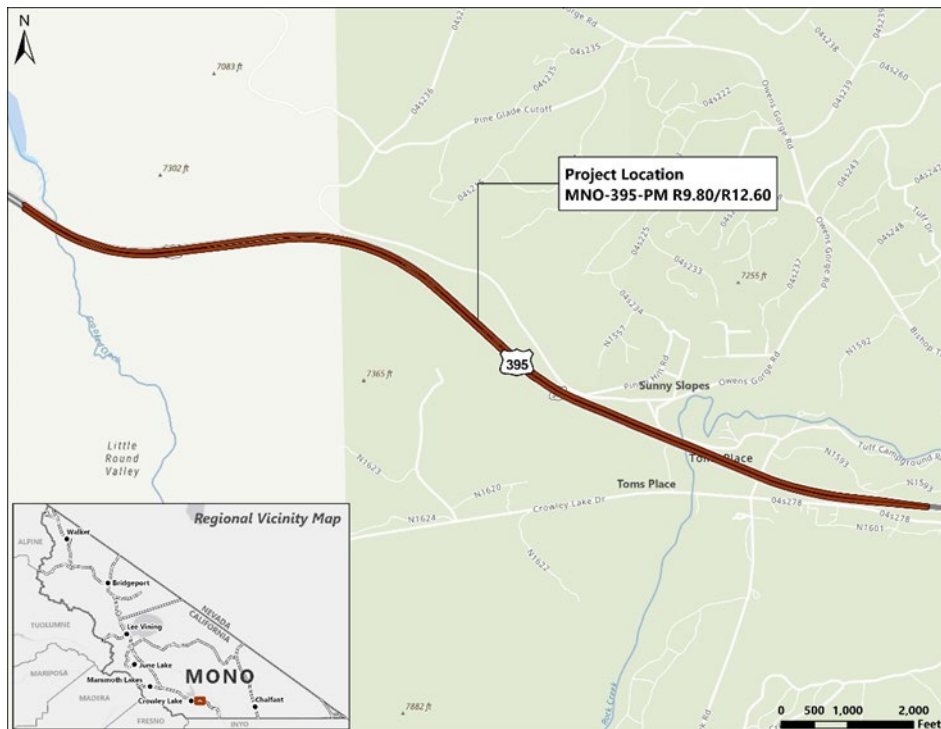


Rock Creek Pavement

Mono County, California
District 9-MNO-395-PM R9.8/R12.6
EA/Project ID: 09-37880/09190000002
State Clearinghouse Number: 2021120068

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 December 6, 2021 and January 5, 2022. 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, District 09 Environmental Division, 500 South Main Street, Bishop, CA 93514, Phone Number 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: 2021120068
09-MNO-395-PM R9.8/R12.6
EA/Project ID: 09-37880/0919000002

Rehabilitate Pavement on U.S. Highway 395 in Mono County from 0.5 mile south of Lower Rock Creek Road (postmile R9.8) to 1.3 miles south of Crowley Lake Drive overcrossing (postmile R12.6).

**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, Lahontan Regional Water Quality Control Board, U.S. Army Corps of Engineers, Los Angeles Department of Water and Power

Kirsten Helton

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

1/19/2022

Date

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

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Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2021120068

District-County-Route-Post Mile: 09-MNO-395-PM R9.8/R12.6

EA/Project Number: 09-37880/0919000002

Project Description

The California Department of Transportation (Caltrans) proposes to rehabilitate U.S. Route 395 for 2.8 miles in Mono County, from 0.5 miles south of Lower Rock Creek Road (postmile R9.8) to 1.3 miles south of Crowley Lake Drive overcrossing structure (postmile R12.6).

Determination

An Initial Study has been prepared by Caltrans, District 9.

On the basis of this study, it has been determined that the action with the incorporation of the identified avoidance, minimization and mitigation measures will not have a significant effect on the environment for the following reasons:

- The project will have no impacts to Agriculture and Forest Resources, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, Wildfire, and Biological Species.
- The project will have less than significant impacts to Aesthetics and Visual Resources, and Noise.
- With the following mitigation measure, the proposed project will have less than significant impacts to Biological Resources: Compensatory mitigation for the permanent loss of jurisdictional streambed at two culvert locations may be required. Approximately 0.081 acres (3,500 square feet) may be permanently impacted. Appropriate mitigation will be implemented in coordination with California Department of Fish and Wildlife and could include off-site mitigation or out-of-kind mitigation credit purchase from an approved mitigation bank.

Kirsten Helton

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

1/19/2022

Date

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Chapter 1 Proposed Project

1.1 Introduction

The State of California, Department of Transportation (Caltrans) proposes to rehabilitate pavement on all travel lanes on U.S. Highway 395 for 2.8 miles in Mono County, from 0.5 miles south of Lower Rock Creek Rd. (postmile R9.8) to 1.3 miles south of Crowley Lake Dr. overcrossing structure (postmile R12.6). In addition to pavement rehabilitation, the project work would upgrade guardrail to current standards, extend an existing chain-up area, and make traffic safety and operational improvements to the intersection of US 395 and Owens Gorge Rd. and Lower Rock Creek Rd.

One project build alternative and one no-build alternative are proposed. There are four design options contained within the build alternative. The difference between design options is in the pavement strategy proposed, and all design options would have the same impact upon environmental resources.

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 restore the pavement to good condition to extend the service life, improve ride quality, and reduce ongoing maintenance costs.

1.2.2 Need

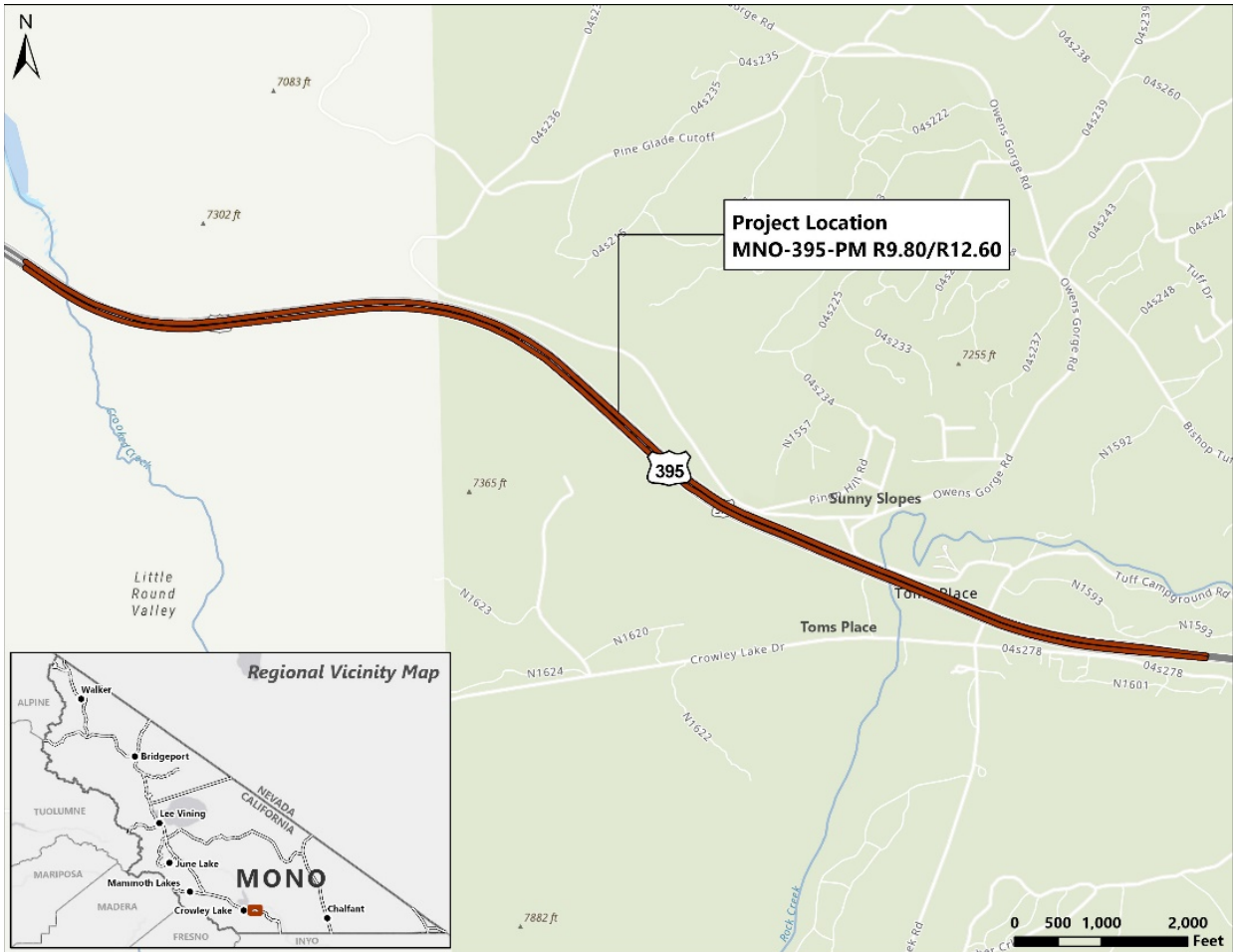
The pavement is showing major distress and lesser strategies are no longer a cost-effective maintenance strategy. Operational constraints at the US 395 and Owens Gorge Road/Rock Creek Road intersection are contributing to higher than the Statewide average of accidents at this location. There are a number of existing highway features within this section of highway that are failing or obsolete.

1.3 Project Description

The proposed project will rehabilitate pavement on all travel lanes on U.S. Highway 395 for 2.8 miles in Mono County, from 0.5 miles south of Lower Rock Creek Rd. (postmile R9.8) to 1.3 miles south of Crowley Lake Dr. overcrossing structure (postmile R12.6). In addition to pavement

rehabilitation, the project would replace existing metal beam guardrail; with current standard Midwest Guardrail System, extend the existing northbound chain-up area just north of Owens Gorge Rd., and make traffic safety and operational improvements to the intersection of US 395 and Owens Gorge Rd. and Lower Rock Creek Rd.

Figure 1-1 Project Location and Vicinity Map



1.4 Project Alternatives

One build alternative with four design options and one no-build alternative have been evaluated for the proposed project. Design options address various methods for the application of pavement and each would have the same impacts to environmental resources.

1.4.1 Build Alternatives

All four design options under the build alternative would rehabilitate 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 guardrail, extension of the 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. and Lower Rock Creek Rd.

Design Features of the Build Alternative

- US 395/Owens Gorge Rd./Lower Rock Creek Rd. intersection improvements: add right turn pockets, median acceleration lanes , right turn acceleration lanes, extend existing northbound left turn pocket, and add a two-foot shoulder. Right turn pockets and right turn acceleration lanes would be constructed to standard 12 ft. lanes, and 4 ft. outside shoulders. A 6 ft. bicycle lane will be included with the right turn pockets and right turn acceleration lanes. The median acceleration lanes would be constructed to at least standard width of 12 ft. with a 2 ft. left shoulder. Existing light standards would be relocated beyond the clear zone (approximately 20-30 ft). 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. or flatter embankments on the east side of the highway. Excess material will need to be hauled off or could be used to flatten slopes on the east side of the highway. There are two culverts within the intersection improvements that will need to be extended due to the widening. These do not flow water year-round. Flared end sections and rock slope protection will be placed at the extended outlets. Erosion control would be placed on the new cut and fill slopes.
- Replace existing metal beam guardrail with current standard Midwest Guardrail System throughout the project.
- The existing chain-up area just north of Owens Gorge Rd. would be extended to the north. This extension would be constructed by means of a fill slope. No retaining wall is proposed for this extension.
- Replace non-mountable dike with mountable type D or E dike.
- Permanent right-of-way is not required.
- Staging for construction equipment will occur both inside the existing right-of-way and possibly outside of the right-of-way on United States Forest Service land. This will require Temporary Construction Easements or Permits to Enter.

Unique Features of the Build Alternative Design Options

For the proposed project, there are four design options contained within the one build alternative:

- Design Option 1 proposes a mill and fill strategy to remove and pave back 0.30' of the travel way.
- Design Option 2 proposes a Partial Depth Recycle of the outside lanes and provide a 0.30' hot mix asphalt overlay.
- Design Option 3 would provide a hot mix asphalt overlay only without any pavement removal.
- Design Option 4 proposes a mill and fill strategy which would remove and pave back 0.15' of the inside lanes and 0.80' of the outside lanes.

1.4.2 No-Build (No-Action) Alternative

The No Build Alternative would result in continued deterioration of the pavement and additional maintenance cost and therefore does not meet the project purpose and need.

1.6 Identification of a Preferred Alternative

After review of all comments received during the public comment period, the Caltrans project development team chose the build alternative (with design option four as the selected pavement strategy) on January 10, 2022. The above statement regarding the identification of a preferred alternative is new to this document since the draft Initial Study with Proposed Negative Declaration circulated for thirty days for public comment on December 6, 2021.

1.7 Alternatives Considered but Eliminated from Further Discussion

Only one project build alternative was considered for this project. Three design options (Options 1-3) and the No-Build alternative have been eliminated from further consideration on January 10, 2022.

1.8 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.

1.9 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—that is, species protected by the Federal Endangered Species Act).

1.10 Permits and Approvals Needed

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

Agency	Permit/Approval	Status
U.S. Army Corps of Engineers	Section 404 Permit for filling or dredging waters of the United States.	Application will be submitted during the project's design phase.
Regional Water Quality Control Board	401 Certification/Waste Discharge Requirement permit	Application will be submitted during the project's design phase.
California Department of Fish and Wildlife	1600 Agreement for Streambed Alteration	Application will be submitted during the project's 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 proposed 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 proposed 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 in the Scenic Resource Evaluation and Visual Impact Assessment memo dated October 5, 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?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact

Question—Would the project:	CEQA Significance Determinations for Aesthetics
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?	No 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 Impact

Affected Environment

U.S. 395 through Mono County has long been recognized for its scenic qualities. Planning policy emphasizes the protection of visual resources along U.S. 395 and underscore 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.

Mono County has provided “dark sky” rules and regulations for outdoor lighting within the county.

Environmental Consequences

The proposed chain up area with area lighting could impact nearby residences with light glare at night. Potential impacts to the traveling public when they pull over in the chain up area and attempt to view the night skies exist as well. Development of a lighting system that is only activated by Caltrans maintenance crews during winter storms was discussed. Crews would then turn off the lighting after the storm cleared. The availability of a storm activated lighting system was discussed however not confirmed at that time. To address the potential for impacts created by area lighting, the project

design should take into consideration a lighting system that is activated by a switch or a timer.

Avoidance, Minimization, and/or Mitigation Measures

VI1: Minimization - The project design should, to the extent possible, take into consideration a lighting system that is activated by a switch or a timer.

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

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
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 August 20, 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

Question—Would the project:	CEQA Significance Determinations for Air Quality
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 November 17, 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 National Oceanic Atmospheric Administration Fisheries?	No Impact
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
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?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact

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

Riparian vegetation was observed during the field reviews at or near Lower Rock Creek. There is no work planned in or near the creek. Several willows are growing off the highway, along a slope, adjacent to highway shoulders and the edge of pavement.

Environmental Consequences

The project does not anticipate the removal of riparian or wetland habitat. If willows need to be removed, coordination with CDFW will be initiated during the permitting process.

The following Best Management Practices (BMP) will minimize impacts to the project area:

- The project will adhere to the Caltrans January 2008 “Construction Site Best Management Practice (BMP) Field Manual and Troubleshooting Guide”. BMPs will include erosion and sediment control measures, and methods of permanent soil stabilization.
- Fiber rolls and/or silt fencing (with no plastic mesh) must be used to protect water resources and delineate the edge of the permanent impact area.
- Pre-construction nesting bird surveys by a qualified biologist will be conducted prior to construction if construction is scheduled to occur during the nesting season, between February and September.

Avoidance, Minimization, and/or Mitigation Measures

Bio 1: To the extent possible, work will be constructed between May 1st and October 15th to avoid the wet/rainy season (per Lahontan Regional Water Quality Control Board regulation).

Bio 2: Environmental Sensitive Area (ESA) fencing will be installed to delineate streams and other sensitive resources

Bio 3: A full-time monitor may be required on-site during all construction activities within jurisdictional areas including the culvert extensions at Rock Creek Gorge Rd

Bio 4: To avoid impacts to special status plant species, any individuals found within the BSA during pre-construction surveys will be flagged for avoidance and their locations will be shared with the Resident Engineer and Contractor; a no-work buffer of up to 10 feet from flagging may be implemented as needed as determined by the Caltrans Biologist.

Bio 5: If the special status plant species is present within the proposed construction area and cannot be avoided, the Caltrans Biologist will initiate consultation with CDFW to determine the best course of action for the particular species; while consultation is in progress, a no-work buffer of 10 feet will be implemented to avoid potential impacts to the special status plant species

Bio 6: Pre-construction nesting bird surveys by a qualified biologist will be conducted prior to construction if construction is scheduled to occur during the nesting season, between February and September.

Bio 7: If special-status animals are observed during pre-construction surveys the area will be monitored during construction activities within 500 ft of the sighting.

Bio 8: Coordination and consultation with CDFW, ACOE, and Lahontan Regional Water Quality Control Board (LRWQCB) are in the process to obtain permits for the proposed activities with jurisdictional areas.

Bio 9: Compensatory mitigation for the permanent loss of jurisdictional streambed at the two culverts at Rock Creek Owens Gorge Rd. may be required. Approximately 0.081 acres (3,500 sq ft) may be permanently impacted. Appropriate mitigation will be implemented in coordination with CDFW and could include off-site mitigation or out-of-kind mitigation credit purchase from an approved mitigation bank.

2.1.5 Cultural Resources

Considering the information included in the Section 106 Cultural Resources Screening Memo dated April 1, 2021 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?	No 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

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 build alternative consists of pavement improvement 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 in the Air/Noise/Hazardous Waste/Paleontology Memo dated 8/20/2021 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: 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 onsite or offsite 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
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 conducted on November 3, 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?	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact

2.1.9 Hazards and Hazardous Materials

Considering the information in the Air/Noise/Hazardous Waste/Paleontology Memo dated 8/20/2021 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

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
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 in the Air/Noise/Hazardous Waste/Paleontology Memo dated 8/20/2021 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 water or groundwater quality?	No 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 onsite or offsite;	No Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	No Impact

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
(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

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 November 3, 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 in the Air/Noise/Hazardous Waste/Paleontology Memo dated 8/20/2021 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 in the Air/Noise/Hazardous Waste/Paleontology Memo dated August 20, 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?	Less than Significant 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

Affected Environment

The project setting is a rural four-lane highway adjacent to the communities of Toms Place and Sunny Slopes.

Environmental Consequences

Elevated noise levels during construction activities may be noticeable by residents of Toms Place and Sunny Slopes, and users of the Toms Place Resort and Tuff Campground. Since construction activities will be confined to

daytime working hours, the regular exposure of the area to construction noise, and due to the existing noise levels of a 4-lane highway, the elevation of noise levels during construction is not anticipated to create a significant impact. Post-construction noise levels will be similar to the baseline pre-project conditions.

Avoidance, Minimization, and/or Mitigation Measures

N1: Minimization Measure – The Caltrans public information office will contact residents of Sunny Slopes and Toms Place as well as the US Forest Service (for Tuff Campground) and owner of Toms Place Resort prior to construction so they can anticipate upcoming construction noise.

N2: Construction activities will be limited to daytime working hours.

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 November 3, 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 November 3, 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 November 3, 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 November 3, 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)?	No 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

2.1.18 Tribal Cultural Resources

Considering the information included in the Section 106 Cultural Resources Review memo dated April 1, 2021 the following significance determinations have been made:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

Question:	CEQA Significance Determinations for Tribal Cultural Resources
<p>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.</p>	<p>No Impact</p>

2.1.19 Utilities and Service Systems

Considering the information in the Right of Way Data Sheet dated February 14, 2019 the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
<p>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?</p>	<p>No Impact</p>
<p>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</p>	<p>No Impact</p>
<p>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?</p>	<p>No Impact</p>
<p>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?</p>	<p>No Impact</p>

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
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 November 3, 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?	No Impact
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
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?	No Impact
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?	No Impact

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
<p>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?</p>	<p>Less Than Significant Impact with Mitigation</p>
<p>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)?</p>	<p>Less Than Significant Impact</p>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>Less Than Significant Impact</p>

Based upon the analyses contained in this document, through implementation of mitigation measure #10 under Section 2.1.4, this project will have a less than significant impact on jurisdictional streambed habitat.

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
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*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 6, 2020 to December 6, 2021, retyped for readability. A Caltrans response follows each comment presented.

Comment from: Charles Tucker

This year's work was well done from the standpoint of a local who uses the upper end of Lower Rock Creek Road (Old 395, Old Sherwin Grade) EXCEPT the positioning of the barrels on 395 made it very hard to see oncoming northbound traffic on 395. If you had a high up pickup truck it was not an issue, but in a low conventional automobile it was difficult to see.

Response: Thank you for your input on the Rock Creek Pavement project. The construction work which you are referring to was for the North Sherwin Shoulder Widening project, currently in winter suspension. The project will resume its second season of construction in May of 2022. Your comment has been forwarded to construction staff assigned to that project, and they will evaluate if crash barrel placement can be rearranged such to allow for better sight visibility at the U.S. Route 395 and Lower Rock Creek Road intersection for next season.

Comment from: Lahontan Regional Water Quality Control Board



Lahontan Regional Water Quality Control Board

December 31, 2021

File: CEQA Review Rock Creek Pavement
Mono County

Kirsten Helton, Environmental Branch Chief
California Department of Transportation
500 South Main Street
Bishop, CA 93514
Kirsten.Helton@dot.ca.gov

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

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

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www.waterboards.ca.gov/lahontan

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/lahtontan/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.

Kirsten Helton

- 4 -

December 31, 2021

- 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).



Andrew Robinson
Environmental Scientist

cc: California Department of Fish and Wildlife (R6LSA@wildlife.ca.gov)
State Clearinghouse (SCH 2021120068) (state.clearinghouse@opr.ca.gov)

Response: Thank you for your comments on the Rock Creek Pavement project. Caltrans has the following responses to your comments as noted above:

- 1) Caltrans standard practice is to bind the technical studies together as a separate volume which is made available upon request by the reviewer. The process for requesting is described on the page listing the technical studies

bound separately. We apologize for any miscommunication that did not allow for those documents to be made available to you for review;

2) The document discloses on page 24 (Section 2.1.21, Mandatory Findings of Significance) of the Draft Initial Study that the proposed project “will have a less than significant impact upon the environment when mitigation measures to reduce impacts to wetlands are incorporated.” This statement refers to the overall impacts of the project to all resources studied, not just wetlands. It should be noted that no impacts to wetlands will occur. Pavement rehabilitation will be the only work to occur near wetland habitat (determined to be outside the project’s area of disturbance), and shoulder backing will be placed up to three feet from the edge of pavement on existing shoulder backing and previously disturbed soils. Caltrans environmental staff have determined that no wetland habitat will be impacted as a result of this work. Thank you for making note of this error, and the final version of this document has been updated to make correction of this;

3) Extending the existing culverts at the intersection of U.S. Route 395 and Rock Creek Road will result in fill material being placed within a jurisdictional resource and require 401 and 404 permits from the appropriate regulatory agencies. The amount of fill within jurisdictional areas will be finalized during the design phase of the project but is estimated to be minor (~0.01 acre). Final design plans and proposed best management practices devices (including any water diversions, if necessary) will be detailed within the appropriate permit applications for agency approval prior to construction.

List of Technical Studies*

Scenic Resource Evaluation and Visual Impact Assessment Memo
10/5/2021

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

Climate Change Analysis 11/3/2021

*Please note, to obtain a copy of one or more of the technical studies/reports listed above, please send your request to:

Kirsten Helton
District 9 Environmental Division
California Department of Transportation
500 South Main Street
Bishop, CA 93514
Via e-mail: Kirsten.Helton@dot.ca.gov
Via phone: 760-874-8333

Please provide the following information in your request:

Rock Creek Pavement Rehabilitation Project in Mono County, CA

Project ID: 09-37880