
Lahontan Regional Water Quality Control Board

December 31, 2021

File: CEQA Review Rock Creek Pavement
Mono County

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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Comments on the Initial Study and Mitigated Negative Declaration, Rock Creek Pavement, San Bernardino County, California Department of Transportation District 09-MNO-395 (PM R9.8 - R12.6) EA 09-37880 PN 0919000002, State Clearinghouse No. 2021120068

Lahontan Regional Water Quality Control Board (Water Board) staff received the Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project) on December 06, 2021. The IS/MND, prepared by California Department of Transportation (Caltrans), was submitted in compliance with provisions of the California Environmental Quality Act (CEQA) in order to solicit input on the potential impacts to the environment and ways in which those significant effects are proposed to be avoided or mitigated. Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the IS/MND we recommend Caltrans choose the build alternative which first avoids, then minimizes and finally mitigates for potential impacts to surrounding waters associated with Project activities. Our comments and list of potential permitting requirements are outlined below.

PROPOSED PROJECT

The California Department of Transportation (Caltrans) proposes to rehabilitate U.S. Highway 395 for 2.8 miles in Mono County, from 0.5 miles south of Lower Rock Creek Rd. (PM R9.8) to 1.3 miles south of the Crowley Lake Dr. overcrossing structure (PM R12.6). All four design options under the build alternative would reconstruct the existing pavement on U.S. 395 throughout the project limits, which will extend service life and improve ride quality, while reducing road maintenance costs. Included in all design options are upgrades to guardrails, extension of the

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northbound chain-up area, just north of Owens Gorge Rd, and traffic safety and operational improvements to the intersection of US 395 and Owens Gorge Rd./Rock Creek Rd.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of the quality of waters of the State in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site

at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

COMMENTS ON THE PROPOSED PROJECT AND ENVIRONMENTAL REVIEW

Based on our review of the information provided, we recommend that the following issues be considered and addressed in applicable sections of the final environmental document.

1. Chapter 2, page 26 - The List of Technical Studies used to complete this CEQA document: Scenic Resource Evaluation and Visual Impact Assessment Memo 10/05/2021, Air/Noise/Hazardous Waste/Water/Paleontology Memo 8/20/2021, Natural Environmental Study (Minimal Impacts 8/26/2021, Section 106 Cultural Resources Screening Memo 4/1/2021, Right of Way Data Sheet Report 2/14/2019, and Climate Change Analysis 11/3/2021- should have been included in the group of documents submitted for environmental review so that the responsible agencies and the reviewing public have all information that was used for the basis of the IS/MSD conclusions.
2. Chapter 2, page 24 - "Based upon the analyses contained in this document, this project will have a less than significant impact upon the environment when mitigation measures to reduce impacts to wetlands are incorporated." Water Board staff does not agree with this statement currently, as wetlands have not been delineated in the IS/MND document and [CDFW's Wetlands Mapper](#) shows wetlands are a prominent feature adjacent to a large percentage of the project area. Project design/mitigation measures must be implemented with the intention to first avoid impacts, then minimize impacts and finally mitigation to compensate for impacts and ensure no net

loss of water resources. The Clean Water Act encourages watershed-level analysis and protection, because some functions of the wetlands, riparian areas, and headwater streams, including pollutant removal, flood water retention, and habitat connectivity are expressed at the watershed or landscape level. The emergent wetlands adjacent to the Project serve many of these purposes.

3. Section 1.4.1, page 3 - "Adding these elements will result in widening the facility at the intersection which will result in roadway excavation. This excavated material will be used to construct 4:1 ft. of flatter embankments on the northbound side of the highway. Excess material will need to be hauled off or could be used to flatten slopes on the northbound side of the highway." If discharge of fill waste takes place during Project operations, description of work and best management practice (BMP) design must be sufficient so as to disallow discharge of waste into the adjacent wetlands and intersecting riparian habitats.

PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

1. Construction of the Project will result in excavation in and discharge of fill to waters within the Long Hydrologic Area (HA). Caltrans will be required to obtain either (1) a CWA, section 401 water quality certification for impacts to federal waters and/or (2) dredge and fill waste discharge requirements for impacts non-federal waters of the State, both of which are issued by the Lahontan Water Board. As part of that permitting process, Caltrans will be required to avoid and minimize, to the extent possible, direct and indirect impacts to waters of the State. Information regarding these permits including application forms can be found online at http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml. Early consultation with Water Board staff is highly encouraged.
2. Land disturbance of more than 1-acre will require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board. The project specific SWPPP required by the permit must fully identify and describe both construction and post-construction BMPs that will be incorporated into the Project. The IS/MND should fully describe the post-construction BMPs that will be used and show the locations of these features on Project maps and site plans.

- a. The SWPPP should be applicable to all areas of the Project, including construction areas, access roads to and through the site, equipment staging, and stockpile locations.
 - b. The Project shall not result in an exceedance of any applicable water quality objective (WQO) for the receiving water. For this Project, the receiving waters are Rock Creek, Crooked Creek, surrounding emergent wetlands, Lake Crowley, and its tributaries of the Owens Hydrologic Unit. The primary water quality parameters potentially affected by the Project include chemical constituents (as defined by California Code of Regulations, title 22), oil and grease, pH, suspended materials, temperature, and turbidity. Numeric and narrative WQOs for these parameters in surface waters and groundwater are outlined in Chapter 3 of the Basin Plan.
 - c. Temporary BMPs must be implemented for all components of the Project until such time that vegetation has been restored to pre-Project conditions or permanent post-construction BMPs are in place and functioning.
 - d. All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.
3. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff is highly encouraged.

Thank you for the opportunity to comment. If you have any questions regarding this letter, please contact me at (760) 243-444 (andrew.robinson@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 (jan.zimmerman@waterboards.ca.gov).



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