.

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?
No Impact. The project will not divide an established community. Rock Creek Road is located within the Inyo National Forest. Most of the land is undeveloped land used for dispersed recreation; there are no communities located within the project corridor.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
No Impact. Rock Creek Road is located within the Inyo National Forest (INF); publicly owned lands managed by the INF are subject to the requirements in the Inyo National Forest Land and Resource Management Plan. The Categorical Exclusion prepared for the project by the Federal Highway Administration concludes that the project will comply with the land use management objectives for the area, based on the following discussion of potential land use impacts:

> "The project corridor is located within the Rock Creek-Pine Creek Management Area with land managed under the Concentrated Recreation Area prescription and bordered by lands managed under the Semi-Primitive Recreation and Mule Deer Habitat prescriptions. There is no designated wilderness or Research Natural Areas in the project area.
>
> The management purpose of the Concentrated Recreation Area prescription is to provide a broad range of facilities and recreational opportunity for large numbers of people safely, conveniently, and with little resource damage. The management purpose of the Semi-Primitive Recreation prescription is to limit vehicular traffic to existing routes to protect recreation and/or wildlife values. The management purpose of the Mule Deer Habitat prescription is to preserve or enhance key mule deer habitat. Semi-Primitive Recreation and Concentrated Recreation Area prescriptions include provisions that either emphasize or permit the type of road maintenance activities proposed under this project. The Mule Deer Habitat prescription does not include any provisions prohibiting roadway maintenance.

Rock Creek Road is bounded by, and in some cases bisects, an Inventoried Roadless Area (IRA).The 2001 Roadless Rule (36 CFR Part 294) establishes prohibitions on road construction , road reconstruction, and timber harvesting in IRAs on National Forest System lands. Although road construction and reconstruction are prohibited, road maintenance is permitted and is defined as "The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective." The management objectives for Forest Highway access roads, such as Rock Creek Road, are identified in the Forest Service Manual. The proposed project relates to two of these objectives:

- Provide safe and adequate rural highways connecting the National Forest System with major highway systems.
- Provide for economy of operation and maintenance and the safety of users.

The proposed resurfacing, rehabilitation, and restoration of the roadway to maintain the paved surface of the roadway supports the objective to provide a safe and adequate facility. Adding a bike lane to the roadway supports the objective of providing safety for users by separating vehicular and bicycle traffic. Cyclists are frequent users of Rock Creek Road including individual day use, area cycling clubs, and an annual cycling race permitted for up to 1,100 riders. The project does not include improvements or realignments that would constitute reconstruction. Nor does the project include the addition of classified roadway miles. For these reasons, the proposed project meets the definition of road maintenance as defined in the 2001 Roadless Rule and is therefore permissible."
(Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 4)

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
No Impact. See discussion under X(b) above.

Land Use and Planning Mitigation Measures

No mitigation measures are proposed.

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
No Impact. The project is the rehabilitation of an existing road; it will not affect mineral resources in the area.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
No Impact. The project is the rehabilitation of an existing road; it will not affect mineral resources in the area.

Mineral Resource Mitigation Measures

No mitigation measures are proposed.

XII. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Less Than Significant Impact. The Categorical Exclusion prepared for the project notes the following concerning potential noise impacts from the project:

"The noise environment in the vicinity of the project is typical of undeveloped forest and rural lands. The predominant existing noise source in the corridor is vehicular traffic on Rock Creek

Road. Noise sensitive receptors in the project area include 12 campgrounds and 2 lodges. The receptors are located between 100 feet and 1,000 feet from the roadway.

The proposed project would not increase the traffic capacity of the roadway or induce an increase in traffic, nor would it alter roadway conditions in any manner that would result in increased noise at any of the receivers in the general vicinity. This project meets the criteria for a Type III project established in 23 CFR 772 because it: 1) does not involve added capacity 2) does not involve construction of new through lanes or auxiliary lanes (other than tum lanes); 3) does not involve changes in the horizontal or vertical alignment of the roadway that would halve the distance between the roadway and noise sensitive receptors; 4) would not expose noise sensitive land uses to a new or existing highway noise source; and 5) does not involve any other activity classified as a Type I or Type II project. Therefore, the project requires no analysis for highway traffic noise impacts. FHWA acknowledges that a noise analysis is required if changes to the proposed project result in reclassification to a Type I project.

Construction would generate noise from the short-term use of equipment such as excavators, compressors, generators, and trucks, and diesel-powered earth-moving equipment, such as dump trucks and bulldozers, and back-up alarms on certain equipment. According to the FHWA Construction Noise Handbook (August 2006), maximum noise levels from diesel-powered equipment range from 80 to 95 dBA at a distance of 50 feet. Pile-driving activities, which would be anticipated at the creek crossing locations, would be expected to generate the loudest noise levels (up to 100 dBA at a distance of 50 feet).

Mono County Code 10.16 (Noise) would apply for construction activities in the majority of the project limits. This local ordinance establishes maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment at 65 dBA between the hours of 7:00pm and 7:00am and 75 dBA between the hours of 7:00am and 7:00pm. The southernmost mile of the project limits are within Inyo County. The general plan for the county establishes maximum allowable ambient noise levels for residential, playgrounds, neighboring parks, etc, at 70 dBA.

A sound level measured from a point source decreases at a rate of 6 dBA per doubling of distance (FHWA 2011). Based on the maximum noise levels from construction activities and the distance of noise-sensitive receptors from the road and from creek crossing locations, temporary noise levels associated with construction activities are anticipated to exceed the maximum allowable levels identified in county codes and guidance at most of the receptors in the study area. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at campgrounds is the lowest. Therefore, these temporary noise impacts are anticipated to be minor.
(Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. 8-9)

Temporary construction-related noise levels in excess of standards established in applicable plans will be of short duration. Project Specific and Standard Environmental Commitments to reduce temporary noise impacts to less than significant levels include the following:

- Construction activities within 500 feet of existing noise sensitive uses shall be limited to the hours of 7:00am to 7:00pm;
- Pile driving shall be limited to the hours of 7:00am to 7:00pm;
- Use well-maintained equipment and have equipment inspected regularly;
- Locate stationary sources as far from sensitive receptors as practicable; and
- Construction equipment is required to be maintained in proper working condition to minimize construction noise.

(Federal Highway Administration, Rock Creek Road 3R Project, Categorical Exclusion, p. A-5)

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
No Impact. The proposed will not create groundborne vibration or groundborne noise levels.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
No Impact. The road rehabilitation will not increase the capacity of Rock Creek Road and is not anticipated to cause a permanent increase in ambient noise levels in the area.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
Less Than Significant Impact. Short-term increases in noise levels would result from construction activities. Compliance with the Project Specific and Standard Environmental Commitments proposed for the project would reduce those impacts to less than significant levels. See discussion under Item a) above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
No Impact. The project site is not within an airport land use plan area or within two miles of any public airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
No Impact. The project site is not within the vicinity of a private airstrip.

Noise Mitigation Measures

The Categorical Exclusion for the project contains Project Specific and Standard Environmental Commitment, which address Noise. No additional mitigation measures are proposed.

XIII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
No Impact. The project is the rehabilitation of an existing road corridor within the Inyo National Forest. It is not anticipated to induce population growth in either Inyo or Mono counties.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
No Impact. The project is the rehabilitation of an existing road corridor within the Inyo National Forest; there is no existing housing along this section of Rock Creek Road. The project will not displace existing housing in either Inyo or Mono counties.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
No Impact. The project is the rehabilitation of an existing road corridor within the Inyo National Forest; there is no existing housing along this section of Rock Creek Road. The project will not displace existing housing in either Inyo or Mono counties.

Population and Housing Mitigation Measures

No mitigation measures are proposed.

XIV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of these public services:

i) Fire protection?
No Impact. The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. The project does not include any development and will not increase the capacity of the road. No hazardous materials will be utilized or stored on site. The project is not anticipated to increase the need for fire protection services.

ii) Police protection?
No Impact. The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. The project will not increase the capacity of the road. The project is not anticipated to create the need for additional police protection.

iii) Schools?
No Impact. The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. There is no housing in the project area, which is a seasonal use road. The project is not anticipated to generate additional population or to create any impacts on the schools.

iv) Parks?
No Impact. The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. The project will not increase the capacity of the road. There are a number of recreational facilities (campgrounds, trailheads, private lodging and a pack station) located along this section of Rock Creek Road. The project is not anticipated to create the need for additional parks or recreational facilities.

v) Other public facilities?
No Impact. No other public service needs are anticipated.

Public Services Mitigation Measures
No mitigation measures are proposed.

XV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
No Impact. The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. It will not increase the capacity of the roadway and is not anticipated to increase use of surrounding recreational facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?
No Impact. The project does not include recreational facilities or require the construction or expansion of recreational facilities. It will not impact recreational facilities.

Recreation Mitigation Measures
No mitigation measures are proposed.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
No Impact. Rehabilitation of Rock Creek Road will not increase the capacity of the roadway and will not cause an increase in traffic.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
No Impact. Rehabilitation of Rock Creek Road will not increase the capacity of the roadway and will not cause an increase in traffic.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
No Impact. The project will not impact air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
No Impact. Components of the proposed road rehabilitation include widening the paved roadway, the inclusion of a bike lane, and the replacement of culverts. The road alignment will not change; there will be no hazards due to design features.

e) Result in inadequate emergency access?
No Impact. Components of the proposed road rehabilitation include widening the paved roadway, the inclusion of a bike lane, and the replacement of culverts. The road alignment will not change; there will be no changes to emergency access. Emergency access will be uninterrupted during construction activities (FHWA, Categorical Exclusion, p. 5).

f) Result in inadequate parking capacity?
No Impact. The project itself does not require parking. The project has been designed to maintain the maximum amount of parking at the Hilton Creek trailhead.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
No Impact. The project will not affect alternative transportation facilities or routes or conflict with adopted policies, plans or programs supporting alternative transportation.

Transportation/Traffic Mitigation Measures
No mitigation measures are proposed.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
No Impact. The project is the rehabilitation of Rock Creek Road in Rock Creek Canyon. It will not require wastewater treatment.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
No Impact. The project is the rehabilitation of Rock Creek Road in Rock Creek Canyon. It will not require wastewater treatment.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
No Impact. There are no stormwater drainage facilities in the project area; drainage from the roadway currently flows through roadside ditches and culverts. This will not change as a result of the project. The project has been designed to ensure that any concentration of runoff will not cause erosion or other environmental effects. The Project Specific and Standard Environmental Commitments included in the Categorical Exclusion prepared for the project include BMPs for erosion and sediment control to avoid or minimize short term erosion and sediment impacts from construction activities. A Storm Water Pollution Prevention Plan will be developed for the project in compliance with NPDES requirements; that plan will include BMPs, including permanent measures, to reduce water quality impacts to Rock

Creek Lake and Rock Creek in compliance with the Rock Creek-Pine Creek Management Area direction for water quality (Inyo National Forest Land and Resource Management Plan, 1988) and the Water Quality Control Plan for the Lahontan Region (LRWQCB, 2005) (FHWA, Categorical Exclusion, p. 15).

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
No Impact. The project is the rehabilitation of Rock Creek Road in Rock Creek Canyon. It will not require water other than for dust control and irrigation for revegetated areas. Water for both dust control and landscape irrigation will be provided from Rock Creek through water drafting; irrigation water for landscaping will ~~only~~ be required only until the landscaping is established.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the provider's existing commitments?
No Impact. The project is the rehabilitation of Rock Creek Road in Rock Creek Canyon. It will not require wastewater treatment.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
No Impact. Mono County landfill facilities are closest to the project site and are not expected to be impacted by the proposed project. Benton Crossing Landfill and Pumice Valley Landfill have sufficient capacity to serve local communities for 12 years. In addition, green waste from land clearing activities is turned into mulch at the landfill sites instead of being placed in the landfill. The Mono County Department of Public Works typically recycles asphalt grindings from road projects for use in other projects. Any other construction waste (e.g. rebar, wood, etc.) will be recycled to the greatest extent possible in compliance with Mono County and Inyo County standard procedures.

g) Comply with federal, state, and local statutes and regulations related to solid waste?
No Impact. The project will comply with all solid waste regulations.

Utilities and Service Systems Mitigation Measures
No mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The one potentially significant environmental effect of the project is the potential for permanent impacts to approximately 69 square feet of wetlands in one location along Rock Creek Road. Proposed mitigation for that impact includes the creation of willow shrubland similar in functions and values to the wetland type affected by the project. Mitigation would occur at a 2:1 ratio, resulting in the creation of approximately 138 square feet of willow shrubland. With the proposed mitigation, impacts to wetlands will be less than significant.

No other significant environmental effects are anticipated to result from the proposed project.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

The project has been designed to avoid impacts or to reduce impacts to less than significant levels. The project will actually increase the amount of wetlands in the project vicinity, as a result of a proposed 2:1 mitigation proposal for permanent impacts to wetlands. Since the project is the rehabilitation of an existing roadway surrounded by National Forest lands, in a generally undeveloped canyon, there are few past projects in the area, no other current projects, and no probable future projects. All projects in the area must comply with Forest Service management direction in the **Inyo National Forest Land and Resource Management Plan**, which contains standards for allowable development in various areas. Compliance with established forest standards will avoid or reduce impacts to less than significant levels, including avoiding potential cumulative impacts.

The Biological Assessment/Biological Evaluation prepared for the project notes the following concerning cumulative impacts:

> "Cumulative effects include those effects of future state, tribal, local, or private actions that are reasonably certain to occur in the Project Area. Review of the current schedule of proposed actions report from Inyo National Forest did not identify any proposed actions in the Project Area and Inyo and Mono counties have not identified any proposed actions on private lands in the Project Area. Therefore, no cumulative effects are anticipated for the proposed project." (Jacobs, BA/BE, p. 8)

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project will not cause substantial adverse effects on human beings.

VI. REFERENCES

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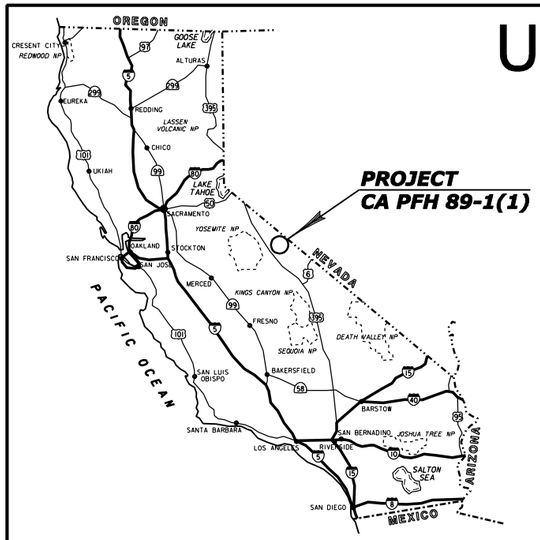
VII. FIGURES

Figure 1 Project Overview / Location

Figure 2 Site Plan

FIGURE 1 Project Overview / Location

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



KEY MAP OF CALIFORNIA

PLANS FOR PROPOSED

CALIFORNIA FOREST HIGHWAY PROJECT

CA PFH 89-1(1)

ROCK CREEK ROAD

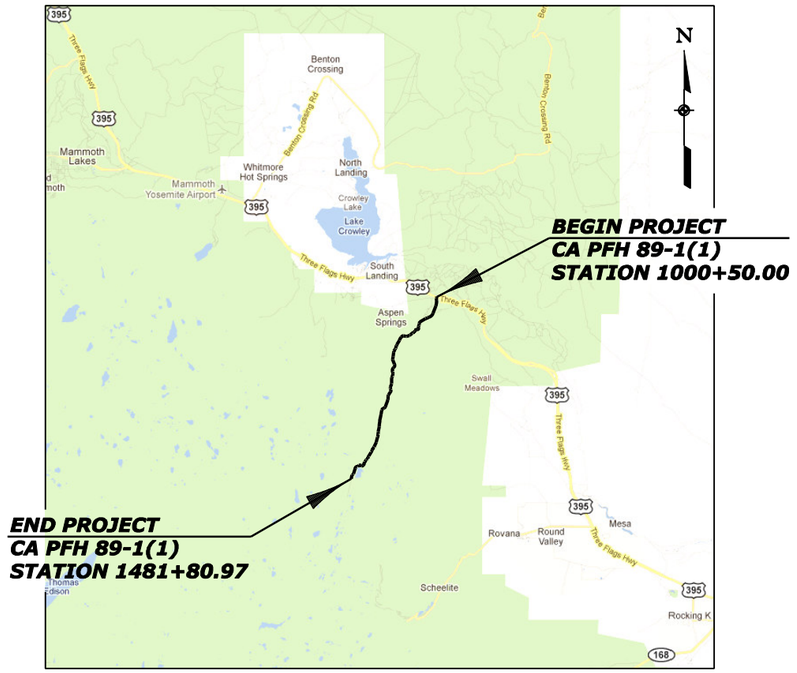
INYO NATIONAL FOREST
MONO / INYO COUNTIES
LENGTH 9.12 miles

TYPE OF CONSTRUCTION:
Pulverizing, Hot Asphalt Concrete Paving and Drainage.

ROCK CREEK ROAD DESIGN DESIGNATIONS:
ADT (2012) ---------- 1015
ADT (2032) ---------- 1239
DHV ---------- 152
D ---------- 50/50
T ---------- 2%
V ---------- 40 MPH
e(max) ---------- 3R Work, Match Existing, Isolated Superelevation Correction Areas

U.S. CUSTOMARY DIMENSIONS:
Slopes are expressed as RISE:RUN

SPECIFICATIONS:
"STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES ON FEDERAL HIGHWAY PROJECTS, FP-03, U.S. CUSTOMARY UNITS"



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SCALE IN MILES

INDEX TO SHEETS

FEDERAL LANDS HIGHWAY
COMMITMENT TO EXCELLENCE

FOREST SERVICE
DEPARTMENT OF AGRICULTURE

811
Know what's below.
Call before you dig.

PRELIMINARY
30% REVIEW
NOVEMBER, 2012
NOT FOR CONSTRUCTION

PROJECT MANAGER	LEAD DESIGNER
W. LONGLEY	JACOBS

PLANS PREPARED BY

JACOBS™

FOR

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

CENTRAL FEDERAL LANDS HIGHWAY DIVISION
DENVER, COLORADO

APPROVED:

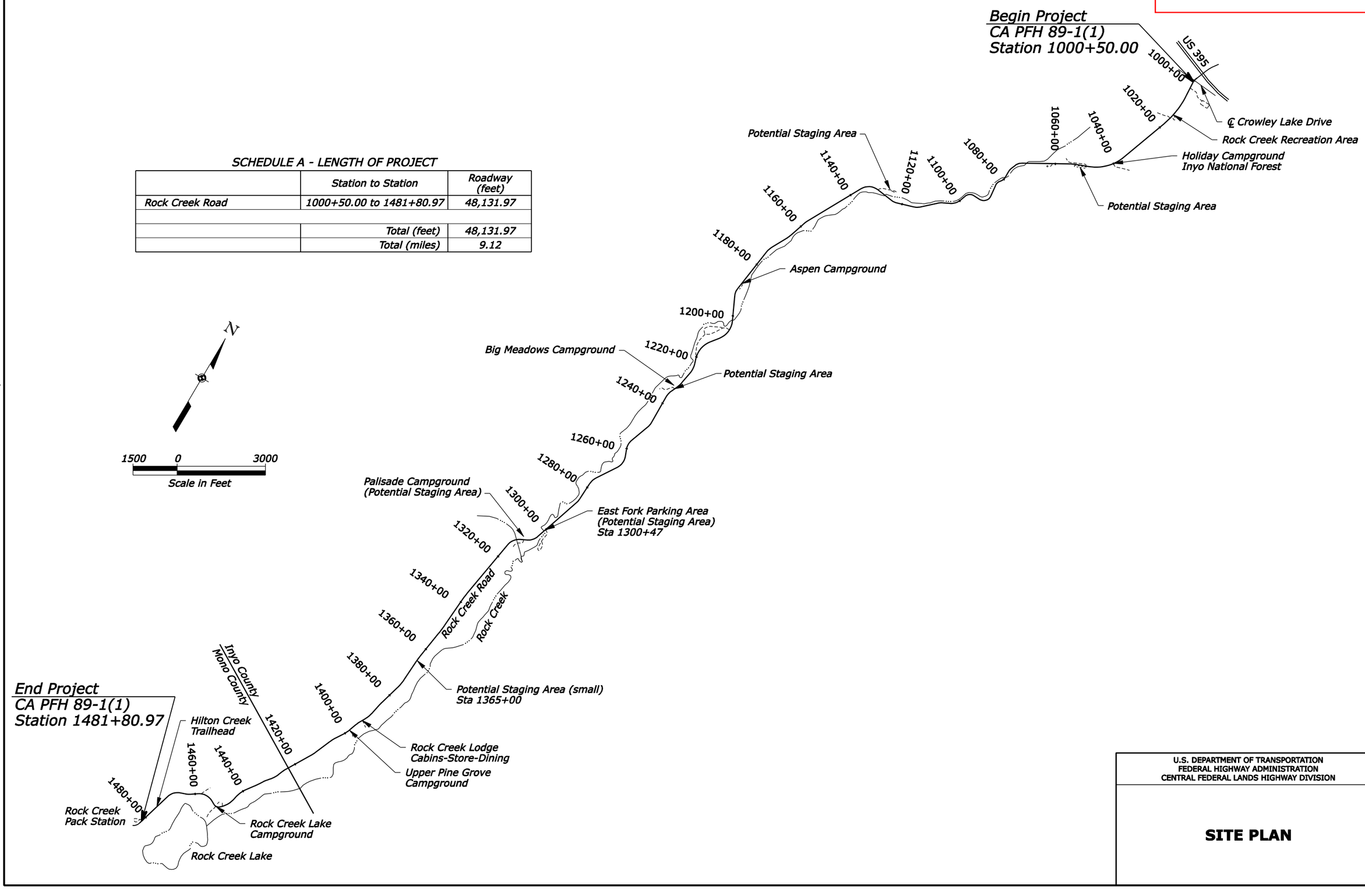
_____ DATE: _____

DIRECTOR OF ENGINEERING, CENTRAL FEDERAL LANDS HIGHWAY DIVISION

FIGURE 2 Site Plan

SCHEDULE A - LENGTH OF PROJECT

	Station to Station	Roadway (feet)
Rock Creek Road	1000+50.00 to 1481+80.97	48,131.97
	Total (feet)	48,131.97
	Total (miles)	9.12



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION

SITE PLAN

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California Forest Highway 89

Rock Creek Road Project

Categorical Exclusion

May 6, 2013

U.S.Department of Transportation
Federal Highway Administration

Memorandum

12300 West Dakota Avenue
Suite 280
Lakewood, CO 80228

Central Federal Lands Highway Division

Subject: **Information:**
California Forest Highway 89
Rock Creek Road 3R Project
Inyo County and Mono County, California
Categorical Exclusion

Date: May 6, 2013

From: Wendy Longley, PE Wendy Longley 5/9/13
Project Manager

In Reply Refer To: HFPM-16

To: CFLHD Central Files – CA FLAP 4S12(1), Rock Creek Road

Through: Nicole Winterton, Acting Environmental Team Lead NW 5/6/13

Gary Strike, Project Development Engineer G.S. 5/8/13

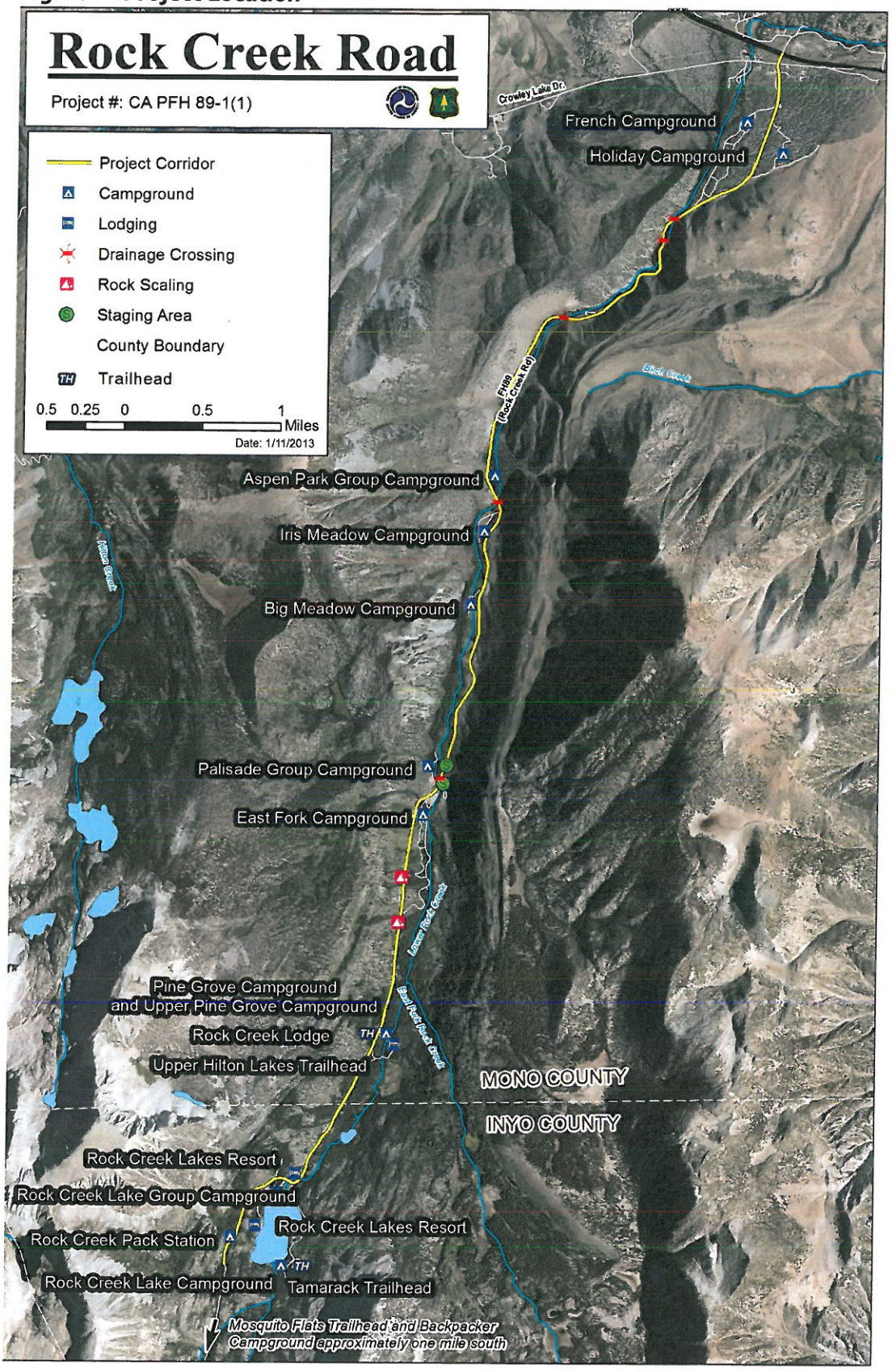
Introduction

The Federal Highway Administration (FHWA), as lead agency, and in cooperation with Inyo National Forest (INF) and Inyo and Mono Counties, is proposing to rehabilitate California Forest Highway 89 (FH 89), also known as Rock Creek Road, in Inyo National Forest (INF). Approximately 9.2 miles of the road is being examined for this project, beginning on Rock Creek Road near the Rock Creek Pack Station, and ending at the intersection of US Highway 395 and Rock Creek Road (see Figure 1). Funding for the project is through the Federal Lands Access Program, in conjunction with a local funding match. Construction would likely occur over two construction seasons and is currently scheduled for 2015 and 2016, but could move up one year if funding becomes available.

Purpose and Need

The project route provides access to National Forest System (NFS) System Lands. This includes access to Rock Creek Lake, 12 Forest Service campgrounds, 2 privately-owned lodges, a pack station (which provides horse packing trips), wildflower viewing areas, and the Hilton Creek Lakes, Tamarack Lakes and Mosquito Flats trailheads. The pavement conditions of the segment of FH 89 included in the scope of this project have been rated as "failed." Rehabilitation efforts are needed to prevent further deterioration of the pavement surface.

Figure 1: Project Location



Project Description

The existing Rock Creek Road within the project corridor is a two-lane, paved roadway with widths varying from 22-24 feet and variable width unpaved shoulders, as well as multiple unpaved pull-offs and intersecting roadways. The proposed project involves resurfacing, rehabilitation and restoration work for 9.2 miles of the route within the project limits.

The project elements, which would follow the existing roadway, include the following:

- Widen the existing roadway to accommodate two 11-foot travel lanes, a 4-foot wide striped bike lane adjacent to the southbound (uphill) travel lane, and 1-foot paved shoulders (a total paved width of 28 feet).
- Rehabilitation or removal of existing pull-outs.
- Replacement of old or damaged drainage culverts and extension of culverts to accommodate the wider roadway.
- Upgrading regulatory/warning signs not meeting current standards.

Right-of-Way Easement Deed Transfer

No commercial or residential right-of-way (ROW) acquisitions would occur. However, FHWA CFLHD does anticipate developing a DOT Highway Easement Deed for the route in the INF in order to formalize an easement for operation and maintenance of the roadway by the Counties.

Based upon a review of other past, present, and reasonably foreseeable actions occurring within the Forest and adjacent area, including land use and management-related decisions, FHWA has determined that the proposed transfer will have no direct, indirect, or cumulative effects on the human or natural environment and does not require further environmental analysis.

Environmental Resources/Effects

The proposed project will have no known involvement with the following issues:

- Coastal Areas
- Farmlands
- Section 6(f) Lands
- Hazardous Substances
- Environmental Justice
- Wild and Scenic Rivers

The proposed project will have negligible, minimal or no effect on the following issues:

1. Land Use
   The project corridor is located in the INF. Most of the land within the corridor is undeveloped, with forests and meadows dominating the valley bottom. The INF is the sole landowner along the corridor, although there are several permittees, including two lodges and a pack station.

Publicly-owned lands managed by the INF are guided by the management prescriptions in the *Inyo National Forest Land and Resource Management Plan* (1988). The project corridor is located within the Rock Creek-Pine Creek Management Area with land managed under the Concentrated Recreation Area prescription and bordered by lands managed under the Semi-Primitive Recreation and Mule Deer Habitat prescriptions. There is no designated wilderness or Research Natural Areas in the project area.

The management purpose of the Concentrated Recreation Area prescription is to provide a broad range of facilities and recreational opportunity for large numbers of people safely, conveniently, and with little resource damage. The management purpose of the Semi-Primitive Recreation prescription is to limit vehicular traffic to existing routes to protect recreation and/or wildlife values. The management purpose of the Mule Deer Habitat prescription is to preserve or enhance key mule deer habitat. Semi-Primitive Recreation and Concentrated Recreation Area prescriptions include provisions that either emphasize or permit the type of road maintenance activities proposed under this project. The Mule Deer Habitat prescription does not include any provisions prohibiting roadway maintenance.

Rock Creek Road is bounded by, and in some cases bisects, an Inventoried Roadless Area (IRA) (Figure 2). The 2001 Roadless Rule (36 CFR Part 294) establishes prohibitions on road construction, road reconstruction, and timber harvesting in IRAs on National Forest System lands. Although road construction and reconstruction are prohibited, road maintenance is permitted and is defined as "The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective." The management objectives for Forest Highway access roads, such as Rock Creek Road, are identified in the Forest Service Manual. The proposed project relates to two of these objectives:

- Provide safe and adequate rural highways connecting the National Forest System with major highway systems.
- Provide for economy of operation and maintenance and the safety of users.

The proposed resurfacing, rehabilitation, and restoration of the roadway to maintain the paved surface of the roadway supports the objective to provide a safe and adequate facility. Adding a bike lane to the roadway supports the objective of providing safety for users by separating vehicular and bicycle traffic. Cyclists are frequent users of Rock Creek Road including individual day use, area cycling clubs, and an annual cycling race permitted for up to 1,100 riders. The project does not include improvements or realignments that would constitute reconstruction. Nor does the project include the addition of classified roadway miles. For these reasons, the proposed project meets the definition of road maintenance as defined in the 2001 Roadless Rule and is therefore permissible.

2. Socioeconomics

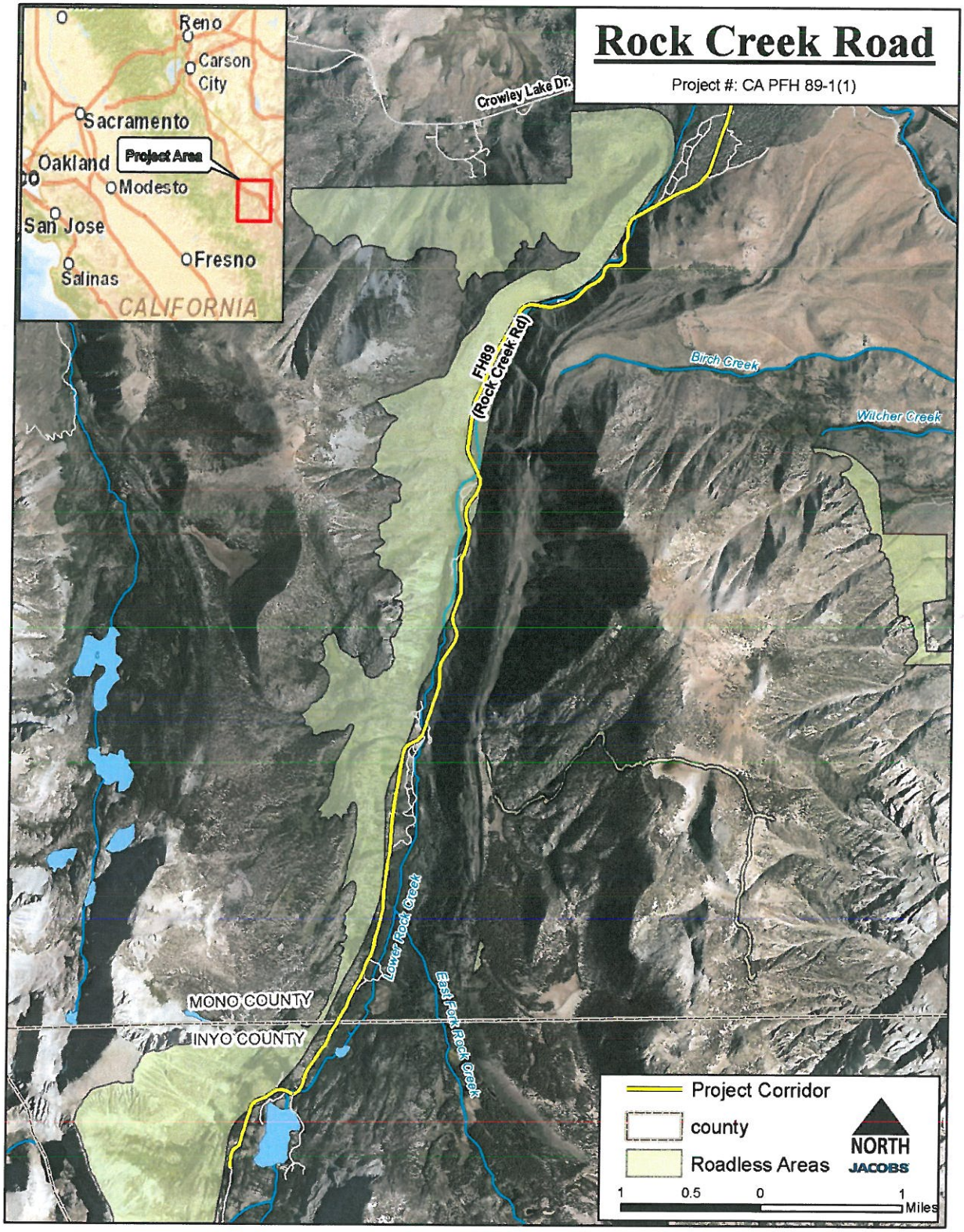
This project is not anticipated to have long-term adverse impacts on the surrounding community. Effects to recreational resources and businesses accessed via the project route would include temporary construction related access issues due to traffic delays. Typical traffic delays during construction are anticipated to be up to 30 minutes. Specific

construction activities, such as culvert replacement, may require temporary roadway closures. Closures would be scheduled to occur only Monday through Friday, and would not occur during holidays or special events. Advance notice of temporary closures will be provided to INF. These impacts would be temporary and last the duration of the construction period. Construction would take approximately 10 months, split into two construction seasons, with each season lasting approximately 5 months. Uninterrupted access for emergency vehicles will be maintained throughout the construction phase. Public notices of construction locations, dates, and times will be provided in advance through the local media and on-site information signs as appropriate.

3. Section 4(f)

Potential Section 4(f) properties in the project area include multiple trailheads and campgrounds. No land from these properties would be acquired for transportation use. As described under *Socioeconomics*, traffic delays during construction could cause inconvenience to recreationalists accessing these properties. However, access would be maintained throughout the duration of the project. As described under *Noise*, noise levels during construction may exceed the maximum allowable levels identified in county codes and guidance. Noise impacts would be of short duration and would occur during daytime hours when noise-sensitivity at campgrounds is the lowest. These short-term proximity effects would not substantially diminish the activities, features, and attributes of the recreational properties along the project corridor. The project would not result in a use of these properties.

Figure 2: Inventoried Roadless Areas



4. Air Quality

This project is located within portions of Mono and Inyo Counties. Mono County hydrologic unit 1809010 and Inyo County Owens Valley planning area hydrologic unit 18090103 are designated as PM_{10} non-attainment areas. However, the proposed pavement resurfacing and rehabilitation, addition of a bike lane, and culvert replacements are all types of activities that are exempt from the conformity regulations. Therefore, no further air quality analysis is required. In addition, the project would not induce traffic growth and no long term adverse changes in air quality are anticipated as a result of this project.

Construction activities are a contributor of fugitive dust emissions. Therefore, the following standard Best Management Practices (BMPs) will be implemented to minimize fugitive dust during construction:

- Control dust within the construction limits at all hours when the project is open to public traffic. When the project is not open to public traffic, control dust in areas of the project with inhabited residences or places of business.
- Control dust on approved, active detours established for the project.
- Control dust on active haul roads, in pits and staging areas.

5. Cultural Resources

An Area of Potential Effects (APE) was established for the project taking into consideration potential direct and indirect effects associated with the project. The horizontal APE generally consists of a 66-foot-wide corridor centered on the existing roadway for a total of 97.6 acres. The corridor width varies to address archaeological sites and accommodate rehabilitation of pull-outs, staging areas, and creek crossings. The vertical APE ranges between eight inches (for replacement of asphalt) up to seven feet (for replacement of existing guardrail posts). The Archeological Survey Report dated December 2012 includes a detailed description and maps of the APE. An historical architectural APE was not delineated because no potentially historic buildings or structures exist in the APE and therefore the project would not have any effect on the built environment.

Archival research, assessment of the potential for buried archaeological resources, and a pedestrian survey of the APE were completed in May and June 2012. These efforts identified two previously recorded sites and four new sites in the APE, as detailed in **Table 1**. Native American tribal consultation was conducted between July and November 2012 with no additional religious or tribal sites identified. Additional information on the Cultural Resources consultation is included in **Appendix B**. Additional information regarding the identification efforts as well as the findings can be found in the Archeological Survey Report (December 2012).

Table 1: Potential Historic Properties within the APE

Site	Description	Preliminary National Register Eligibility Status
TH01	Contains 60 to 80 pieces of obsidian debitage*. No tools were found.	Unevaluated but considered eligible for purposes of this project
TH02	Contains two obsidian flakes, which were	Not considered eligible

Table 1: Potential Historic Properties within the APE

Site	Description	Preliminary National Register Eligibility Status
	likely deposited during roadway construction and maintenance.	
TH03	Contains six obsidian flakes, five of which are located beyond the limits of the APE.	Not considered eligible
TH04	Rock Creek Road, which was developed as a trail prior to 1912, and improved around 1934.	Not considered eligible
MNO-1661	Previously recorded, a dispersed scatter of several dozen obsidian flakes, at which no formed tools were found.	Unevaluated but considered eligible for purposes of this project
MNO-4472	Previously recorded, a dispersed scatter of 80 to 90 obsidian flakes.	Unevaluated but considered eligible for purposes of this project

*debitage - the sharp-edged waste material left over when someone creates a stone tool

The project design was revised to avoid all three properties identified as potentially NRHP-eligible (THO1, MNO-1661, and MNO-4472). In addition, all three areas will be fenced to avoid construction related disturbance. A determination of No Historic Properties Affected and a copy of the Archaeological Survey Report were sent to the SHPO for concurrence on January 3, 2013. No response was received from SHPO within 30 days of the report submittal; therefore, FHWA requirements for compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations, have been satisfied. As of the approval date for this Categorical Exclusion, no response was received from SHPO.

6. Noise

The noise environment in the vicinity of the project is typical of undeveloped forest and rural lands. The predominant existing noise source in the corridor is vehicular traffic on Rock Creek Road. Noise sensitive receptors in the project area include 12 campgrounds and 2 lodges. The receptors are located between 100 feet and 1,000 feet from the roadway.

The proposed project would not increase the traffic capacity of the roadway or induce an increase in traffic, nor would it alter roadway conditions in any manner that would result in increased noise at any of the receivers in the general vicinity. This project meets the criteria for a Type III project established in 23 CFR 772 because it 1) does not involve added capacity, 2) does not involve construction of new through lanes or auxiliary lanes (other than turn lanes), 3) does not involve changes in the horizontal or vertical alignment of the roadway that would halve the distance between the roadway and noise sensitive receptors, 4) would not expose noise sensitive land uses to a new or existing highway noise source, and 5) does not involve any other activity classified as a Type I or Type II project. Therefore, the project requires no analysis for highway traffic noise impacts. FHWA acknowledges that a noise analysis is required if changes to the proposed project result in reclassification to a Type I project.

Construction would generate noise from the short-term use of equipment such as excavators, compressors, generators, and trucks, and diesel-powered earth-moving equipment, such as dump trucks and bulldozers, and back-up alarms on certain

equipment. According to the FHWA Construction Noise Handbook (August 2006), maximum noise levels from diesel-powered equipment range from 80 to 95 dBA at a distance of 50 feet. Pile driving activities, which would be anticipated at the creek crossing locations, would be expected to generate the loudest noise levels (up to 100 dBA at a distance of 50 feet).

Mono County Code 10.16 (Noise) would apply for construction activities in the majority of the project limits. This local ordinance establishes maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment at 65 dBA between the hours of 7:00pm and 7:00am and 75 dBA between the hours of 7:00am and 7:00pm. The southernmost mile of the project limits are within Inyo County. The general plan for the county establishes maximum allowable ambient noise levels for residential, playgrounds, neighboring parks, etc, at 70 dBA.

A sound level measured from a point source decreases at a rate of 6 dBA per doubling of distance (FHWA 2011). Based on the maximum noise levels from construction activities and the distance of noise sensitive receptors from the road and from creek crossing locations, temporary noise levels associated with construction activities are anticipated to exceed the maximum allowable levels identified in county codes and guidance at most of the receptors in the study area. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at campgrounds is the lowest. Therefore, these temporary noise impacts are anticipated to be minor.

The following measures will be implemented to minimize temporary construction noise impacts:

- Construction activities within 500 feet of existing noise sensitive uses shall be limited to the hours of 7:00am to 7:00pm.
- Pile driving shall be limited to the hours of 7:00am to 7:00pm.
- Use well-maintained equipment and have equipment inspected regularly.
- Locate stationary sources as far from sensitive receptors as practicable.

FHWA will continue to coordinate with the counties and pursue a variance for temporary noise impacts if needed.

7. Noxious Weeds/Invasive Species and Vegetation

Elevation in the project area ranges from approximately 7,100–9,900 feet. Rock Creek flows from south to north and is generally located adjacent to Rock Creek Road, where it crosses the roadway at multiple locations. Vegetation communities change with elevation and proximity to Rock Creek. The northern portion of the project area, which occurs at the lowest elevation, is generally dominated by sagebrush (*Artemisia tridentata*), singleleaf pinyon (*Pinus monophylla*), and recently burned areas. As the elevation rises, the habitat generally transitions to curl-leaf mountain mahogany (*Cercocarpus ledifolius*). The riparian corridor along Rock Creek includes water birch (*Betula occidentalis*), black cottonwood (*Populus trichocarpa*), Jeffrey pine (*Pinus jeffreyi*), Sierra juniper (*Juniperus grandis*), and lodgepole pine (*Pinus contorta*). The southern portion, in the highest elevation, is characterized as rocky outcrops that are dominated by coniferous trees including lodgepole pine (*Pinus contorta*), Sierra juniper (*Juniperus grandis*), and Jeffery

pine. The project area consists of land owned and managed by the INF with recreational and commercial land use.

Roadway widening will result in minor impacts to existing vegetation immediately adjacent to the roadway, including native grasses, shrubs, and trees. All disturbed areas will be revegetated using a seed mix approved by INF. Tree removal and mitigation will be coordinated with Inyo National Forest. To prevent the introduction and establishment of non-native plant species into the project area, construction equipment will be washed thoroughly to remove dirt, plant, and other foreign material prior to entering the project area. Particular attention will be shown to the under carriage and surfaces where soil containing noxious and invasive seeds may exist. FHWA will inspect each piece of equipment before entering the project area. Equipment found operating on the project that has not been inspected, or has oil leaks will be shut down and subject to citation. Permanent and temporary erosion control measures will be certified weed free.

8. Recreation

Rock Creek Road provides access to recreational resources in the INF, including 12 Forest Service campgrounds and the three trailheads, which provide access to numerous lakes and the John Muir Wilderness for day use and overnight visitors. Forest Service campgrounds within the project area, amenities, and usage data, are detailed in **Table 2**.

Table 2: Forest Service Campground Summary.

Campground	Sites	Amenities	Average Annual Use*
Aspen Park Group Campground	1 (group site for up to 25 campers)	Drink water, flush toilet, picnic shelters	data unavailable
Big Meadow Campground	11	Drinking water, flush toilet	3,455
East Fork Campground	133	Drinking water, flush toilet	23,353
French Camp Campground	86	Drinking water, flush toilet	16,170
Holiday Campground	35	Drinking water, vault toilet	data unavailable
Iris Meadow Campground	14	Drinking water, flush toilet	3,622
Mosquito Flat Backpacker Campground	10	Primitive backcountry site	data unavailable
Palisades Group Campground	1 (group site for up to 25 campers)	Drinking water, flush toilet	690
Pine Grove Campground	10	Drinking water, flush toilet	2,027
Rock Creek Lake Campground	28	Drinking water, flush toilet	7,239
Rock Creek Lake Group Campground	1 (group site for up to 25 campers)	Drinking water, flush toilet	data unavailable
Upper Pine Grove Campground	8	Drinking water, vault toilet	1,792

*-Source: INF, usage data based on 2009, 2010, and 2011

The project area is a popular location for outdoor activities in all seasons, and includes hiking, backpacking, cycling, mountain biking, wildflower viewing, fishing, boating, horseback riding, camping, cross country skiing, and backcountry skiing. An annual cycling event called the Everest Challenge traditionally occurs the last weekend of August. This event is a 2-day stage race, over the weekend, and day two, Sunday, includes an uphill ride along the entirety of Rock Creek Road. Many of the racers ride down the road after the race. The event is permitted to include up to approximately 1,100

cyclists. Historically, annual participation averages approximately 600 cyclists (Barnes 2013).

Recreation resources within INF would not be permanently impacted by the project. Recreational cyclists would experience benefits from the addition of a bike lane for the uphill climb. Additionally, the rehabilitated road would offer a smoother surface than existing conditions for safer downhill descents.

In the short-term, impacts to recreation resources accessed via the project route would include temporary construction related access issues due to traffic delays and construction staging as discussed previously under *Socioeconomics*. Cyclists using the roadway would experience sections of rough surfaces as the road is pulverized and repaved during construction. Although construction can be suspended the day of the Everest Challenge cycling event, it is possible that portions of the roadway would not offer a smooth, bicycle-friendly surface during this phase of construction. FHWA will continue to coordinate with INF and the organizers of the Everest Challenge cycling event to minimize impacts to the event.

Construction staging could occur adjacent to the entrance of the Palisades Group Campground. This would not impact the capacity of the campground. Access and noise impacts would be limited to daylight hours as equipment is moved. Potential noise impacts during the construction phase are discussed above under *Noise.*

The construction impacts described above would be temporary in nature and would not preclude continued use of recreational resources during construction. Race organizers of the Everest Challenge cycling event have confirmed that, although undesirable, the race could be re-routed if it cannot be safely accommodated on Rock Creek Road during construction (Barnes 2013). For these reasons, the short-term impacts are considered minor.

9. Right-of-Way

All proposed project elements occur within the INF; therefore, no right-of-way acquisitions are required. A Highway Easement Deed will be developed for both Mono and Inyo Counties. These easements will allow for the counties to perform routine maintenance on the roadway. Coordination between Inyo County, Mono County and the Forest Service for the deeds is ongoing at this time. No construction easements would be required.

10. Visual Quality

Rock Creek Road traverses a landscape that changes from sagebrush scrub to lodgepole pine and ranges in elevation between 7,100 feet and 9,900 feet through the Sierra Nevada Mountains. Aspen and birch trees are interspersed along Rock Creek, which is located along the roadway. The project area has minimal development, which includes campgrounds, lodges, and a pack station. The project setting includes views of the creek, shrubs, and trees. The high jagged peaks that frame the valley floor are the dominant visual feature.

The *Inyo National Forest Land & Resource Management Plan* (INF 1998) identifies Visual Quality Objectives (VQOs) by management prescription. VQOs describe the degree to which the natural landscape can acceptably be modified. VQOs for the project area include Retention for all new, non-recreation-oriented facilities and Partial Retention for all other facilities, including recreation sites. The proposed maintenance activities on the existing road would be subject to the objective of Partial Retention, which specifies that modifications must be visually subordinate to the natural landscape.

Widening the existing roadway would require rock cuts, fill slopes, and retaining walls. Rock cuts and fill slopes would generally be minor. Adjacent to sensitive resources such as wetlands or open waters, retaining walls are proposed to reduce the size of rock cuts and fill slopes and minimize impacts. Retaining walls are expected to range between approximately three feet and ten feet tall. Rock cuts, fill slopes, and retaining walls would not block or impede the existing scenic views, would be immediately adjacent to the existing roadway, and would not diminish the visual character for forest users. Direct visual effects are anticipated to be minor.

FHWA will continue to coordinate with INF and the counties as the location and extent of rock cuts, fill slopes and retaining walls are determined during the final design process. All disturbed areas will be revegetated using a seed mix approved by INF to reestablish native vegetation.

11. Threatened, Endangered, and Sensitive Species

A Biological Assessment/Biological Evaluation (December 2012) has been completed to evaluate extent to which the proposed action may affect threatened, endangered, or candidate species pursuant to the Federal Endangered Species Act and if the proposed project may affect any U.S. Forest Service sensitive species to an extent that would result in a trend toward federal listing of those species, as specified in Forest Service Manual 2670. The methodology and findings of the BA/BE are summarized below.

The project area was evaluated for the presence of, and potential to support, federally-listed and Forest Service sensitive plant and wildlife species. Data from U.S. Fish and Wildlife Service, California Department of Fish and Game Natural Diversity Database, California Native Plant Society, and the U.S. Forest Service were reviewed to identify special-status species that occur, or have the potential to occur, in the project area vicinity. Based on the desktop review, which included a review of recorded occurrences, known range, and habitat requirements of each species, it has been determined that one federal listed species has the potential to occur in the project area, the Sierra Nevada Bighorn Sheep (*Ovis canadensis ssp. sierrae*). There are historic occurrences of bighorn sheep in the project area; however, there is no designated critical habitat. The sheep do not go near the roadway due to the high level of human activity. Instead, they generally follow the ridgeline of the surrounding mountains to avoid the road. Due to the lack of impacts within areas where bighorn sheep are likely to occur, it has been determined that the proposed project would have no effect on the Sierra Nevada bighorn sheep.

U.S. Forest Service sensitive species are defined as, "Those plant and animal species identified by a Regional Forester for which population viability is a concern, as

evidenced by: (a) significant current or predicted downward trends in population numbers or density, or (b) significant or current or predicted downward trends in habitat capability that would reduce a species' existing distribution" (FSM 2670). Eighty three Forest Service sensitive species (23 wildlife species and 60 plant species) were evaluated for presence of required habitat (including soils, climate, disturbance, plant communities, etc.) within the project area, as well as reported location occurrences of species within the vicinity of the project area. **Table 3** details the Forest Service Sensitive Species known to occur or could be located in habitat within, or directly adjacent, to the project area, as well as the potential project impact.

Table 3: Forest Service Sensitive Species Impact Summary

Species	Impact
Mono Milk-Vetch (*Astragalus monoensis*)	The proposed project may affect individuals but is not likely to result in a trend toward federal listing or loss of viability for the Mono MilkVetch.
Lemmon's Milk-Vetch (*Astragalus lemmonii*)	The proposed project would not impact Lemmon's milk-vetch.
Scalloped Moonwort (*Botrychium crenulatum*)	The proposed project would not impact scalloped moonwort.
Blandow's Bog Moss (*Helodium blandowii*)	The proposed project would not impact Blandow's bog moss.
Northern Goshawk (*Accipiter gentillis*)	The proposed project would not impact Northern goshawk.
Yosemite Toad (*Anaxyrus canorus*)	The proposed project would not impact Yosemite toad.
California Wolverine (*Gulo Gulo luteus*)	The proposed project would not impact California wolverine.
Northern Leopard Frog (*Lithobates pipiens*)	The proposed project would not impact Northern leopard frog.
American Marten (*Martes americana*)	The proposed project may impact individuals but will not lead toward a trend in federal listing or loss of viability of American Marten.
Mountain Yellow-Legged Frog (*Rana muscosa*)	The proposed project would not impact mountain yellow-legged frog.
Sierra Nevada Red Fox (*Vulpes vulpes necator*)	The proposed project would not impact Sierra Nevada red fox.

The following conservation measures will be implemented for the project in order to avoid and minimize potential impacts to federally listed species/USFS sensitive species, control erosion and sedimentation during construction, and to protect water quality in streams.

- If the parking area adjacent to the Palisades Campground is to be used for construction staging, a survey of that parking area will be conducted by a qualified biologist to determine the presence/absence of Mono milk vetch prior to construction. This survey will be conducted during the growing season of the construction year. If plants are found, a no-work buffer zone will be established around the plants throughout the duration of construction.
- During construction, garbage or trash produced from construction activities will be removed promptly and properly to avoid creating attractive wildlife nuisances.
- Vehicles and equipment entering the Project Area will be kept clean of noxious weeds and free from oil leaks and are subject to inspection. Construction equipment will be washed thoroughly to remove dirt, plant, and other foreign material prior to entering the Project Area. Particular attention will be shown to

the under carriage and surfaces where soil containing exotic seeds may exist. These efforts are critical to prevent the introduction and establishment of non-native plant species into the Project Area. FHWA will inspect each piece of equipment before entering the project. Equipment found operating on the project that has not been inspected, or has oil leaks will be shut down and subject to citation.

- Provide certified weed free permanent and temporary erosion control measures to minimize erosion and sedimentation during and after construction.

Additionally, a number of measures to control erosion and sedimentation are included in the Standard Environmental Commitments Summary Table in **Appendix A**. For additional information regarding federally listed species or Forest Service sensitive species see the Biological Assessment/Biological Evaluation (December 2012).

12. Wetlands and Waters of the U.S.

As documented in the Wetlands and Other Waters of the U.S. (WoUS) Delineation Report (November 2012) and Addendum (March 28, 2013), a delineation of open waters and wetlands was conducted in July 2012 pursuant to Sections 404 of the Clean Water Act. The area surveyed for wetlands generally extends 22 feet from the edge of pavement, however, wider areas were surveyed at crossings of WoUS and where potential staging and stockpiling activities were identified. The surveys were conducted using the Routine On-site Determination Method, as described in the *U.S Army Corps of Engineers Wetland Delineation Manual* (USACE, 1987).

Within the survey area, approximately 0.95 acres of WoUS and wetlands were identified. WoUS includes open water, intermittent and ephemeral streams, seeps, and ditches. Acreages of WoUS and wetlands identified in the project area are summarized in **Table 4**.

Table 4: Summary of Wetlands/Other Waters of the U.S. in the Survey Area

Feature	Acreage within Survey Area (acres)	Approximate Impact to Wetlands/Other Waters of the U.S. (acres)*	
		Permanent**	Temporary**
Wetlands	0.06	0.02	0.01
Waters of the U.S.	0.89	0.16	0.09

* These impacts reflect the current design. Impacts may change slightly as the design is finalized.
** Acreage of impacts has been rounded to the nearest hundredth.

As identified in **Table 4**, the proposed action would result in the placement of permanent and/or temporary fill within jurisdictional and non-jurisdictional wetlands and/or below the ordinary high water marks (OHWM) of WoUS. As the project design progresses, FHWA-CFLHD will ensure that the proposed action be designed to first avoid then minimize the amount of fill material to the greatest extent practicable to complete the proposed action. The FHWA-CFLHD submitted a request for a preliminary jurisdictional determination to the U.S. Army Corps of Engineers (USACE), and the USACE is currently reviewing this request. The project would result in the permanent "loss" (as defined in 40 CFR 230.40-45) of wetlands and WoUS. For authorization on

this project, FHWA will pursue a USACE Section 404 Nationwide Permit and the California Regional Water Quality Control Board Section 401 Water Quality Certification. All proposed work will be subject to conditions stated in the Section 404 permit and 401 certification issued for this project.

13. Water Resources and Water Quality

The project corridor is located within the Upper Rock Creek watershed, which drains into the Owens River Valley and the Los Angeles Department of Water and Power (LADWP) Los Angeles Aqueduct (LADWP 2012). The watershed is designated as a non-priority Class 1, properly functioning watershed by the Forest Service Watershed Condition Framework. Watershed management prescriptions are outlined in the *Inyo National Forest Land and Resource Management Plan* (USFS 1988). Named surface waters along or near the project corridor include Rock Creek and Rock Creek Lake. Rock Creek is included in the 2010 303(d) listed of impaired waters for total suspended solids. A Total Maximum Daily Load is required, but has not yet been developed.

The Los Angeles Department of Water and Power owns water rights in Rock Creek Since Rock Creek passes through INF lands, the Forest Service owns a riparian water right; therefore, the Contractor can remove water from Rock Creek for construction purposes. FHWA will coordinate with INF on the water drafting site to obtain approval before pumping. Forest Service fish screening requirements for water drafting will be followed. Los Angeles Department of Water and Power has two measuring stations along Rock Creek, both of which are located over 600 feet from Rock Creek Road, and therefore would not be impacted by the project.

Total impervious surface area would increase due to the roadway widening. The project would provide a consistent 28-foot wide paved surface, compared to the existing 22 to 24 feet of paved roadway surface. The drainage flows discharged from the roadway are currently conveyed via roadside ditches and culverts and this condition would be maintained. There is the potential for a short-term increase in sediment levels because of ground disturbing activities associated with vegetation removal adjacent to the roadway, replacement and/or extension of culverts, and placement of riprap in waterways. However, these impacts would be avoided and/or minimized by the use of BMPs discussed below.

A Storm Water Pollution Prevention Plan will be developed for the proposed project to obtain National Pollutant Discharge Elimination System permit coverage. This plan will include measures that serve as BMPs, including permanent measures, to reduce the potential for impacts to water quality and comply with the Rock Creek-Pine Creek Management Area direction for water quality (USFS 1988) and the Water Quality Control Plan for the Lahontan Region (State of California 2005). The BMPs for erosion and sediment control focus primarily on protecting receiving waters and water sources in areas of construction activity. BMPs include, but are not limited to, silt fencing, inlet protection, and riprap outlet protection at culverts. Roadside ditches will be protected during construction.

14. Floodplains

Per a review of the effective Flood Insurance Rate Maps (FIRMs), there are no mapped 100-year floodplains within the project area.

15. Utilities
    Overhead and underground electric power lines, sanitary sewer, water, and telecommunications line all occur within the project area. Minor adjustments to utilities would be required, including adjusting manhole rims or resetting appurtenances (such as telephone pedestals) outside of the proposed construction limits. Impacts to utilities will be finalized as design proceeds.

16. Cumulative Effects
    Based on the current Schedule of Proposed Actions (SOPA), INF does not have any reasonably foreseeable future projects near the project area (USFS 2013). Residential development, on private land, that has already been approved by Mono County would continue to occur northwest of the project area (Gerry Le Francois 2012). Although habitat loss, increased impervious surface, and the potential loss of wetlands are common to these actions, the proposed project would not noticeably contribute to a decline in natural resources.

Permits

The following list summarizes the anticipated permits for implementation of the proposed project. Conditions of all permits obtained would become requirements of the construction contract issued for the project. Final compliance with the conditions of all issued permits would be the responsibility of the FHWA.

- California Environmental Protection Agency; State Water Resources Control Board –. A project specific National Pollutant Discharge Elimination System Permit will be developed for the proposed project elements described herein.
- California Environmental Protection Agency; State Water Resources Control Board – Section 401 Water Quality Certification.
- US Army Corps of Engineers – Section 404 Nationwide Permit.
- Encroachment permit – required from Caltrans and Inyo County for any construction occurring in, or signage placed upon, the respective agencies' right-of-way.

In an email dated October 22, 2012, the California Department of Fish and Game confirmed that FHWA will not need to obtain a 1600 permit for streambed alteration for this project.

Determination

Based on the above evaluation and coordination, I have administratively determined that this project falls within the definition of Categorical Exclusion as defined at 40 CFR 1508.4. The proposed work falls within a category of actions which do not individually or cumulatively exceed the threshold of significant adverse effects on the human environment, as provided for in the Council on Environmental Quality Regulations (40 CFR 1500-1508) and the Federal Highway Administration's Regulations (23 CFR 771.117(d)). The project is categorically excluded from further NEPA analysis and further NEPA approvals.

References

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Cc (distributed via email):

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Appendix A: Environmental Commitments

Project Specific Environmental Commitments Summary Table, – CA PFH 89, Rock Creek Road

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
Temporary road closures would be scheduled to occur only Monday through Friday, and would not occur during holidays or special events. Advance notice of temporary closures would be provided to INF. Uninterrupted access for emergency vehicles will be maintained throughout the construction phase. Public notices of construction locations, dates, and times will be given in advance through the local media and on-site information signs as appropriate.	Socioeconomic	FHWA	SCR 108.01 SCR 156.06
Three cultural sites (TH01, MNO-1661, and MNO-4472) will be designated as Environmentally Protected Areas and fenced to avoid construction-related disturbances.	Cultural	FHWA	SCR 108.01
The following measures will be implemented to minimize temporary construction noise impacts: 1) Construction activities within 500 feet of existing noise sensitive uses shall be limited to the hours of 7:00am to 7:00pm.; 2) Pile driving shall be limited to the hours of 7:00am to 7:00pm; 3) use well-maintained equipment and have equipment inspected regularly; and 4) locate stationary sources as far from sensitive receptors as practicable.	Noise	FHWA	SCR 108.01 SCR 107.10
FHWA will coordinate with USFS and the organizers of the Everest Challenge cycling event to minimize impacts to the event.	Recreation	FHWA	SCR 108.01
FHWA will continue to coordinate with INF and the counties as the location and extent of rock cuts, fill	Visual Quality	FHWA	SCR 713.04

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
slopes and retaining walls are determined during the final design process. All disturbed areas will be revegetated using a seed mix approved by INF to reestablish native vegetation.			
If the parking area adjacent to the Palisades Campground is to be used for construction staging, a survey of that parking area will be conducted by a qualified biologist to determine the presence/absence of Mono milk vetch prior to construction. This survey will be conducted during the growing season of the construction year. If plants are found, a no-work buffer zone will be established around the plants throughout the duration of construction.	Federally listed species/USFS sensitive species	FHWA	SCR 105.04
During construction, garbage or trash produced from construction activities will be removed promptly and properly to avoid creating attractive wildlife nuisances.	Federally listed species/USFS sensitive species	FHWA	SCR 107.08
See Standard Environmental Commitment Table – commitment numbers 5 and 7.	Federally listed species/USFS sensitive species	FHWA	Various
All disturbed areas will be revegetated using a seed mix approved by INF. Tree removal and mitigation will be coordinated with Inyo National Forest.	Vegetation	FHWA	SCR 713.04
FHWA will coordinate with INF on the water drafting site to obtain approval before pumping. Forest Service fish screening requirements for water drafting will be followed.	Water Quality	FHWA	SCR 158.03

Standard Environmental Commitments Summary Table, – CA PFH 89, Rock Creek Road

No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
1.	For projects disturbing more than one acre of land (the majority of FHWA projects), Clean Water Act Section 402 (NPDES) requires additional measures (including a storm water pollution prevention plan, SWPP) that are routinely included in FHWA projects.	Water Quality	FP 107.01
2.	Do not disturb the area beyond the construction limits. Replace trees, shrubs, or vegetated areas damaged by construction operations as directed.	Vegetation	FP 107.02
3.	Do not excavate, remove, alter, damage, or deface any archaeological or paleontological remains or specimens. Control the actions of employees and subcontractors on the project to ensure that protected sites are not disturbed or damaged.	Cultural Resources	FP 107.2
4.	Properly clean up, mitigate, and remedy, if necessary, all spills of petroleum products, hazardous materials, or other chemical or biological products released from construction, fleet, or other support vehicles, or stationary sources. Respond in accordance with federal, state, and local regulations. Immediately report the CO any spill of petroleum products or a hazardous material. Report the spill to the appropriate federal, state, and local authorities, if the spill is a reportable quantity.	Hazardous Materials	SCR 107.10
5.	All vehicles and equipment entering the project area must be clean of noxious weeds and free from oil leaks and are subject to inspection. Wash all construction equipment thoroughly to remove all dirt, plant, and other foreign material prior to entering the project. Particular attention must be shown to the under carriage and any surface where soil containing exotic seeds may exist. These efforts are critical to prevent the introduction and establishment of non-native plant species into the project area. Make arrangements for the CO to inspect each piece of equipment before entering the project. The CO will maintain records of inspections. Equipment found operating on the project that has not been inspected, or has oil leaks will be shut down and subject to citation.	Noxious Weeds	SCR 107.10

No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
6.	In general, when gasoline, diesel fuel, antifreeze, hydraulic fluid or any other chemical contained within the vehicle is released to the pavement or the ground, proper, corrective, clean-up, and safety actions specified in the SWPPP must be immediately implemented. All vehicles with load rating of two tons or greater should carry, at minimum, enough absorbent materials to effectively immobilize the total volume of fluids contained within the vehicle. Repair leaks immediately on discovery. Do not use equipment that is leaking. Have oil pans and absorbent material in place prior to beginning repair work. Have the "on-scene" capability of catching and absorbing leaks or spillage of petroleum products including antifreeze from breakdowns or repair actions with approved absorbent materials. Keep a supply of acceptable absorbent materials at the job site in the event of spills, as defined in the SWPPP. Sand or soil are not approved absorbent materials. Use oil pans and absorbent materials to prevent leaks, spills, and draining petroleum fluids from falling onto bare ground and paved surfaces during servicing of equipment. Dig up soils contaminated with such fluids, place in appropriate safety containers, and dispose of according to state and/or federal regulations.	Hazardous Materials	SCR 107.10
7.	Provide certified weed free permanent and temporary erosion control measures to minimize erosion and sedimentation during and after construction according to the contract erosion control plan, contract permits, FP Section 107, FP Section 157, and SCR Section 157.	Water Quality, Vegetation	FP 157.03
8.	Before grubbing and grading, construct all erosion controls around the perimeter of the project including filter barriers, diversion, and settling structures. Limit the combined grubbing and grading operations to 350,000 square feet of exposed soil at one time.	Water Quality, Vegetation	FP 157.04
9.	Maintain temporary erosion control measures in working condition until the project is complete or the measures are no longer needed.	Water Quality, Vegetation	FP 157.13

No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
10.	Control dust within the construction limits at all hours when the project is open to public traffic. When the project is not open to public traffic, control dust in areas of the project with neighbor inhabited residences or places of business. Control dust on approved, active detours established for the project. Control dust on active haul roads, in pits and staging areas.	Air Quality	FP 158.03
11.	Apply turf establishment to finished slopes and ditches within 14 days after completion of construction on a portion of the site.	Water Quality, Vegetation	FP 625.03
12.	Protect and care for seeded areas including watering when needed until final acceptance. Repair all damage to seeded areas by reseeding, refertilizing, and remulching.	Vegetation	FP 625.09
13.	Conform to the Federal Seed Act, the Federal Noxious Weed Act, and applicable State and local seed and noxious weed laws.	Vegetation and Noxious Weeds	FP 713.04
14	Construction equipment is required to be maintained in proper working condition to minimize construction noise.	Noise	SCR 107.10(c)

Column Definitions

Number – a reference number, either sequential (1,2,3) or from some other source (BMP1, BMP 2) – makes it easier to refer to commitments
Commitment – what the commitment actually says
Resources – what resources (T&E Species, Noise, Hazardous Waste) the commitment addresses. Can have more than one resource listed.
FP/SCR – Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects/Special Contract Requirements

Appendix B: Cultural Resources Information

Section 106 Coordination with the State Historic Preservation Officer (SHPO)

- Letter to SHPO seeking concurrence on the determination of effects - January 3, 2013
- Archaeological Survey Report for the Rock Creek Road /California Forest Highway 89 Improvement Project

Native American Consultation

- Native American Consultation Summary
- Email to Native American Heritage – July 24 August 10, 2012
- Response from Native American Heritage Commission – August 22, 2012
- Tribal Scoping Letters – August 28, 2012
- Email to Justin Nalder – November 15, 2012
- Email to George Gholson – November 26, 2012

U.S. Department of Transportation
Federal Highway Administration

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January 3, 2012

In Reply Refer To:
HFPM-16

Dr. Carol Roland-Nawi
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: Request for Concurrence on the Area of Potential Effects, Eligibility Determinations, and Finding of No Historic Properties Affected for Rock Creek Road Improvement Project CA PFH 89

Dear Dr. Roland-Nawi:

This letter and attached report constitute a request for concurrence (1) on the Area of Potential Effect (APE) established for the Rock Creek Road Improvement Project (CA PFH 89); (2) on the eligibility determinations; (3) that the proposed undertaking will have no effect on any historic properties; and (4) that the Federal Highway Administration (FHWA) has no further Section 106 (36 CFR Part 800) obligations for the project referenced above. This is our initial consultation.

The FHWA, in cooperation with Inyo National Forest, and Mono County, is proposing to rehabilitate, restore, and resurface 9.2 miles of California Forest Highway 89 (FH 89), also known as Rock Creek Road, in Inyo National Forest, Inyo County, and Mono County, California, southeast of Tom's Place off of US 395. The north end of the project area starts at the intersection of Rock Creek Road and Crowley Lake Drive and extends south along the road to Rock Creek Lake. The project area is situated on only Inyo National Forest lands, no private lands are included (see Figures 1 and 2 in attached report). The attached archaeological report was submitted to, and has been reviewed by Inyo National Forest, which concurs with the report findings and recommendations.

An historical architectural APE was not delineated because no potentially historic buildings or structures exist within the APE and this project will not have any effects on the built environment. The archaeological APE was defined to encompass the horizontal and vertical extent of all project construction activities, and was redefined for site avoidance and inclusion of adjacent site areas, for a total of 97.6 acres (Attachment 1). The horizontal archaeological APE consists of a 66-foot-wide (20.1-meter-wide) corridor centered on the middle of the existing roadway. The APE width varies to address archaeological sites and accommodate parking improvements, staging areas, and creek crossings. The majority of the outer boundary of the APE is located 22 feet from the edge of pavement on both sides of the road where most direct impacts would occur. The corridor widens to accommodate work at pullouts, parking areas, creek crossings, guardrails, and staging areas. The vertical APE ranges between eight inches for asphalt replacement and seven feet in depth to

replace existing posts for guardrails. A detailed description of the APE is on pages 4 and 5 of the Archaeological Survey Report (Attachment 2).

As documented in the attached report, archival research, Native American consultation, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the APE, and documentation of findings and recommendations have been completed.

Consultation and identification efforts found two previously recorded and four newly recorded resources (see Figure 4 of attached report). The following table summarizes these resources, their National Register of Historic Places (NRHP) status, and management recommendations.

Site Number	Description	Potential Signifi-cance	NRHP Status	Management Recommendations
Prehistoric Resources				
P-26-001661 CA-MNO-1661 FS 05-04-53-02	Obsidian debitage scatter previously recorded in 1981 as several dozen obsidian flakes but no formed tools in a 600-meter by 75-meter area. Site has little potential for buried cultural deposits.	Very low	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
P-26-005107 CA-MNO-4472 FS 05-04-53-144	Obsidian debitage scatter previously recorded in 2009 as 80-90 flakes in a 60-meter by 20-meter area. Western portion of site extends into initial APE; however no flakes were observed there, although flakes on the sandy surface may be covered by loose sand. The location has a low potential for buried deposits. Site lies 2-7 feet east of realigned area of direct impacts.	Low	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
TH01	Low density obsidian debitage scatter of 60-80 flakes and no formal tools. Density is comparatively low; however, site is located in zone of moderate potential for buried cultural material, therefore is ambiguous with regard to significance and remains unevaluated. Site is bisected by Rock Creek Road, but redesigned project activities will be restricted to previously disturbed sediments within the road and will not affected undisturbed portion of site.	Low	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
TH03	Six obsidian flakes, five of which lie outside of APE. Resource barely meets site definition criteria and more accurately represents obsidian flake background noise in area proximal to Casa Diablo obsidian quarry.	Very low	Not eligible	No further management.
Isolated Finds				
TH02	Isolate of two obsidian flake. Located on road shoulder on slope where an additional deposit is unlikely. Location on road suggests they are not in situ.	Very low	Not eligible	No further management.
Historic-Era Resources				

Site Number	Description	Potential Signifi-cance	NRHP Status	Management Recommendations
TH04	Rock Creek Road; Its development began prior to 1912, and it was improved around 1934. Newly recorded segment is a modern road with no associated historic-era features. History of road reflects regional patterns of development including ranching and provides access to a mine, but primarily provides access to recreational pursuits within canyon. Recorded portion of road has been significantly altered by modern construction and maintenance and does not retain any physical features that represent a historic-era character, and thus lacks integrity.	Very low	Not eligible	No further management

We are recommending that no historic properties will be affected for the following reasons:

- Assessment of landform age and the potential for buried sites found that as currently planned the probability of project activities affecting a buried site is low because (1) 71% of the project area has a very low or low sensitivity for buried resources; (2) in moderately sensitive areas most project-related subsurface impacts are limited in vertical and horizontal extent or are in previously disturbed areas (see report pages 18-22 for detail).

  The only area that appears to have some potential for buried resources is approximate Station 1224+ where a new 24-inch culvert will be installed under the road, requiring a trench about six feet deep and up to 45 feet in length. This location has Xerofluvent sediments, which have a variable potential for buried sites. Xerofluvents are formed in relatively recent water-deposited sediments, mainly on flood plains along rivers or streams or on alluvial fans, and are generally considered Historical to Modern in age.

  Composition of the deposits provide additional information for the potential for buried soils. Coarse-grained channel deposits indicate a high-energy, erosional environment not conducive to site preservation, and have a lower sensitivity for intact prehistoric archaeological deposits. Finer-grained alluvial floodplain or terrace deposits indicate a lower-energy depositional environment that could have intact buried deposits and so would retain at least moderate sensitivity.

  The culvert location is an alluvial terrace above the active channel and floodplain of Rock Creek, near the base of a colluvial slope composed of glacial till. The terrace was almost certainly formed by high-energy flood events that eroded and reworked the extremely coarse-grained glacial till deposits within the narrow canyon of Rock Creek. Given the nature of these processes, it seems highly unlikely that fine-grained alluvium was deposited within the terrace that would promote the burial and preservation of intact archaeological deposits. These factors further reduce the likelihood for buried archaeological deposits to exist. For these reasons, no additional identification effort is recommended for this location.

- Rock Creek Road (TH04, see report pages 23 and 27), newly recorded and unevaluated, was built before 1912 and improved starting in 1934. It has been significantly altered by modern construction and maintenance and does not retain any physical features that represent an historic-era character. As such, it lacks integrity and is not considered eligible for the National Register and requires no further management.

- TH03 consists of only six unmodified flakes and represents background occurrences in the vicinity of the Casa Diablo obsidian source (see report pages 23 and 27);

- TH02 consists of two flakes adjacent to the road which are probably displaced from their original depositional context by road construction and maintenance. As an isolated find, this resource is not considered eligible for the National Register and requires no further management.

- TH01 is a low-density scatter of about 60 to 80 unmodified flakes and no formal tools, bisected by Rock Creek Road. For the purposes of this project the site will be considered eligible for listing in the National Register and will be avoided. Construction design plans have been revised to restrict direct impacts to previously disturbed sediments (see report pages 22 and 25-27). The location will be designated as an Environmentally Protected Area and fenced to avoid construction-related disturbances.

- CA-MNO-1661 consists of several dozen obsidian flakes, but no formed tools (see report pages 22 and 25). The density is extremely low, barely exceeding what might be expected as background noise in an area proximal to the Casa Diablo obsidian quarry. Only about 65 meters of the site boundary approaches to within 10 feet of the redesigned area of direct impact. The site will be considered eligible for purposes of this project and construction plans have been revised for avoidance. The southwestern 65 meters of the site boundary that approaches the area of direct impacts will be considered an Environmentally Sensitive Area and fenced.

- CA-MNO-4472 (see report pages 22 and 25) consists of a sparse scatter of 80 to 90 obsidian flakes and one projectile point outside the project area. Although the original recorded boundaries of the site would indicate that it was truncated by construction of Rock Creek Road, there is no actual surface evidence of the site within the original APE. For the purposes of this project the site will be considered eligible for listing on the National register and construction plans have been revised for avoidance. The area of direct impacts has been narrowed to lie two to seven feet west of the recorded site boundary. This location will be considered an Environmentally Sensitive Area and the western edge of the site will be fenced for avoidance.

The conditions described here will be included in the construction contract. Based on these findings, FHWA has determined that the project will not affect properties or contributing elements of properties listed on or eligible to the NRHP. We request your concurrence with the APE and these findings within 30 days of receipt of this letter.

If you have any questions on the archaeological study, please contact Laura Leach-Palm, Far Western archaeologist, at 530-756-3941, or laura@farwestern.com. If you have project questions, please feel free to contact me at Wendy.Longley@dot.gov or at 720-963-3394.

Thank you for your cooperation and assistance.

Sincerely,

Wendy Longley

Wendy Longley, PE
Project Manager

Enclosure: APE maps; Archaeological Survey Report

VIII. APPENDICIES