

Conway Ranch Shoulders Project

Mono County, California

District 9-MNO-395-58.20/60.40

EA/Project ID: 09-36640/0916000006

State Clearinghouse Number: 2020050030

Initial Study with Mitigated Negative Declaration

Volume 1 of 2

Prepared by the
State of California Department of Transportation

January 2022



General Information About This Document

What's in this document:

The following appendix has been added to the document since the draft environmental document was circulated for public review and comment.

- **Appendix B** Comment Letters and Responses

The California Department of Transportation (Department), as assigned by the Federal Highway Administration, has prepared this Initial Study with Mitigated Negative Declaration]/Categorical Exclusion for the proposed project located in Mono County, California. The Department is the lead agency under the National Environmental Policy Act. The Department is the lead agency under the California Environmental Quality Act. The document tells you why the project is being proposed, what alternatives have been considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures. The Initial Study circulated to the public for 31 days between November 5, 2021 and December 6, 2021. Comments received during this period are included in Appendix B. Elsewhere throughout this document, changes made to the document since the draft circulated are noted. Minor editorial changes and clarifications have not been so indicated. Additional copies of this document and the related technical studies are available for review at Caltrans District 9 Office, 500 South Main Street, Bishop, CA 93514.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please write to or call Caltrans, Attention: Kirsten Helton, Environmental Office Chief, California Department of Transportation, 500 South Main Street, Bishop, California 93514; 760-874-8333 (Voice), or use the California Relay Service 1-800-735-2929 (TTY), 1-800-735-2929 (Voice), or 711.

State Clearinghouse Number: 2020050030
09-MNO-395-58.20/60.40
EA/Project ID: 09-36640/0916000006

Construct shoulders and replace culverts on US 395 in Mono County from the junction of Route 167 (postmile 58.2) to 0.4 mile north of Conway Ranch Road (postmile 60.4).

**INITIAL STUDY
with Mitigated Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation
and

Responsible Agencies: California Transportation Commission, California
Department of Fish and Wildlife, United States Army Corp of Engineers, and
Lahontan Regional Water Quality Control Board

Kirsten Helton

Kirsten Helton
Deputy District Director, Planning and Environmental
California Department of Transportation
District 9
CEQA Lead Agency

1/25/2022

Date

The following individual can be contacted for more information about this document:

Kirsten Helton, Environmental Office Chief
500 S. Main Street, Bishop, CA 93514
Kirsten.Helton@dot.ca.gov
(760) 874 – 8333



Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2020050030

District-County-Route-Post Mile: 09-MNO-395-58.20/60.40

EA/Project Number: EA/Project ID: 09-36640/0916000006

Project Description

The California Department of Transportation (Caltrans) proposes to construct shoulders and replace culverts on US 395 in Mono County from the junction of Route 167 (postmile 58.2) to 0.4 mile north of Conway Ranch Road (postmile 60.4).

Determination

An Initial Study has been prepared by the California Department of Transportation (Caltrans), District 9.

On the basis of this study it is determined that the action with the incorporation of the identified mitigation measures will not have a significant effect on the environment for the following reasons:

- The project would have no impacts to Agriculture, Air Quality, Energy, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Utilities and Service Systems.
- The project would have less than significant impacts to Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Transportation, and Wildfire
- With the following mitigation measures, the project will have less than significant impacts to Aesthetics and Biological Resources:

BIO 1: Due to culvert replacement, this project will require work within jurisdictional resources and permits will be required (401, 404, and 1600). All conditions outlined in these permits will be followed throughout the construction process. The exact amount of

permanent and temporary impacts to jurisdictional resources has not yet been finalized, however, compensatory mitigation is anticipated. As design finalizes, these impacts will be calculated and reported to regulatory agencies. Caltrans anticipates that all compensatory mitigation may be achieved through onsite revegetation efforts.

BIO 2: While bat species were not observed within the project area, in order to avoid possible impacts to bats, lighting structures shall be equipped with switches and timers that allow lights to be turned on and off on an as-needed basis. Aesthetic mitigation outlined under VIS-1 will satisfy this need.

VIS 1: To address the Mono County dark skies ordinance, the chain installation/removal area lighting shall be controlled by a switch and timer so the area system is only activated when tire chains are required. Area lighting will be turned off at all other times.

Kirsten Helton

Kirsten Helton
Deputy District Director, Planning and Environmental
District 9
California Department of Transportation

1/25/2022

Date

Table of Contents

Mitigated Negative Declaration	ii
Chapter 1 Proposed Project	2
1.1 Introduction.....	2
1.2 Purpose and Need	2
1.2.1 Purpose	2
1.2.2 Need	2
1.3 Project Description	4
1.4 Project Alternatives.....	5
1.4.1 Build Alternative	5
1.4.2 No-Build (No-Action) Alternative	6
1.5 Identification of a Preferred Alternative.....	6
1.6 Alternatives Considered but Eliminated from Further Discussion.....	7
1.7 Standard Measures and Best Management Practices Included in All Alternatives	7
1.8 Discussion of the NEPA Categorical Exclusion	7
1.9 Permits and Approvals Needed	8
Chapter 2 CEQA Evaluation.....	10
2.1 CEQA Environmental Checklist.....	10
2.1.1 Aesthetics	11
2.1.2 Agriculture and Forest Resources.....	12
2.1.3 Air Quality	13
2.1.4 Biological Resources	14
2.1.5 Cultural Resources	16
2.1.6 Energy	17
2.1.7 Geology and Soils.....	18
2.1.8 Greenhouse Gas Emissions	19
2.1.9 Hazards and Hazardous Materials.....	20
2.1.10 Hydrology and Water Quality.....	21
2.1.11 Land Use and Planning	22
2.1.12 Mineral Resources.....	22
2.1.13 Noise	23
2.1.14 Population and Housing.....	23
2.1.15 Public Services	24
2.1.16 Recreation	24
2.1.17 Transportation	25
2.1.18 Tribal Cultural Resources	26
2.1.19 Utilities and Service Systems	26
2.1.20 Wildfire.....	27
2.1.21 Mandatory Findings of Significance.....	29
Appendix A Title VI Policy Statement	32
Appendix B Comment Letters and Responses	34

Chapter 1 Proposed Project

1.1 Introduction

The Conway Ranch Shoulder Widening Project is located in Mono County on US 395, near Lee Vining from the junction with Route 167 (postmile 58.20) to 0.4-mile north of Conway Ranch Road (postmile 60.40).

The northbound installation/removal area (postmile 59.20 to postmile 59.28) will be lengthened further south to postmile 59.10, thereby improving roadway safety. The project would also bring this section of US 395 up to current design standards by widening the existing 2 to 4-foot-wide paved shoulders to 8 feet and installing shoulder rumble strip for 1.72 miles. Culverts would be extended to match the new pavement width.

The project is to be funded from the 2018 State Highway Operation and Protection Program under the Collision Severity Reduction (201.015). The current (non-escalated) construction cost is estimated at \$5,993,000.

1.2 Purpose and Need

The project “purpose” is a set of objectives the project intends to meet. The project “need” is the transportation deficiency that the project was initiated to address.

1.2.1 Purpose

The purpose of this project is to reduce the number and severity of accidents and enhance safety.

1.2.2 Need

Widening the outside shoulder to 8 feet and installing shoulder rumble strips should reduce the number of accidents in the project area. Culverts will need to be extended in order to match the new pavement width.

A. Problem, Deficiencies, Justification

- a. Eighteen collisions were recorded during the three-year study period. There was one fatal collision with one fatality, three injury collisions with four persons injured, the remaining fourteen collisions were property damage only. These accidents produced a total accident rate of 2.59, and the statewide average for a similar facility is 0.54. This segment of US 395 has a total accident rate 4.80 times the statewide average. The Fatal plus

injury rate is 0.58 and the statewide average for a similar facility is 0.23. The rate is 2.52 times the statewide average. Also, the purpose of this project is to make the necessary improvements to the chain installation/removal area to improve its capacity, safety, and operations.

- b. The existing highway consists of 2 to 4-foot paved shoulders with no rumble strip. Various slopes within the clear recovery zone are steeper than 3:1 thus non-recoverable. The Chain up area at postmile 59.49 is unlit and undersized.
- c. Widening the outside shoulder will provide a paved surface for motorists to pull off the traveled way, establish a separate pathway for cyclists, provide errant drivers more paved recovery area, and allow maintenance to maintain the roadway more safely. The shoulder rumble strip should reduce run-off-the-road accidents by alerting the motorists to adjust to stay in the traveled way. The safety benefit of widening shoulders and adding rumble strips has been shown to reduce all accidents by 50%. Flattening side slopes and extending culverts will improve recovery opportunity for errant vehicles. Lengthening and lighting the chain up area will provide motorists a safe place in adverse weather conditions to prepare for the journey up Conway summit.

B. Regional and System Planning

The project purpose, to reduce instances and severity of accidents, along with the added potential benefit of improving passing opportunities and facilities for bicyclists, is consistent with the Mono County Regional Transportation Plan (RTP). The RTP states that “increased passing opportunities; adding adequate shoulders during US 395 maintenance projects to enable safe bike use” is an overarching theme for the preservation of the US 395 corridor. Furthermore, the project is consistent with RTP Policy Goal 9: “*Provide for an improved countywide highway and roadway system to serve the long-range projected travel demand to improve safety*”. Shoulder widenings are also consistent with local Mono Basin Multi-Modal Transportation Plan Policy 22.A.1: “*Promote the inclusion of safety improvements along US 395, SR 120, and SR 167 in routine maintenance projects.*” While the RTP lists the Conway Ranch Passing Lane Project as a project to achieve complete system concept, the document also states that shoulder widenings are supported as a local transportation project type. Widening of shoulders within existing right of way is an appropriate treatment at present since there is adequate existing capacity with little observed growth in long term Average Annual Daily Traffic.

The project is also consistent with the 2014 District 9 US 395 Transportation Concept Report and the 2015 District 9 District System

Management Plan. Both documents list construction of shoulders as a strategy for improving highway operation and providing a facility that is accommodating to multi-modal transportation.

1.3 Project Description

The project would construct shoulders and replace culverts on US 395 in Mono County from the junction of Route 167 (postmile 58.2) to 0.4 mile north of Conway Ranch Road (postmile 60.4).

Figure 1-1 Project Vicinity Map

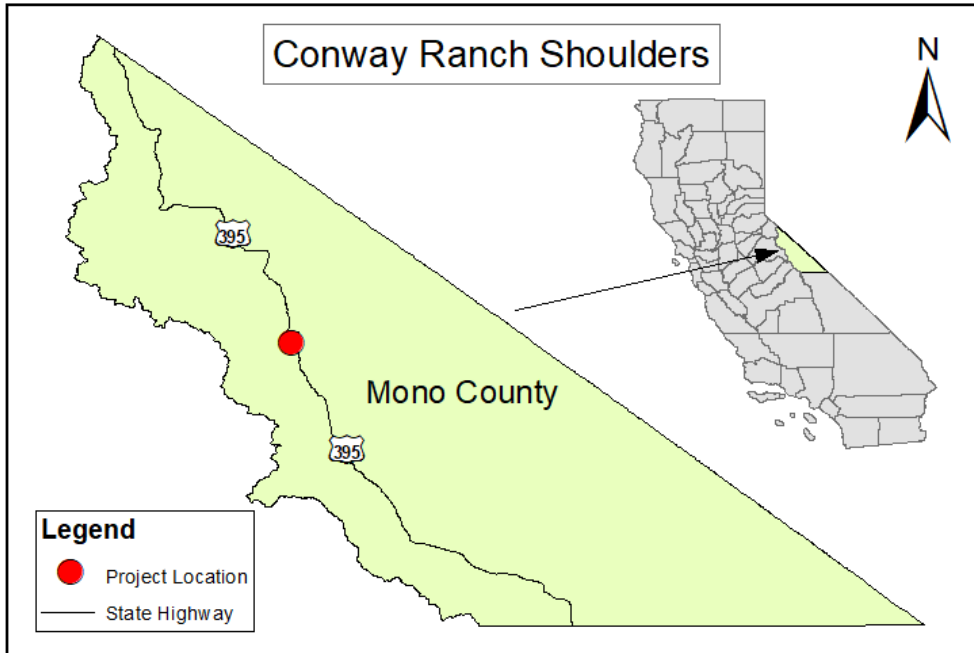
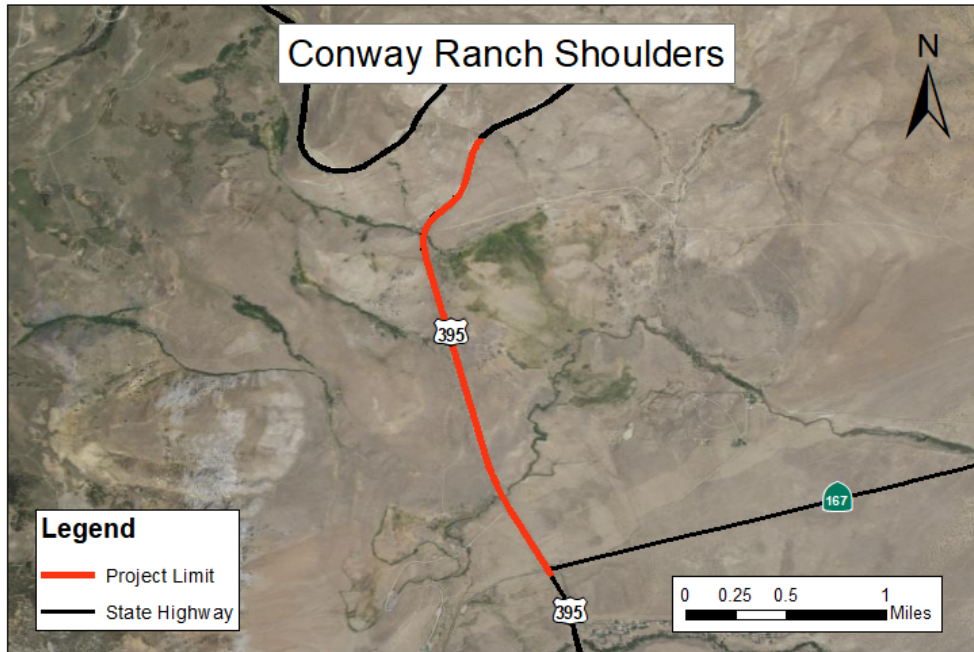


Figure 1-2 Project Location Map



1.4 Project Alternatives

There is currently one build alternative, Alternative 2, which will be referred to from this point on as the “build alternative”. This alternative proposes to construct eight-foot paved shoulders with shoulder rumble strip along the 1.72 miles of US 395 and lengthen the northbound chain installation/removal area 500 feet to the south. A second alternative for this project, Alternative 1, was previously considered but eliminated from further consideration prior to preparation of this document. The scope of Alternative 1, as well as other major design options which are no longer being considered, are listed below under Section 1.6 (Alternatives Considered but Eliminated from Further Discussion).

A project report and Categorical Exemption for this project were finalized April 2020 and posted under State Clearing House number: 2020050030. However, several design changes have occurred, which necessitated a supplemental project report and elevated environmental document.

1.4.1 Build Alternative

The build alternative proposes to construct eight-foot paved shoulders, shoulder rumble strips along the 1.72 miles of US 395 and lengthening the northbound chain installation/removal area 500 feet to the south.

From edge of pavement, the project will construct a 4:1 (4 foot horizontal to 1 foot of vertical) or flatter fill to the clear recovery zone, approximately 25 feet to 30 feet. From the edge of the clear recovery zone, a variable slope fill will be placed to the edge of Caltrans Right of Way. On the west side of US 395: from postmile 59.30 to postmile 59.82, the new shoulder either fits in the existing shoulder section or will require minor fills. Between postmile 59.83 to postmile 60.39, there will be a surface treatment to remove all striping and replace with new striping to correct an existing curve. Guard rail will be required at two existing drainage systems: Wilson Creek and box culvert for Cattle Crossing.

Culverts will be replaced and extended as necessary to match road widening and fill slope. The headwall and wingwalls on the inlet (west side) of the 72" Wilson Creek culvert will be removed and replaced. The work at Wilson Creek (postmile 58.64) will require a water diversion during construction. Culvert work will not require disturbance beyond Caltrans Right of Way.

The features of the Build Alternative are the following:

- Existing alignment, shoulder widening to both sides;
- Eight-foot wide outside shoulders; shoulder ground-in skip rumble strips;
- Lengthen the existing northbound chain installation/removal area at postmile 59.20 to postmile 59.28 to the south 500 feet;
- Install switch controlled lighting at chain installation/removal area;
- Curve correction restripe;
- Where required, fill slopes to 4:1 or flatter fill to the clear recover zone;
- From edge of the clear recovery zone, variable fill slope to edge of Right of Way;
- Correct clear recovery zone slope and hit object conditions;
- Guard rail at select locations;
- Extend culverts;
- Erosion control, reclaim and revegetate;

1.4.2 No-Build (No-Action) Alternative

The No-Build Alternative would not reduce the number and severity of collisions and therefore does not meet the project purpose and need.

1.5 Identification of a Preferred Alternative

After review of all comments received during the thirty-day public comment period, the Caltrans Project Development Team recommends selection of the Build Alternative/Alternative 2 as the preferred alternative. This alternative best meets the project purpose to reduce the number and severity of

accidents and enhance safety. Construction of eight-foot shoulders can reduce run off the road type collisions by up to 50 percent.

1.6 Alternatives Considered but Eliminated from Further Discussion

Alternative 1:

This alternative would widen to the west and shifting the alignment to the west by 5 feet. Alternative 1 was considered but eliminated because the design could not be maintained by Caltrans maintenance crews. Moving the road to the west avoids construction of fill on the east. However, without addressing the steep east fill, 0.5 mile of guardrail barrier would be necessary on the east side of the highway. Placing continuous metal beam guardrail would prevent snow storage and therefore could not be maintained by Caltrans maintenance crews.

1.7 Standard Measures and Best Management Practices Included in All Alternatives

Caltrans includes standard specifications for the purposes of reducing impacts to the environment on every project constructed. These specifications include dust control, provisions for the handling of nesting birds, policies on the handling of hazardous materials and construction noise levels, et cetera. These standard specifications are incorporated as project features and are included as part of the project description. The significance of impacts under CEQA resulting from the project are considered after implementation of these measures.

1.8 Discussion of the NEPA Categorical Exclusion

This document contains information regarding compliance with the California Environmental Quality Act (CEQA) and other state laws and regulations. Separate environmental documentation, supporting a Categorical Exclusion determination, has been prepared in accordance with the National Environmental Policy Act. When needed for clarity, or as required by CEQA, this document may contain references to federal laws and/or regulations (CEQA, for example, requires consideration of adverse effects on species identified as a candidate, sensitive, or special-status species by the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service—in other words, species protected by the Federal Endangered Species Act).

1.9 Permits and Approvals Needed

The following permits, licenses, agreements, and certifications are required for project construction:

Agency	Permit/Approval	Status
California Department of Fish and Wildlife	1602 Agreement for Streambed Alteration	Application will be submitted during the project's final design phase.
California Water Quality Control Board, Lahontan Region	401 Certification/Waste Discharge Requirement permit	Application will be submitted during the project's final design phase.
United States Army Corps of Engineers	404	Application will be submitted during the project's final design phase.

Chapter 2 CEQA Evaluation

2.1 **CEQA Environmental Checklist**

This checklist identifies physical, biological, social, and economic factors that might be affected by the project. Potential impact determinations include Significant and Unavoidable Impact, Less Than Significant With Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A No Impact answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

“No Impact” determinations in each section are based on the scope, description, and location of the project as well as the appropriate technical report (bound separately in Volume 2), and no further discussion is included in this document.

2.1.1 Aesthetics

Considering the information included in the Scenic Resource Evaluation and Visual Impact Assessment dated September 8, 2021 the following significance determinations have been made:

Except as provided in Public Resources Code Section 21099:

Question—Would the project:	CEQA Significance Determinations for Aesthetics
a) Have a substantial adverse effect on a scenic vista?	Less Than Significant Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less Than Significant Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less Than Significant with Mitigation Incorporated

Affected Environment

U.S. 395 through Mono County has long been recognized for its scenic qualities. Local planning policy emphasizes the protection of visual resources along and underscores the concern and sensitivity to aesthetic issues along this route.

Highway 395 through the project limits has been designated as a scenic highway by Mono County and classified as the Eastern Sierra Scenic Byway within the California Scenic Highway System. The project is within the Eastern Sierra region and is considered a sensitive corridor regarding visual resource issues. High desert, pine forests, mountainous views and Mono Lake are visible from the highway throughout the project area.

The project is located within the Mono Basin National Forest Scenic Area. This designation was enacted by the US Congress in 1984 to protect the unique ecological and cultural resources of the Mono Basin. The project is located near the western edge of the basin and the eastern foot of the Sierra Nevada Range. Due to the elevation of the roadway in the project area, travelers are provided expansive views of the Mono Basin.

Environmental Consequences

a) The traveling public will notice a moderate amount of visual change resulting from minor vegetation clearing and the addition of eight-foot paved shoulders on both sides of the highway. The southern portion of the project is located on relatively flat topography with existing unpaved wide shoulders. A moderate amount of earthwork will be required prior to paving of the wider shoulders. The northern third of the project is located in an area where the existing roadway abuts a small hill to the west and a gentle vegetated fill slope below the road to the east.

c) The extended chain up area will require a 4:1 fill slope which will be unvegetated until reseeded efforts become reestablished. This might take several years however pine needle mulch will cover the slopes with a natural material in the interim. The fill slopes may be slightly visible by Wilson Creek residents and people exploring the Rattlesnake Gulch and Wilson Creek area.

d) The addition of lighting at the chain installation/removal area has the potential to impact Mono County's dark skies efforts and views of the night sky. Depending on use of lighting, there is the potential to negatively affect the ability for Mono Lake visitors and the traveling public from being able to successfully view the night skies from pullouts located along the highway within the Mono Lake Basin

Avoidance, Minimization, and/or Mitigation Measures

d) VIS 1: To address the Mono County dark skies ordinance, the chain installation/removal area lighting shall be controlled by a switch and timer so the area system is only activated when tire chains are required. Area lighting will be turned off at all other times.

2.1.2 Agriculture and Forest 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the

California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Based on a review of land use designation within, and adjacent to, the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
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
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning, 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
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
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

2.1.3 Air Quality

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

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Air Quality
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact
b) 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?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

2.1.4 Biological Resources

Considering the information included in the Natural Environment Study (Minimal Impacts) dated September 1, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
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 Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	Less than Significant
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 U.S. Fish and Wildlife Service?	Less Than Significant Impact with Mitigation

Question—Would the project:	CEQA Significance Determinations for Biological Resources
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
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?	Less Than Significant Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
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

Affected Environment

The project area lies within a semi-arid, high elevation desert climate that is characterized by hot, dry summers and cold winters with moderate precipitation. Temperatures vary greatly throughout the year, with a temperature change of approximately 62 degrees Fahrenheit between the coldest and warmest months of the year.

Adjacent to the existing highway dirt shoulder, there is bare ground with compacted soils. These areas are devoid of vegetation due to high vehicle use and will likely be used for construction staging. Invasive plant species are present on the perimeter of these areas. Riparian habitat and wetlands are present within the project area. This includes two small wetlands, totaling 0.177 acre. Wilson Creek and an unnamed stream were also identified as well as several manmade ditches (upper and lower Conway ditch) are present within the project limits.

No special-status plant or animal species were observed in the project area. However, special status bat species have potential to occur within the project.

Environmental Consequences

a) It is anticipated that the project will have no significant cumulative effect on habitats for special status species or other biological resources. The concerns of vegetation removal would be the impacts to nesting birds. Removal of nesting habitat may not be able to be avoided, but direct impacts to nesting species can be avoided with the implementation of avoidance and minimization measures. Bat species were not observed during surveys, but roosting habitat for several species of bat may be present within or adjacent to the project area. The potential indirect impact to bat species arising from this project is the installation and use of lighting structures in the chain up areas. Slow-flying, light-shy bat species (particularly *Myotis* spp.) are known to reduce activity levels where white and green illumination is present at night. Impacts to habitat are also cumulatively insignificant in context since there is much available habitat adjacent to the project impact area. All current and future activities outlined in this document will be required to conduct pre-construction nesting bird and burrowing mammal surveys prior to construction to avoid and minimize impacts to these resources.

b) d) Both permanent and temporary impacts will occur to Wilson Creek. As the culvert and headwalls will be extended on the inlet and outlet sides, permanent impacts will occur to the streambed. The exact extent of permanent of permanent impacts will be determined later during project design, but Caltrans estimates these impacts will amount to less than 30 square feet. Temporary impacts will likely occur in the form of vegetation removal (mainly willows) and ground disturbance for equipment access.

Avoidance, Minimization, and/or Mitigation Measures

b) BIO 1: This project will require work within jurisdictional resources and permits will be required (401, 404, and 1600). All conditions outlined in these permits will be followed throughout the construction process. The exact amount of permanent and temporary impacts to jurisdictional resources has not yet been finalized, however, compensatory mitigation is anticipated. As design finalizes, these impacts will be calculated and reported to regulatory agencies. Caltrans anticipates that all compensatory mitigation may be achieved through onsite revegetation efforts.

BIO 2: While bat species were not observed within the project area, in order to avoid possible impacts to bats, lighting structures shall be equipped with switches and timers that allow lights to be turned on and off on an as-needed basis. Aesthetic mitigation outlined under VIS-1 will satisfy this need.

2.1.5 Cultural Resources

Considering the information included in the Historic Property Survey Report dated May 2, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Cultural Resources
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	Less Than Significant Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

Affected Environment

Caltrans identified one cultural resource within the Area of Potential Effects, the Conway Ranch Historic District. The resource is considered eligible for the National Register of Historic Places. Resources mainly consist of historic-era (late-nineteenth- to early-twentieth-century) features associated with Conway Ranch. Some of the archaeological sites are related to the historic-era town of Lundy and associated mining activities southwest of the project area. Multicomponent and prehistoric sites include flaked and ground stone scatters

Environmental Consequences

a) As detailed in the Cultural Resources section in Volume 2, there is Finding of No Adverse Effect with Standard Conditions within the project area. The project will impact only a small area of the Conway Ranch Historic District which is directly adjacent to the highway.

Avoidance, Minimization, and/or Mitigation Measures

Caltrans includes standard specifications to reduce impacts to the environment on every project constructed. Environmentally Sensitive Areas will be depicted on project plans and marked in the field to protect resources from potential direct effects during construction. Construction staff will implement “work page and notification” procedures if resources or human remains are discovered.

2.1.6 Energy

The project scope does not include excessive consumption of energy resources nor would it impair any plan considering renewable energy or energy efficiency. The preferred alternative is highway shoulder widenings on an existing roadway.

Question—Would the project:	CEQA Significance Determinations for Energy
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

2.1.7 Geology and Soils

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> 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
ii) Strong seismic ground shaking?	No Impact
iii) Seismic-related ground failure, including liquefaction?	No Impact
iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	No Impact
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
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

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

2.1.8 Greenhouse Gas Emissions

Considering the information included in the Climate Change Analysis of Volume 2, conducted on October 30, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant Impact

Affected Environment

The Conway Ranch Shoulders project is in a rural, sparsely populated area of Mono County surrounded by public lands. The local economy is largely based on agricultural endeavors, such as cattle and sheep grazing, and tourism. U.S. 395 is the main transportation route to and through the area for both passenger and commercial vehicles.

Environmental Consequences

Construction GHG emissions would result from material processing, on-site construction equipment, and traffic delays due to construction. GHG emissions during the construction period would be unavoidable, no increase in operational GHG emissions is expected.

Avoidance, Minimization, and/or Mitigation Measures

With implementation of Caltrans best practices and construction GHG-reduction measures, the impact would be less than significant. A list of measures can be viewed in the Climate Change Analysis (bound separately in Volume 2)

2.1.9 Hazards and Hazardous Materials

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
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
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
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
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 or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

2.1.10 Hydrology and Water Quality

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site;	No Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Less Than Significant Impact
(iii) 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; or	No Impact
(iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

Affected Environment

The project includes working within running waters and diverting Wilson Creek. Wilson Creek is a perennial riverbed that flows under US 395 via a large box culvert.

Environmental Consequences

a) c) The work at Wilson Creek will require dewatering the creek and routing the water around the concrete work. This will result in both permanent and temporary impacts will occur to Wilson Creek. Permanent impacts will occur to the streambed.

Avoidance, Minimization, and/or Mitigation Measures

Standard measures are included to lessen erosion through the use of standardized Best Management Practices used on all Caltrans projects for stormwater and water quality control. Specific minimization measures will be outlined in the California Department of Fish and Wildlife and Regional Water Quality Control Board permits, which will be obtained prior to construction. The permits are likely to include permanent erosion control, construction protections for water quality, and a dewatering plan to be developed prior to construction. All permit provisions as well as Caltrans standard construction specifications to prevent pollution of waterways will be implemented and adhered to.

2.1.11 Land Use and Planning

Based on a review of land use designation within, and adjacent to, the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made

Question—Would the project:	CEQA Significance Determinations for Land Use and Planning
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

2.1.12 Mineral Resources

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Mineral Resources
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
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

2.1.13 Noise

Considering the information included in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated February 28, 2021, the following significance determinations have been made

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or 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

2.1.14 Population and Housing

Based on a review of land use designation within, and adjacent to, the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Population and Housing
a) Induce substantial unplanned 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
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

2.1.15 Public Services

Based on a review of land use designation within, and adjacent to, the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question:	CEQA Significance Determinations for 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 the public services: Fire protection?	No Impact
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

2.1.16 Recreation

Based on a review of land use designation within, and adjacent to the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for 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
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

2.1.17 Transportation

Based on a review of the project and relevant transportation policy conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less than Significant Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

Affected Environment

The project is in a rural, sparsely populated area of Mono County surrounded by public lands. The local economy is largely based on agricultural endeavors, such as cattle and sheep grazing, and tourism. U.S. 395 is the main transportation route to and through the area for both passenger and commercial vehicles. Traffic counts are low, with an average annual daily

traffic count of 3,500 vehicles in 2018. The project does not increase the number of travel lanes nor the capacity of the highway.

Environmental Consequences

b) The project does not increase highway capacity nor will it induce additional trips or travel. Therefore, there is no impact on vehicle miles traveled. The California Code of regulations 15064.3. (b) (2) states that “Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact.”

Avoidance, Minimization, and/or Mitigation Measures

The project will not increase capacity or trips, so mitigation is not necessary for vehicle miles traveled.

2.1.18 Tribal Cultural Resources

Considering the information included in the Historic Property Survey Report dated May 2, 2020, the following significance determinations have been made:

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

2.1.19 Utilities and Service Systems

Considering the information in the Right of Way Data Sheet dated February 2, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

2.1.20 Wildfire

Based on a review of wildfire risk within, and adjacent to the project limit conducted by Caltrans staff on September 22, 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Wildfire
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than Significant
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact

<p>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p>	<p>No Impact</p>
<p>d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</p>	<p>No Impact</p>

Affected Environment

The CalFire Fire Hazard Severity Zone Map of Mono County, CA, shows the project area is in an area designated as “Other Moderate” (https://osfm.fire.ca.gov/media/6724/fhszl06_1_map26.pdf, 8/20/20). This designation covers the majority of Mono County, and no special fire hazard risks are present in or near the project area. The project’s scope, under the build alternative, would increase the width of the highway shoulders but would not increase the risk of wildfires by altering emergency response plans, use infrastructure which otherwise would be put towards controlling wildfires, or expose people to increased risks from fires or their effects. The additional shoulder widths may have a beneficial impact on emergency response as additional room will become available for response vehicles to safely pass stopped vehicles.

Environmental Consequences

a) US 395 is the main emergency evacuation route for the region. Caltrans will implement temporary traffic control measures during construction, such as lane closures and one-way traffic control. As a result, there could be temporary impacts in the event of an evacuation.

Avoidance, Minimization, and/or Mitigation Measures

Caltrans includes standard specifications for the purposes of reducing impacts to the environment on every project constructed. Caltrans will work with the California Highway Patrol and first responders so that any emergency response or evacuations would take precedence.

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
a) Does the project have the potential to substantially 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, substantially 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?	Less Than Significant Impact with Mitigation
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)?	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Less than Significant Impact with Mitigation

Affected Environment

The build alternative will have both temporary and permanent impacts to waters and riparian vegetation (see section 2.1.4) as a result of culvert and headwalls extensions at Wilson creek, The build alternative will also have temporary and permanent impacts to the visual and aesthetic resources (see section 2.1.1) as a result of construction of area lighting.

Environmental Consequences

a) With implementation of onsite mitigation to be conditioned by the California Department of Fish and Wildlife and other regulatory agencies, the impact would be less than significant. While no species of bat were observed within the project areas, switch and timer light systems will minimize possible impacts to bat habitat.

c) With implementation of switch and timer systems for all chain installation/removal area lighting, this impact would be less than significant. Area lighting will be activated when tire chains are required and be turned off at all other times.

Avoidance, Minimization, and/or Mitigation Measures

Minimization and mitigation and will be implemented in accordance with BIO 1 and BIO 2 (See section 2.1.4) and VIS 1 (see section 2.1.1).

Appendix A Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

August 2020

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a nondiscriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page:
<https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at [<Title.VI@dot.ca.gov>](mailto:Title.VI@dot.ca.gov).

Original signed by
Toks Omishakin
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix B Comment Letters and Responses

This appendix contains the comments received during the public circulation and comment period from November 5, 2021 to December 6, 2021, retyped for readability. A Caltrans response follows each comment presented. Copies of the original comment letters and documents can be found in Volume 2 of this document.

Comment from: Carolyn Webb

Comment 1:

Thank you for the opportunity to provide input to the project at the bottom of Conway Summit. I know this will benefit drivers north and south greatly as that curve and the area on the east and west side of the two lane highway leaves little room for sharing the road and/or chain up for travelers north and south especially with the amount of big rigs that go over Conway Summit.

We live on the corner of US 395 and Virginia Lakes road, and drive the highway constantly assist people during the summer when I get my mail outside the fence people are always asking for directions/trash/bathrooms.

Response to Comment 1:

Thank you for your input on the Conway Ranch Shoulder project.

Comments from: Ilene Mandelbaum

Comment 1:

One difficulty we have experienced at this intersection is that when turning left from 167 onto 395, there are so many lanes to cross that it is hard to determine which lane to turn into, especially at night.

Could the painted lines delineating lanes be made more distinguishable and prominent at this intersection?

Response to Comment 1:

Thank you for your input on the Conway Ranch Shoulder project. Striping and pavement markings at the intersection of US 395 and State Route 167 are included in the project scope. Caltrans has adopted new striping standards which are wider and more visible than previous standards.

Comment 2:

Also, before turning right from north-bound 395 onto 167, a bike lane is suddenly created which appears to be the turning pocket but it isn't, which is confusing. The right turn lane appears further north and is too short.

Response to Comment 2:

The existing turn lane and bike lane were constructed to current standards set by the Federal Highways Administration and the California Manual for Unified Traffic Control Devices. A bike lane was striped at this location to prevent conflicts between northbound bicyclists continuing north through the intersection and northbound vehicles making a right turn at the intersection. A broken white line indicates where drivers can enter the right turn lane. Changes to intersection striping are not within the scope of this project.

Comment 3:

We are concerned that by widening the highway by creating wider shoulders, motorist traveling south down the long descent from Conway Summit will increase their speeds, making a dangerous area even more dangerous.

How can you warn drivers to slow down in this descent?

Response to Comment 3:

The speed limit on US 395 within the project area is 55 miles per hour. The purpose of the project is to reduce the number and severity of collisions and enhance safety at current highway speeds. Caltrans has studies on widening shoulders to 8 feet shows there can be a reduction run off the road type collisions by 50%. Furthermore, Caltrans has not observed a significant increase in speed as result of shoulder widening projects in Mono County.

Comment 4:

Finally, exiting from the Conway Ranch Road onto 395 is very challenging, especially when turning left- it's a blind curve. Can you improve this intersection?

Response to Comment 4:

Several project scope features will benefit the intersection at Conway Ranch Road. Extension of shoulders and clear recover zone will increase visibility and site distance. Additionally, between postmile 59.83 to postmile 60.39, there will be a surface treatment to remove all pavement striping and replace with new striping to improve the existing curve near the intersection.

Comments from Bartshé Miller, Mono Lake Committee (MLC)

Comment 1:**Aesthetics**

MLC agrees with the consequence of “the traveling public will notice a moderate amount of visual change.” However, the need for 1.72 miles of vegetation clearing, eight-foot paved shoulders, new 4:1 fill slopes along existing and extended chain installation/removal area, 4:1 fill slope and variable fill slope throughout project area, extended culvert along Wilson Creek, new guardrail, and new chain installation/ removal area lighting has the potential to create significant aesthetic impacts along the designated scenic highway corridor and within the Mono Basin National Forest Scenic Area. The incorporation of a thorough and detailed, multi-year revegetation plan will be critical to mitigating aesthetic impacts along all new fill slope areas. MLC has worked cooperatively with Caltrans on two successful revegetation projects in the Mono Basin—the Lee Vining Test Plot Project and the Lee Vining Rockfall Project. We encourage Caltrans to incorporate methodologies documented in these past projects to apply a multi-year revegetation plan that utilizes non-compacted healthy soil, native seeds appropriate for the area, temporary supplemental water to help propagate seed germination, and application of clean pine needle mulch to enhance soil preparation.

Response to Comment 1:

Caltrans has selected a 4:1 fill slope in order to provide an adequate clear recovery zone. A clear recovery zone is an unobstructed area to allow a driver to stop or control a vehicle that has left the edge of pavement. From the edge of the clear recovery zone, a variable slope has been selected to avoid impact to the Conway Ranch conservation easement and to reduce the amount of vegetation removal/visual impact. Slope will be reseeded with a natural seed mix. This might take several years; however, pine needle mulch will cover the slopes with a natural material in the interim. Caltrans is committed to working with our local partners in the area as we have done on previous reseeding efforts.

Comment 2:**Aesthetics**

MLC support the implementation of chain installation/removal area lighting which is consistent with Mono County’s Dark Sky Regulations. MLC supports the use of a switch and timer so the area system is only illuminated when tire chains are required. Further, the system must be shielded, downward and incorporate a warm white temperature lighting of 2700K or less.

Response to Comment 2: In addition to having lighting controlled by switch and timer, Caltrans will be incorporating standard fixture shades and warmer LED bulbs into the scope to reduce impacts to “Dark Sky” regulations.

Comment 3:

Biological Resources

Clearing of vegetation in the project area, and construction activity along the Wilson Creek system riparian area should be scheduled outside the nesting season (September through March). If project construction occurs between March and September MLC supports pre-construction surveys for nesting birds and burrowing mammals in order to identify and avoid impacts to any nesting species and to avoid impacts to potential mountain beaver (*Aplodontia rufa*) in the Wilson Creek riparian zones. While mountain beaver may not have been documented within the project area, they have been documented in riparian areas within the Highway 395 corridor a few miles to the south. Disturbances to native plant habitats and the resulting propagation of invasive weeds can be minimized with the implementation of a comprehensive revegetation plan as described under “Aesthetics.”

Response to Comment 3:

Caltrans includes standard specifications in all projects to perform nesting bird and special status species surveys prior to start of construction. For this project, regardless of the time of year, pre-construction nesting bird and special-status species surveys will be conducted within 48 hours prior to the start of any construction activities. If a nest is found within the project impact area, an appropriate no-work buffer may be implemented as determined by the project biologist to reduce impacts caused by construction until nesting season has finished, or nesting activities have completed. If a nest is found outside of the PIA, but within 250 feet of construction, a no-work buffer may be implemented, and monitoring may occur by a qualified biologist. If construction activities do not appear to be disrupting nesting activities (parent birds not exhibiting stressed behavior, territorial behavior, or abandoning nest, etc.), then the qualified biologist may clear the area for construction to proceed.

As stated in the comment above, mountain beaver (*Aplodontia rufa*) have “been documented in riparian areas within the Highway 395 corridor a few miles to the south”. As shown on the California Natural Diversity Database (CNDDDB) there is one mountain beaver observation along highway 395 approximately 2.75 miles to the south of the project area. This observation dates back to 1990 and is located on private land. No occurrences near the project area have been documented since then, and no mountain beaver individuals or burrows were observed during surveys in 2019. Not to be confused with the North American Beaver (*Castor canadensis*), the mountain

beaver does not build lodges or live in water. Rather, the mountain beaver lives in burrows that are dug in moist soil and are typically located close to a water source. The majority of the soils in the project area are extremely dry and provide poor habitat for this species. Additionally, the mountain beaver is primarily nocturnal and rarely travels more than a few meters from burrow entrances. The chance that this species would be impacted from construction activities from this project is extremely low. In the state of California, this species is a species of special concern. If this species is observed during pre-construction surveys or during construction activities, work will be stopped and CDFW will be notified and consulted.

Disturbances to native plant habitats and the propagation invasive weeds will be minimized. Several design changes and exceptions have already been made during the planning process in order to avoid impacts to wetland habitats and their associated vegetation communities. Further, the contractor will be required to provide proof that all equipment that enters the job site has been properly cleaned (pressure washed) to avoid/minimize the spread of invasive/noxious weeds. Erosion control and re-seeding treatments will also be implemented using duff collected onsite and seed mixes from locally-sourced upland vegetation (*Purshia tridentata*, *Artemisia tridentata*, *Ericameria* ssp., etc.).

Comment 4:

Hydrology and Water Quality

The (Mono Lake) Committee requests that specific minimization measures, which Caltrans indicates it will outline in the California Department of Fish and Wildlife and Lahontan Regional Water Quality Control Board permits, be shared with water right holders on Wilson Creek, including Mono County, Bureau of Land Management, and the U.S. Forest Service/Inyo National Forest. Additionally, we recommend Caltrans share a detailed construction schedule with the water right holders to inform them of any change or suspension of stream flow related to the concrete culvert work. Dewatering the creek and routing the water around the construction site will have downstream impacts to seasonal water diversions and resources managed by these water right holders.

Response to Comment 4:

Caltrans includes standard specifications and best management practices for the purposes of reducing project impacts to waters and wetlands. Typical best management practice includes erosion control, revegetation, and rock slope protection. Construction monitoring will occur during and post project until revegetation meets pre-project conditions. If revegetation and erosion control are deemed insufficient during monitoring, an adaptive management plan will be developed with appropriate stakeholders and regulatory agencies.

Environmentally sensitive area fencing will be installed at locations around wetland, riparian, and waters features prior to construction. Additionally, a water diversion plan will be developed to be included in permit applications. Permits are required prior to construction and approved permits, along with project information and schedule, can be shared with regulatory agencies and water rights holders. Detailed minimization measures and permit conditions may also be shared once Caltrans has obtained approved permits.

Comment 5:

Tribal Cultural Resources

The MND does not indicate whether tribal consultation was offered or occurred pursuant to AB 52. The Mono Lake Kutzadika'a are the local indigenous tribe in the Mono Basin, traditionally and culturally affiliated with the resources in the project area. Further, on page 16 under Avoidance, Minimization, and/or Mitigation Measures Caltrans indicates "Construction staff will implement 'work page and notification' procedures if resources or human remains are discovered." MLC recommends that Caltrans consult directly with the Kutzadika'a Tribe to request and assign a Tribal Monitor to oversee construction activities where artifacts and human remains may be discovered, and to coordinate protocols and procedures in consultation with the Tribe.

Response to Comment 5:

Caltrans contacted the NAHC on September 20, 2018, requesting a search of their Sacred Lands File and names and contact information of tribal groups and individuals in the area. The NAHC responded on September 24, 2018, stating that the Sacred Lands File search yielded negative results.

Caltrans contacted tribal parties who had previously requested consultation under AB 52 in September 2018, and tribal parties whose names were provided by the NAHC were contacted on October 17, 2018. A project description and location map were sent to each individual. Ms. Charlotte Lange, Chairperson of the Mono Lake Indian Community, was sent an initial contact letter to Ms. Lange on October 17, 2018. No response was received. Caltrans reached out again on April 2, 2020 via email requesting comment on the proposed project. No response has been received to date. A full summary of tribal consultation can be viewed in the Historic Property Survey Report (bound separately in volume 2).

List of Technical Studies Bound Separately (Volume 2)

Air, Noise, Hazardous Waste, Water, and Paleontology Memo

Historical Property Survey Report

Natural Environment Study (Minimal Impacts)

Visual Impact Assessment

Climate Change Analysis

Draft Environmental Document Comment Letters

To obtain a copy of one or more of these technical studies/reports or the Initial Study, please send your request to:

Kirsten Helton
Caltrans District 9 Environmental, California Department of Transportation
500 South Main Street, Bishop, California 93514.

Or send your request via email to: Kirsten.Helton@dot.ca.gov Or call: 760-874-8333

Please provide the following information in your request:

Conway Ranch Shoulders
US 395 in Mono County from Route 167 to 0.4 mile north of Conway Ranch Rd.
District 09-MNO -US 395-58.20/60.4
EA/Project ID: 09-36640/0916000006