Wilson Creek Culvert Improvement

Mono County
09-MNO-167-PM 1.8
EA 09-295200

SCH# 2007091129

Initial Study
with Mitigated Negative Declaration

Prepared by the
State of California Department of Transportation

November 2007

General Information About This Document

What's in this document?

This document contains a Mitigated Negative Declaration, which examines the environmental effects of a proposed project on State Route 167 in Mono County.

The Initial Study and proposed Mitigated Negative Declaration were circulated to the public from September 20, 2007 to October 20, 2007. Comment letters were received on that document. Responses to the circulated document are shown in the Comments and Responses section (Appendix A) of this document, which has been added since the document was circulated. Elsewhere in this document, a line in the margin indicates where changes have been made since the document was circulated.

What happens after this?

The proposed project has completed environmental compliance after the circulation of this document. When funding is approved, the California Department of Transportation can design and construct all or part of the project.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Tom Dayak, Eastern Sierra Environmental Branch, 500 South Main Street, Bishop CA 93514; (760) 872-0690 Voice, or use the California Relay Service TTY number, (711) 872-0690.

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to improve the existing culvert under State Route 167 at Wilson Creek in Mono County, California.

Determination

Caltrans has prepared an Initial Study for this project and, following public review, has determined from this study that the project would not have a significant effect on the environment for the following reasons:

- The proposed project would have no effect on agricultural resources, cultural resources, mineral resources, paleontological resources, population and housing, public services, recreation, transportation/traffic, or utility and service systems.
- The proposed project would have no significant effect on air quality, hazards and hazardous materials, geology and soils, hydrology and water quality, land use, planning, or noise.

The proposed project would have no significantly adverse effect on aesthetic and biological resources because the following mitigation measures would reduce potential effects to insignificance:

- Topsoil/duff would be collected for placement on disturbed areas. Disturbed areas would be replanted with native seed. Willow cuttings would be collected and used to replant disturbed riparian areas.
- Preconstruction surveys would be conducted to make sure that there are no nesting migratory birds in the project area.
- Water would be diverted to sustain fish in Wilson Creek downstream of the project area. Fish rescue would occur before construction.

Christine Cox-Kovacevich, Office Chief
Office of Environmental Management North
Central Region Environmental Planning
California Department of Transportation

Date 11/5/07

Section 1 Project Information

Project Title

Wilson Creek Culvert Improvement

Lead Agency Name and Address

California Department of Transportation
District 9
500 South Main Street
Bishop, CA 93514

Contact Person and Phone Number

Tom Dayak, Chief, Eastern Sierra Environmental Branch
(760) 872-0690

Project Sponsor's Name and Address

Same as Lead Agency

Project Location

The project lies in Mono County, about two and a half miles from Mono Lake, where Wilson Creek crosses under State Route 167 via a culvert (at post mile 1.8). Wilson Creek is a tributary to Mono Lake. See Figure 1 Project Vicinity Map and Figure 2 Project Location Map.

Description of Project

The proposed project would install a new lining in the existing culvert under State Route 167 at Wilson Creek and place rock slope protection at the outlet of the culvert. Rehabilitation of the culvert is needed to prevent deterioration of the culvert and erosion.

Surrounding Land Uses and Setting

Part of the project site lies in the Mono Basin National Forest Scenic Area. State Route 167 is the northern boundary of the Mono Basin National Forest Scenic Area. The Wilson Creek outlet (south of State Route 167) lies in the Mono Basin National Forest Scenic Area; the Wilson Creek inlet (north of State Route 167) is just outside the Mono Basin National Forest Scenic Area. The U.S. Bureau of Land Management and U.S. Forest Service own property, north and south of State Route 167, respectively.

The immediate creek area has some willows, surrounded by sagebrush scrub. The closest towns or communities are Conway Ranch, about one mile northwest, and Mono City, about one mile southwest of the project.

Other Public Agencies Whose Approvals are Required

The proposed project would occur within a Caltrans easement from the U.S. Bureau of Land Management and the U.S. Forest Service. The U.S. Bureau of Land Management must approve the project. The U.S. Forest Service must approve the project because part of the project is located in the Mono Basin National Forest Scenic Area.

The California Department of Fish and Game is a Responsible Agency under the California Environmental Quality Act. A California Department of Fish and Game Section 1602 Streambed Alteration Agreement is required.

A Lahontan Regional Water Quality Control Board water quality permit (Section 401 Water Quality Certification of the Clean Water Act) is required.

Coordination with Southern California Edison would be necessary to maintain low (5 cubic feet per second) flows for construction. Southern California Edison operates a dam (Wilson Creek power plant) upstream of the project site. Caltrans would notify Southern California Edison two months before construction were to begin so that Southern California Edison could lower the flow of Wilson Creek at the project site.

A U.S. Army Corps of Engineers Section 404 permit would be required for placing rock slope protection in the creekbed.

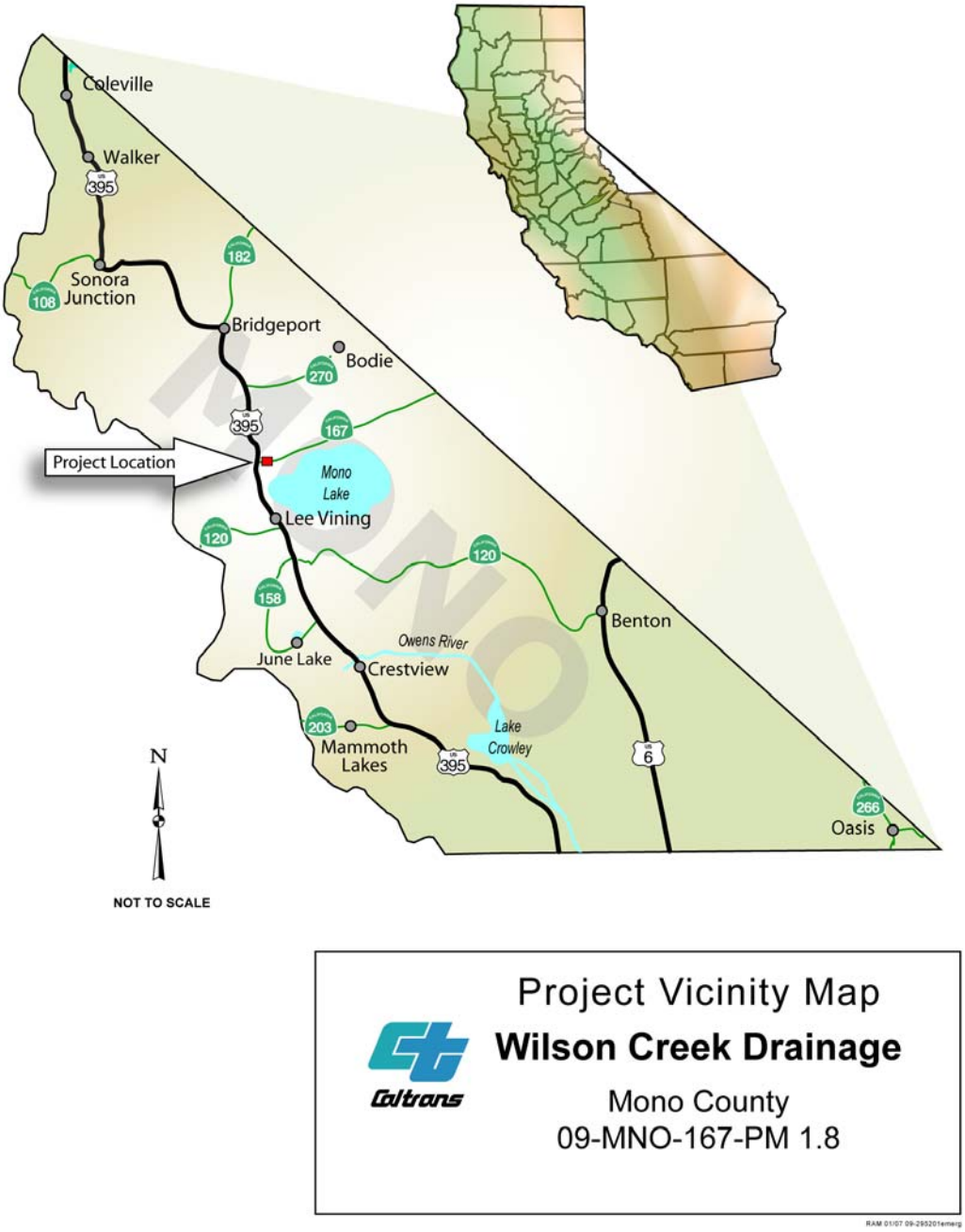


Figure 1 Project Vicinity Map

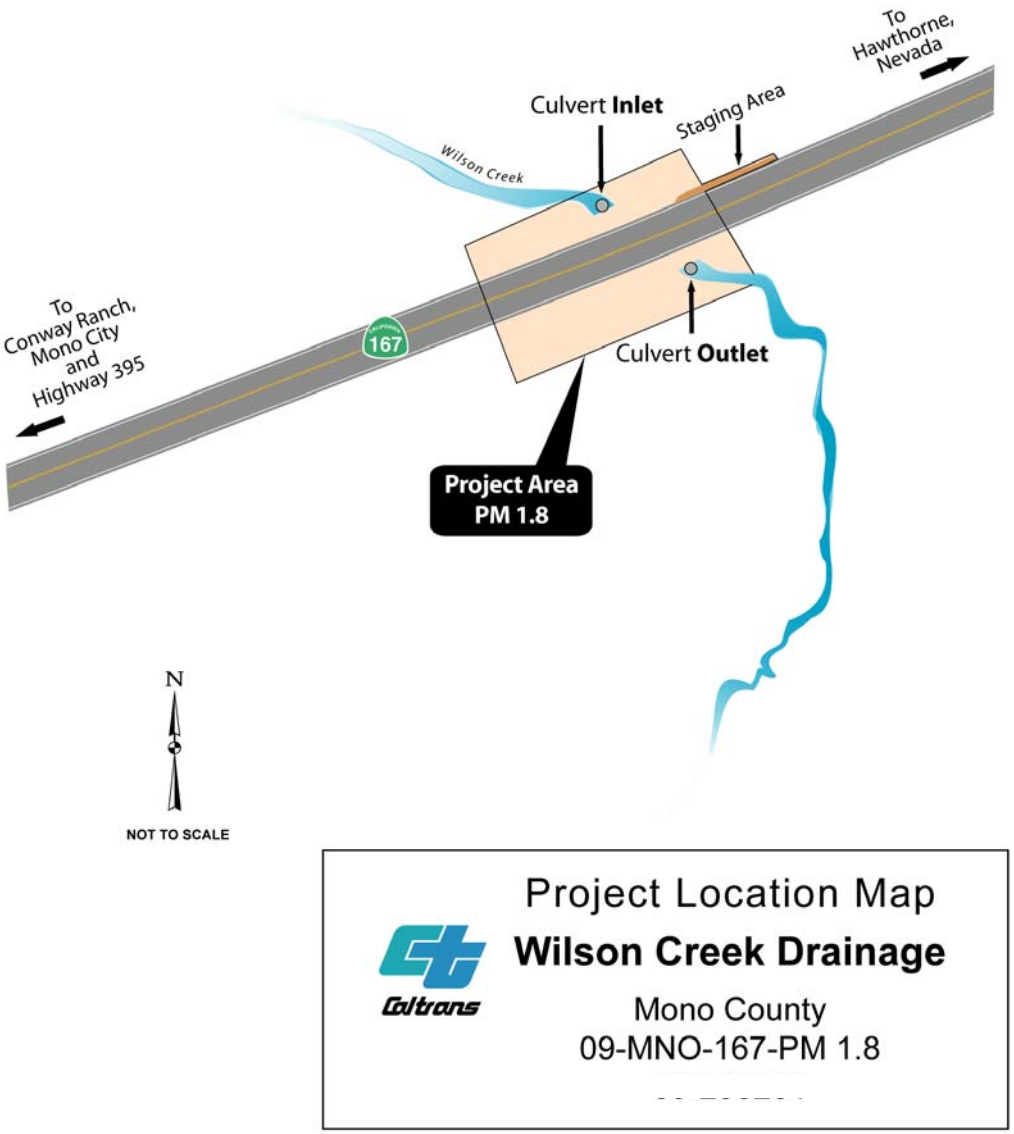


Figure 2 Project Location Map

Section 2 Environmental Factors Potentially Affected

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

- [x] Aesthetics
- [ ] Agricultural Resources
- [ ] Air Quality
- [x] Biological Resources
- [ ] Cultural Resources
- [ ] Geology/Soils
- [ ] Hazards and Hazardous Materials
- [ ] Hydrology/Water Quality
- [ ] Land Use/Planning
- [ ] Mineral Resources
- [ ] Noise
- [ ] Population/Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation/Traffic
- [ ] Utilities/Service Systems
- [ ] Mandatory Findings of Significance

Section 3 Determination

On the basis of this determination:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

for Christine Cox — Sept. 6, 2007

Christine Cox-Kovacevich, Office Chief — Date
Office of Environmental Management North
Central Region Environmental Planning
California Department of Transportation

Section 4 Impacts Checklist

The impacts checklist starting on the next page identifies physical, biological, social, and economic factors that might be affected by the proposed project. Direct and indirect impacts are addressed in checklist items I through XVI. Mandatory Findings of Significance are discussed in item XVII. The California Environmental Quality Act impact levels include “potentially significant impact,” “less than significant impact with mitigation,” “less than significant impact,” and “no impact.”

A brief explanation of each California Environmental Quality Act checklist determination follows each checklist item. Lengthy explanations, if needed, are provided after the checklist.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	X	☐

Explanation: See Additional Explanations following the checklist.

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

Explanation: Refer to I(a).

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	X	☐	☐

Explanation: Refer to I(a).

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	X

Explanation: There would be no permanent light or glare associated with the project. Construction would occur only during daytime, so night lighting would not be used. (Personal communication 2006 from design engineer Truman Denio)

II. AGRICULTURE RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	X

Explanation: There is no farmland in the project area. (State of California Farmland Mapping and Monitoring Program email, November 20, 2006)

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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The property adjacent to the Caltrans right-of-way is U.S. Bureau of Land Management (north of State Route 167) and U.S. Forest Service (south of State Route 167) land. The parcel is not farmland.

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

Explanation: The project would not affect farmland. There is no farmland in the vicinity. (State of California Farmland Mapping and Monitoring Program email, November 20, 2006)

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

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

Explanation: No. (August 29, 2007 e-mail from Caltrans air quality specialist Agnes Jenkins)

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	X	☐

Explanation: If the contractor's activities would generate excessive dust, the exposed soil would be treated with water and/or other stabilizers to reduce dust. (Caltrans Standard Specification for dust control)

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X

Explanation: The project would not result in a cumulatively considerable net increase in air pollutants.

d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: There are no receptors (homes, businesses, schools, and so on) sensitive to pollutant concentrations in the project area. The closest communities—Conway Ranch and Mono City—are about one mile from the project area. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1)

e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	X

Explanation: The project would not create objectionable odors; the closest communities—Conway Ranch and Mono City—are about one mile from the project area.

IV. BIOLOGICAL RESOURCES — Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	X	☐

Explanation: See Additional Explanations following the checklist. (Natural Environment Study, January 2007)

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

Explanation: See Additional Explanations following the checklist. (Natural Environment Study, January 2007)

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

Explanation: See Additional Explanations following the checklist. (Natural Environment Study, January 2007)

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?	☐	X	☐	☐

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: See Additional Explanations following the checklist. (Natural Environment Study, January 2007)

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	X	☐

Explanation: The project does not conflict with any local biological ordinance. (Natural Environment Study, January 2007)

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?	☐	☐	X	☐

Explanation: The project would not conflict with a habitat conservation plan or natural community conservation plan. There is no habitat conservation plan or natural community conservation plan for the area. (Natural Environment Study, January 2007)

V. CULTURAL RESOURCES — Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X

Explanation: A Caltrans Professionally Qualified Staff person determined that the proposed project would have no potential to affect historic properties (Caltrans Cultural Clearance memorandum, December 1, 2006). There are no identified archaeological resources in the project area.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☐

Archaeological resources are considered "historical resources" and are covered under question V(a).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X

Explanation: Paleontological resources are not expected in the Pleistocene lake terrace deposits in the project area (Caltrans Paleontology Scoping Memorandum, May 22, 2007). There are no unique geologic features at the project site. (Field visits with project engineer, July 25, 2006 and September 26, 2006)

d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	X

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: No human remains are expected in the project area (Caltrans Cultural Clearance memorandum, December 1, 2006). If buried cultural materials are unearthed during construction, work must stop immediately until a qualified Caltrans archaeologist can assess the significance of the find. If human remains are exposed during construction, work must stop immediately until the county coroner makes the necessary findings as to origin and disposition of the remains pursuant to Public Resources Code 5097.98 (State Health and Safety Code 7050.5).

VI. GEOLOGY AND SOILS — Would the project:

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

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

Explanation: The culvert lining and rock slope protection would pose no risk to people in the event of seismic activity because no people live in that area.

ii) Strong seismic ground shaking?	☐	☐	X	☐

Explanation: The culvert lining and rock slope protection would not pose a risk to people in the event of seismic activity.

iii) Seismic-related ground failure, including liquefaction?	☐	☐	X	☐

Explanation: See VI(a)(i).

iv) Landslides?	☐	☐	☐	X

Explanation: The project would not contribute to landslides. The culvert is located at the bottom of the highway roadfill and is designed to pass water safely under the highway. The culvert lining to be installed would lessen the possibility of leakage from the culvert to the highway roadfill, which might result in soil movement.

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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The project would lessen existing erosion by improving the existing culvert and installing rock slope protection so that erosion behind the culvert does not occur.

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?	☐	☐	X	☐

Explanation: The project would improve the existing culvert where there has been leakage of water from the culvert into the highway roadfill. The project would install a culvert lining to prevent water leaks. Construction would consist of inserting a new lining in the culvert without disturbing the existing culvert or existing highway roadfill.

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.	☐	☐	☐	X

Explanation: Not applicable.

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

Explanation: There are no septic tanks or wastewater disposal systems associated with the project.

VII. HAZARDS AND HAZARDOUS MATERIALS —
Would the project:

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

Explanation: No hazardous materials are associated with the project after construction. During construction, Caltrans would use construction best management practices to prevent the release of any hazardous materials to the environment.

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?	☐	☐	X	☐

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: No hazardous materials would be associated with the project after construction. Construction best management practices would be used to prevent release of hazardous materials to the environment. The public would be restricted from accessing the project area during construction.

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

Explanation: There are no schools within one-quarter mile of the project site. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1)

d) Be located on a site that 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?	☐	☐	☐	X

Explanation: There are no hazardous materials sites at the project location.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X

Explanation: There is no public airport within two miles of the project area. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1)

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X

Explanation: There is no private airstrip in the vicinity. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1)

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X

Explanation: The project would not interfere with an emergency response plan or emergency evacuation plan. At least one traffic lane would be maintained during construction.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
areas or where residences are intermixed with wildlands?				

Explanation: The project structures (culvert lining and rock slope protection) are not susceptible to damage from wildland fires. The project would not increase the risk of wildland fires.

VIII. HYDROLOGY AND WATER QUALITY —
Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	X	☐

Explanation: Caltrans would obtain a Section 404 permit from the U.S. Army Corps of Engineers, a Section 401 permit from the Lahontan Regional Water Quality Control Board, and a 1602 Streambed Alteration Agreement from the California Department of Fish and Game to place rock slope protection in Wilson Creek. Water quality protection measures, such as placing the rock after dewatering the construction site, would be followed. During construction, best management practices would be followed in accordance with the Caltrans National Pollutant Discharge Elimination System stormwater permit so that there are no stormwater releases into Wilson Creek during construction. The project would reduce existing erosion with placement of rock slope protection.

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

Explanation: The project would not substantially affect groundwater recharge. The project would reduce the backwater effect by installing rock slope protection. The culvert improvement may reduce the length of time water lies in the deep pond at the culvert outlet, but water is perennially in the creek allowing groundwater recharge. (Personal communication with Southern California Edison hydrologist, December 7, 2006)

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

Explanation: The project would not substantially alter the existing drainage pattern. It would decrease erosion by installing rock slope protection. This should also reduce siltation offsite.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?	☐	☐	☐	X

Explanation: The project would not increase flooding risk. Wilson Creek flows into Mono Lake after the project site. No development is downstream of the project site. (U.S. Geological Survey 7.5 minute quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1)

e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	X	☐

Explanation: No stormwater drainage systems would receive runoff from the project. The project would not pollute runoff. Best management practices would be followed during construction in accordance with the Caltrans stormwater permit so that there are no stormwater releases into water bodies during construction.

f) Otherwise substantially degrade water quality?	☐	☐	X	☐

Explanation: The project would not substantially degrade water quality.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X

Explanation: No housing is associated with the project. This is a highway culvert repair project.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	X

Explanation: The project is in a Federal Emergency Management Agency Zone C area of minimal flooding (email from Andrew Brandt, Caltrans District Hydraulics Engineer, April 3, 2007). The project would facilitate flood flows through the project area. There are no houses or structures downstream of the project. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: See response to VIII(h) above.

j) Result in inundation by a seiche, tsunami, or mudflow?	☐	☐	X	☐

Explanation: The project should not result in mudflow. The slope below the project area is gradual, making mudflow unlikely.

IX. LAND USE AND PLANNING — Would the project:

a) Physically divide an established community?	☐	☐	☐	X

Explanation: No established community lies in the project area. The project would not divide any established community. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	X	☐

Explanation: The project would not conflict with an applicable land use plan or policy. The project would be compatible with the scenic area designation.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X

Explanation: The project would not conflict with a habitat conservation plan or natural community conservation plan. There is no habitat conservation plan or natural community conservation plan for the area. (Natural Environment Study, January 2007)

X. MINERAL RESOURCES — Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	X

Explanation: The project would not affect the availability of minerals. (July 25, 2006 and September 26, 2006 site visits with project engineer)

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?	☐	☐	☐	X

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The project would not affect the availability of locally important mineral resources.

XI. NOISE — Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	X

Explanation: Project construction, installing the culvert lining and placing rock slope protection, would not generate excessive noise. The nearest communities are one mile away. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	X

Explanation: Project construction, installing the culvert lining and placing rock slope protection, would not expose people to excessive groundborne vibration or groundborne noise because the nearest communities are one mile away.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X

Explanation: The project would not result in a permanent increase in noise levels because the project simply consists of inserting a new culvert lining and placing rock slope protection.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X

Explanation: The project would not result in a substantial temporary or periodic increase in ambient noise levels because the project simply consists of installing a new culvert lining and installing rock slope protection.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: There is no public airport within two miles of the project area. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X

Explanation: There is no private airstrip in the vicinity. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

XII. POPULATION AND HOUSING — Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	X

Explanation: The project would not induce population growth. The project would repair an existing culvert and install rock slope protection.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

Explanation: The project would not affect housing. No housing exists in the project area. (U.S. Geological Survey quadrangle maps, Lundy, 38119a2 and Negit Island, 38119a1 and July 25, 2006 and September 26, 2006 site visits with project engineer)

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

Explanation: The project would not displace people. See XII(b).

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

XIII. PUBLIC SERVICES —

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?	☐	☐	☐	X
Police protection?	☐	☐	☐	X
Schools?	☐	☐	☐	X
Parks?	☐	☐	☐	X
Other public facilities?	☐	☐	☐	X

Explanation: The project would not result in any impacts to governmental facilities. No public services are located within the project area.

XIV. 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?	☐	☐	☐	X

Explanation: The project would not increase the use of recreational facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	X

Explanation: The project does not include recreational facilities or require the construction of recreational facilities that might have an adverse physical effect on the environment.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
XV. TRANSPORTATION/TRAFFIC — Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X

Explanation: The project would not affect traffic. Construction traffic would not affect the minimal traffic present on State Route 167 in the project area. (Caltrans Traffic memorandum, March 2007)

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X

Explanation: The project would not affect level of service for State Route 167. See XV(a). (Caltrans Traffic memorandum, March 2007)

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X

Explanation: The project would not affect air traffic.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X

Explanation: The project would not increase hazards. The project would replace the existing culvert lining. The new rock slope protection would lie below the highway and would not present a hazard.

e) Result in inadequate emergency access?	☐	☐	☐	X

Explanation: The project would not affect emergency access because at least one traffic lane would be maintained during construction.

f) Result in inadequate parking capacity?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The project would not create a need for parking. The project would repair a culvert. (Caltrans Traffic memorandum, March 2007).

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X

Explanation: The project would not conflict with any alternative transportation policies, plans or programs. (Caltrans Traffic memorandum, March 2007).

XVI. UTILITY AND SERVICE SYSTEMS — Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X

Explanation: The project would not produce wastewater.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X

Explanation: The project would not require the construction of new water or wastewater treatment facilities. The culvert does not produce or treat wastewater.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X

Explanation: The project would not require the construction or expansion of an existing or new stormwater drainage facility.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X

Explanation: The project would not require water entitlements.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
projected demand in addition to the provider's existing commitments?				

Explanation: The project would not produce wastewater.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X

Explanation: The construction contractor would remove any solid waste from the area. Construction debris such as soil and trash would be removed from the site.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X

Explanation: The construction contractor would comply with federal, state, and local statutes and regulations related to solid waste. See response to XVI(f) above.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE —

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

Explanation: With implementation of the mitigation measures described in Additional Explanations at the end of this checklist, there would be no residual impacts subject to mandatory findings.

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)?	☐	☐	☐	X

Explanation: This is the only known project in the area. Therefore, it is not likely that there would be cumulatively considerable impacts from the project.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

Explanation: The project would not have substantial adverse effects on human beings because people would be restricted from the area during construction. Recreational use of the area would not be affected after construction.

Additional Explanations for Questions in the Impacts Checklist

Visual/Aesthetics

Affected Environment

State Route 167 in the project area borders the Mono Basin National Forest Scenic Area (Visual Impact Assessment, July 2007). The project is about two and a half miles from Mono Lake. The project area encompasses two distinct landscapes by the highway corridor: rolling sagebrush topography and a narrow riparian area along Wilson Creek.

Environmental Consequences

This project would have little impact on the visual quality of the surrounding regional view. The existing culvert is not visible from the highway because of the steep terrain. Most, if any, of the visual impact from this project would result from the disturbance and removal of the native vegetation that could occur during construction.

Avoidance, Minimization, and/or Mitigation Measures

Measures to preserve existing native vegetation would greatly enhance the visual quality after construction. Measures to avoid and minimize any negative visual impact caused by the project include the following:

1. Protect and preserve existing native vegetation.

2. Replant with native vegetation. The native seed mix, application rates, and planting methods would be determined by or approved in cooperation with a Caltrans Landscape Architect.

3. Collect and store topsoil/duff for placement on disturbed areas before replanting.

4. Use cuttings from existing willows to replant in riparian areas disturbed by rock slope improvements.

Natural Communities

Affected Environment

Natural communities in the project area are sagebrush scrub in the uplands, riparian (streamside) near Wilson Creek, and aquatic in Wilson Creek (Natural Environment Study, January 2007). The sagebrush scrub vegetation community is a mix of antelope bitterbrush (*Purshia tridentata*), basin big sagebrush (*Artemisia tridentata*) and rabbitbrush (*Chrysothamnus* spp.). Willow shrubs dominate the riparian habitat.

Environmental Consequences

The access road to the culvert outlet would temporarily disturb about 0.30 acre of sagebrush habitat and 0.05 acre of willow habitat. For impacts to riparian habitat, see the Wetlands section that follows.

Avoidance, Minimization, and/or Mitigation Measures

The access road would be limited to the minimum area for the necessary equipment for construction (10-foot width). The access road shows evidence of being previously used for access. Mitigation measures for aquatic habitat are discussed in the Wetlands section below.

Wetlands and Other Waters

Affected Environment

Wilson Creek in the project area has riparian (mainly willow) and aquatic habitat (per site visits July 25, 2006 and September 26, 2006). Willows are adjacent to Wilson Creek from the Wilson Creek power station (upstream of the project) to Mono Lake (downstream of the project). In the project area, the willow habitat extends for about 350 feet on either side of Wilson Creek. In the Caltrans right-of-way (200 feet on either side of State Route 167), there are about 2 acres of willow habitat in the area.

Environmental Consequences

Approximately 250 cubic yards of rock slope protection would be used for the project. Rock slope protection would be placed behind the culvert outlet to prevent erosion (for an illustration of rock slope protection, see the Project Schematic at the end of the document). This would affect some riparian habitat (less than 0.005 acre or about 200 square feet). About three-fifths of the rock slope protection would be placed inside the waterway, affecting aquatic habitat (January 22, 2007 email communication from design engineer Truman Denio). Assuming the rock slope

protection is placed about two yards deep, about 0.02 acre of aquatic habitat surface would be affected.

The access road would temporarily disturb about 0.05 acre of willow habitat.

Avoidance, Minimization, and/or Mitigation Measures

The California Department of Fish and Game has requested that construction take place in March/April to avoid impacts to spawning fish (Natural Environment Study, January 2007). Spawning occurs in late fall and early winter.

The project area would be dewatered to the extent possible to minimize effects to the aquatic environment during construction. Dewatering would reduce effects to the aquatic environment caused by placement of the rock slope protection. The flow of Wilson Creek would be diverted around the project construction site to maintain downstream vegetation and aquatic life.

Willow would regenerate quickly after construction. Willow cuttings would be collected before any project work and then planted after construction.

Plant Species

Affected Environment

The following plants were identified as regional species of concern (Natural Environment Study, January 2007):

- Masonic mountain jewel-flower (*Streptanthus oliganthus*): California Native Plant Society List 1B (Plants Rare, Threatened, or Endangered in California and Elsewhere)
- Mono Lake lupine (*Lupinus duranii*): California Native Plant Society List 1B (Plants Rare, Threatened, or Endangered in California and Elsewhere)
- Foxtail thelypodium (*Thelypodium integrifolium* ssp. *complanatum*): California Native Plant Society List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere)
- Utah monkeyflower (*Mimulus glabratus* ssp. *utahensis*): California Native Plant Society List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere)

However, suitable habitat is present in the project area for only one of the species: foxtail thelypodium.

Environmental Consequences

Masonic mountain jewel-flower, Mono Lake lupine, and Utah monkeyflower were not found at the project site (Natural Environment Study, January 2007).

Foxtail thelypodium was not found at the project site, though potential habitat could be present (Natural Environment Study, January 2007). The Natural Environment Study concluded there would be no direct, indirect, or cumulative effects to this species as a result of the project.

Avoidance, Minimization, and/or Mitigation Measures

The access road would be limited to the minimum area for the necessary equipment for construction (10-foot width). The access road shows evidence of being previously used for access.

Animal Species

Affected Environment

Animal species such as deer may occasionally cross through the project area. Barn swallows and other birds may occasionally be in the project area. Fish are likely present in Wilson Creek.

Environmental Consequences

No impacts to animal species from the project are anticipated. Flow in Wilson Creek would be maintained during construction to maintain fish and vegetation.

Avoidance, Minimization, and/or Mitigation Measures

The California Department of Fish and Game has requested that construction take place in March or April to avoid impacts to spawning fish such as brown trout (Natural Environment Study, January 2007). Spawning occurs in late fall and early winter. Fish rescue would be completed before construction. A Caltrans biological monitor would monitor the worksite to ensure that the water reduction process does not affect fish and other wildlife.

A Caltrans biologist would conduct preconstruction clearance surveys, which would cover 100 percent of the project area, before any vegetation removal, ground disturbance, or any other activities associated with the start of the project. Clearance surveys would be done every day until construction starts and on the days that any vegetation would be removed. If no occupied nests were located during clearance surveys, then construction would proceed; but if an occupied nest were found, then

construction would not proceed until the nest could be verified by a Caltrans biologist to be unoccupied; or 2) the vegetation would be removed between October 1 and February 15. If the vegetation were removed, then birds would be less likely to nest within the project area, and construction would occur outside the above-stated construction window (Natural Environment Study, January 2007).

Threatened and Endangered Species

Affected Environment

A California Natural Diversity Database search showed yellow warbler (*Dendroica petechia brewsteri*), willow flycatcher (*Empidonax trailii*), Sierra Nevada mountain beaver (*Aplodontia rufa californica*) and Mono brine shrimp (*Artemia monica*) potentially present in the project area (Natural Environment Study, January 2007). Consultation with the U.S. Fish and Wildlife Service resulted in a species list showing the bald eagle (*Haliaeetus leucocephalus)* potentially in the project area as well.

Environmental Consequences

Willow flycatcher surveys were conducted by a Caltrans biologist using the May 29, 2003 Willow Flycatcher Survey Protocol for California. No willow flycatchers were found in the project area (Natural Environment Study, January 2007). The Sierra Nevada mountain beaver is not likely in the project area due to the absence of suitable habitat (Natural Environment Study, January 2007). Mono brine shrimp are only found in Mono Lake. Though bald eagles may fish occasionally in the area, the project area contains no sufficient trees for nesting or perching for the bald eagle.

Avoidance, Minimization, and/or Mitigation Measures

See the Animal section above for mitigation measures for migratory birds.

Invasive Species

Affected Environment

Russian thistle (*Salsola kali*) was identified in the project area (Natural Environment Study, January 2007). Cheat grass (*Bromus tectorum*), white sweetclover (*Melilotus alba*) and common mullein (*Verbascum thapsus*) are listed as invasive plant species of concern on the Inyo National Forest and may be found in the project area (Inyo National Forest Weed Eradication and Control Environmental Assessment September 2007).

Environmental Consequences

Minor grading of the access road could spread exotic species such as the Russian thistle, cheat grass and other exotic species.

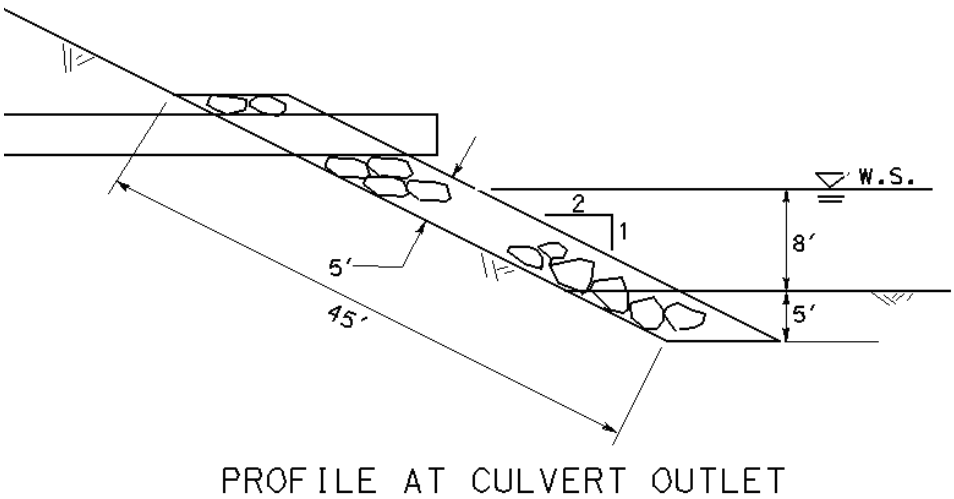
Avoidance, Minimization, and/or Mitigation Measures

Disturbance would be limited to the area adjacent to the highway. Caltrans would replant the outlet access road as quickly as possible to reduce disturbance where Russian thistle and other exotics might spread. Equipment would be cleaned before use at the project.

Coordination

The Caltrans biologist and generalist coordinated with California Department of Fish and Game staff regarding the project, including personal communications with Dawne Becker (2006) and Steve Parmenter (January 2007). Caltrans Land and Right of Way and environmental staff conducted a site visit with Larry Primosch (Bureau of Land Management) on August 15, 2007.

Project Schematic



Rock Slope Protection

Appendix A Comments and Responses

The Proposed Mitigated Negative Declaration was circulated for public review and comment from September 20, 2007 to August 20, 2007. The document was sent to public agencies, including the California State Clearinghouse, U.S. Forest Service, U.S. Bureau of Land Management, California Department of Fish and Game, Southern California Edison, Los Angeles Department of Water and Power, Mono County Planning Department, and the Mono County Board of Supervisors. Public notices were published in local newspapers—*The Inyo Register* and *Mammoth Times*—twice during the public review period. The document was available for review at the Lee Vining public library and the Caltrans district office in Bishop.

This appendix contains the comments received during the public circulation and comment period. A Caltrans response follows each comment presented.

Letter from the State Clearinghouse

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

October 18, 2007

Tom Dayak
California Department of Transportation, District 9
500 S. Main Street
Bishop, CA 93514-3423

Subject: Wilson Creek Culvert Improvement Project
SCH#: 2007091129

Dear Tom Dayak:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 17, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter from the State Clearinghouse (continued)

Document Details Report
State Clearinghouse Data Base

SCH# 2007091129
Project Title Wilson Creek Culvert Improvement Project
Lead Agency Caltrans #9

Type MND Mitigated Negative Declaration
Description The California Department of Transportation (Caltrans) proposes to install a new lining in the existing culvert under State Route 167 at Wilson Creek and place rock slope protection at the outlet of the culvert. Rehabilitation of the culvert is needed to prevent deterioration of the culvert and erosion.

Lead Agency Contact

Name Tom Dayak
Agency California Department of Transportation, District 9 ***Fax***
Phone (760) 872-0690
email
Address 500 S. Main Street ***State*** CA ***Zip*** 93514-3423
City Bishop

Project Location

County Mono
City
Region
Cross Streets U.S. Highway 395
Parcel No. 19-110-009
Township 2N ***Range*** 25E ***Section*** 8 ***Base*** Bodie

Proximity to:

Highways 167, 395
Airports
Railways
Waterways Wilson Creek
Schools
Land Use Caltrans easement on BLM & USFS land, partially in Mono Basin National Forest Scenic Area

Project Issues Aesthetic/Visual; Biological Resources

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6 (Inyo & Mono Region); Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/18/2007 ***Start of Review*** 09/18/2007 ***End of Review*** 10/17/2007

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comments from the Native American Heritage Commission

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

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September 27, 2007

Mr. Tom Dayak, Chief, Eastern Sierra Environmental Branch
CALIFORNIA DEPARTMENT OF TRANSPORTATION
500 South Main Street
Bishop, CA 93514
2007091129

Re: SCH#2007091129; CEQA Notice of Completion; Mitigated Negative Declaration for Wilson Creek Culvert Improvement Project near Mono Lake; Mono County; California

Dear Mr. Dayak:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section:

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Comments from the Native American Heritage Commission (continued)

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

SCH#2007091096; CEQA NO

Response to Comments from the Native American Heritage Commission

Thank you for your comments. The recommendations in your letter are part of Caltrans standard operating procedures and are being followed for this project.

Comments from the Lahontan Regional Water Quality Control Board

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

Date: September 26, 2007

File: Environmental Doc Review
Mono County

To: Tom Dayak
Caltrans District 9
500 South Main Street
Bishop, CA 93514
Phone (760) 872-0690

COMMENTS ON THE PROPOSED INSTALLATION OF A NEW LINING IN THE EXISTING CULVERT UNDER STATE ROUTE 167 AT WILSON CREEK AND TO PLACE ROCK SLOPE PROTECTION AT THE OUTLET, LOCATED BETWEEN US HIGHWAY 395 AND WILSON CREEK, IN THE CITY OF MONO, MONO COUNTY

Please refer to the items checked for staff comments on the above-referenced project:

[X] The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

1

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible. Future development plans should consider the following items:

[X] The project requires development of a Stormwater Pollution Prevention Plan and
[X] a NPDES General Construction Stormwater Permit and/or
[ ] a NPDES General Industrial Stormwater Permit

2

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California Environmental Protection Agency

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Comments from the Lahontan Regional Water Quality Control Board (continued)

These permits are accessible on the State Board's Homepage (www.waterboards.ca.gov). Best Management Practices must be used to mitigate project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

[X] The project may require a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board. Application forms can be found at our web site (http://www.waterboards.ca.gov/lahontan/). **3**

[X] The proposal does not provide specific information on how impacts to surface Waters of the State and/or Waters of the U.S. will be mitigated. These surface waters include, but are not limited to, drainages, streams, washes, ponds, pools or wetlands. Waters of the State or Waters of the U.S. may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the Army Corps of Engineers. The Environmental Document needs to quantify these impacts. Discuss purpose of project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances and mitigation). Mitigation must be identified in the environmental document including timing of construction. **4**

Mitigation must replace functions and values of wetlands lost. For more information see the Lahontan Region Basin Plan http://www.waterboards.ca.gov/lahontan/BPlan/BPlan_Index.htm.

[X] Other

- Please include both pre-construction and post construction stormwater management and best management practices as part of planning process. **5**

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Sincerely Mack Hakakian
Print Name Mack Hakakian
Title Engineering Geologist
Phone No. (760) 241-7376
E-Mail mhakakian@waterboards.ca.gov

MH/rc/CEQA comments/Lee Vining Wilson Creek Culvert Improvement

California Environmental Protection Agency

Recycled Paper

Response to Comments from the Lahontan Regional Water Quality Control Board

Thank you for your comments. Regarding the comment to specifically identify post-construction stormwater prevention measures, Caltrans proposes replanting disturbed areas with topsoil/duff and native seed, replanting disturbed riparian areas with willow cuttings, and placing rock slope protection in areas particularly susceptible to erosion. These strategies follow the "Low Impact Development" recommendations of using vegetation to the extent possible to reduce stormwater runoff. The project site is not expected to have much stormwater runoff from the highway due to little precipitation in the area, limited traffic, and little runoff from the immediate watershed (most water in Wilson Creek comes from the Southern California Edison facility a couple miles upstream). **1**

Caltrans has a general National Pollutant Discharge Elimination System General Construction Stormwater Permit. The contractor hired for this project would prepare a specific Stormwater Pollution Prevention Plan, which will be forwarded to your office. The plan will provide details of the specific best management practices chosen by the contractor to achieve stormwater pollution prevention control. Best Management Practices described in the environmental document include: collecting topsoil/duff during construction for replanting after project construction, taking willow cuttings and replanting disturbed riparian areas after construction, placing rock slope protection after dewatering the construction site, and applying water and/or other stabilizer to reduce dust if the contractor's activities would generate excessive dust. **2**

Caltrans will submit an application to the Lahontan Regional Water Quality Control Board for a federal Clean Water Act Section 401 Water Quality Certification. This application would be submitted as soon as the design engineers have developed draft plans on which Caltrans can specify the stormwater prevention measures. The specific plans in the application submittal would provide detail on the general stormwater quality control features described in the Mitigated Negative Declaration (such as quantities of willows to be replanted and the boundaries of the disturbed areas to be replanted). In addition, the contractor hired by Caltrans is obligated to adhere to Caltrans' Best Management Practices under Caltrans National Pollutant Discharge Elimination System permit.

As stated in the response to comment 2 above, Caltrans intends to apply for a Federal Clean Water Act Section 401 Water Quality Certification from the Lahontan Regional Water Quality Control Board. **3**

The purpose of the project is to rehabilitate the existing culvert that has deteriorated (parts of the culvert have corroded and water likely leaks into the existing roadfill) and reduce existing erosion. Replacing the existing culvert would likely involve disturbance of the approximately 40 feet of highway roadfill in which the culvert is situated. Instead, Caltrans proposes to insert a lining into the existing culvert, which would cause little if any disturbance of the creek and roadfill. Placement of rock slope protection at the outlet is considered necessary to reduce erosion on the steep highway roadfill slope behind the culvert. Flattening the slope would result in greater environmental impact because the slope would have to be built into the Wilson Creek stream channel, thereby removing habitat. An alternative to install a headwall at the outlet was rejected because it would have required more disturbance of the willow and stream channel than placing some rock slope protection. **4**

The environmental document describes disturbance to 0.055 acre of riparian habitat (from placement of rock slope protection and light grading of an access road) and 0.02 acre of aquatic habitat (from placement of rock slope protection). All impacts to the culvert inlet were avoided because construction would take place from the highway. Construction would take place during a period of low flow to minimize impacts. Water would be diverted during placement of rock slope protection. Mitigation includes taking willow cuttings and replanting them after construction. In addition, willow will likely regenerate naturally after construction.

Stormwater management practices include timing construction to the period of lowest flow (this flow is usually only the outflow from the Southern California Edison power plant and is controlled by Southern California Edison), parking all equipment on plastic to avoid any spills of hydraulic fluid, constructing from the highway for all work on the inlet, placing rock slope protection to reduce erosion, and using fiber rolls or silt fence to protect the waterway. Stormwater management practices would be specified as part of Caltrans' Clean Water Act Section 401 Water Quality Certification application to the board. **5**

Comments from the Mono Lake Committee

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Eastern Sierra Environmental Branch Chief
Caltrans
500 South Main Street
Bishop, CA 93514-3423

October 18, 2007

RE: Wilson Creek Culvert Improvement Project

Dear Mr. Dayak,

The Mono Lake Committee (MLC) appreciates the opportunity to provide written comments regarding the rehabilitation of the Wilson Creek culvert under State Route 167 in the north Mono Basin, Mono County, 09-MNO-167-PM 1.8.

After reviewing the Initial Study with Proposed Mitigated Negative Declaration (September 2007) MLC offers the following comments on the Wilson Creek Culvert Improvement Project:

Water Rights Issues: Southern California Edison (SCE) will be asked to limit the flow from the Lundy Power House (called the "Wilson Creek power plant" in Caltrans' Initial Study) to control the amount of flow in Wilson Creek during the implementation of the project. While this makes practical sense, it is important to note that SCE delivers flows of Mill Creek water into Wilson Creek from the power plant tailrace in response to water right calls from established water rights holders. SCE does not have the authority to modify deliveries for this construction project without such a request from the water rights holders. 1

Caltrans should coordinate with the three water right holders that own land near or adjacent to Wilson Creek to accomplish the planned flow reductions. It may be that the timeframe of the project needs to be modified as the water right holders have projects underway, such as aquaculture on Conway Ranch, that have certain flow needs. Springtime flow reductions may not desirable to the water rights holders as they may thus lose a portion of their water for the year. Further, springtime flow reductions may not be possible due to the degraded condition of the Mill Creek Return Ditch that connects the power plant to Mill Creek; currently, SCE has no option in some circumstances but to send water down Wilson Creek, even if it exceeds established water rights.

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Comments from the Mono Lake Committee (continued)

The three relevant water rights holders are Mono County, the US Bureau of Land Management, and the US Forest Service. MLC recommends that a conference between representatives of these parties, SCE, and Caltrans would be the best way to create a workable plan. MLC requests to be kept informed of the planning on this matter as it develops. MLC also recommends appraising Ms. Kim Yapp of the Los Angeles Department of Water and Power (111 North Hope St., Room 1468, Los Angeles, CA 90012) of the plans as they develop since LADWP is a major Mill Creek water right holder.

Mono Basin National Forest Scenic Area Concerns: MLC assumes Caltrans will use Best Management Practices in any location regardless of land ownership or designation, however, the south side of State Route 167 lies within the Mono Basin National Forest Scenic Area. As such, special care must be taken to comply with the Scenic Area Comprehensive Management Plan (1989). MLC has three specific comments related to the Scenic Area: 2

1. Accordingly, the details of the project should be reviewed with the USFS Scenic Area Manager, Mike Schlafmann. The project should receive approval of the Scenic Area Manager for all project components within the Scenic Area. With such coordination, MLC expects that the project can be successfully accomplished.

2. As stated in the Initial Study, the removal of vegetation to provide access to the construction area will comprise most of the visual impact in the project area. As important as re-establishing local, native plants is the control of invasive plant species both during and after construction. MLC is an active partner with federal, state, and local agencies and other organizations in controlling the spread of weeds in the Mono Basin. The Initial Study lists Russian thistle (*Salsola kali*) as occurring in the project area; we encourage the inclusion of cheat grass (*Bromus tectorum*), white sweetclover (*Melilotus alba*), and common mullein (*Verbascum thapsus*) to the list of invasive species to remove from the access route(s). A complete list of invasive plant species of concern on the Inyo National Forest can be found in the Inyo National Forest's Weed Eradication and Control Environmental Assessment (September 2007). 3

3. The Initial Study refers to an access route to the culvert outlet for machinery, but does not specify where this route will be established. The rock fortification is taking place at the outlet of the culvert, on the downstream, or south side of the road, while the staging area is located on the upstream, or north side of the road—presumably due to shoulder width and highway visibility and safety. All routes in the Project Area, whether they are intended for machinery or foot traffic, should be 4

Comments from the Mono Lake Committee (continued)

closely inspected prior to construction for invasive plants that could be spread.

Timing of the project: Finally, planning this project for early spring coincides with a rise in plant and animal activity in riparian zones, even in the highly manipulated channel of Wilson Creek. MLC suggests that late winter implementation of this project could minimize disruption to emerging native flora and fauna.

5

The Mono Lake Committee looks forward to working with Caltrans in the future to ensure that both scenic and natural resource values are protected in the Mono Basin while maintaining safe passage for the traveling public.

Sincerely,

Emily Prud'homme
Eastern Sierra Policy Coordinator

cc: Marshall Rudolph; Dan Lyster, Mono County
Michael Schlafmann, US Forest Service
Bill Dunkelberger, Bureau of Land Management
Kim Yapp, Los Angeles Department of Water and Power

Response to Comments from the Mono Lake Committee

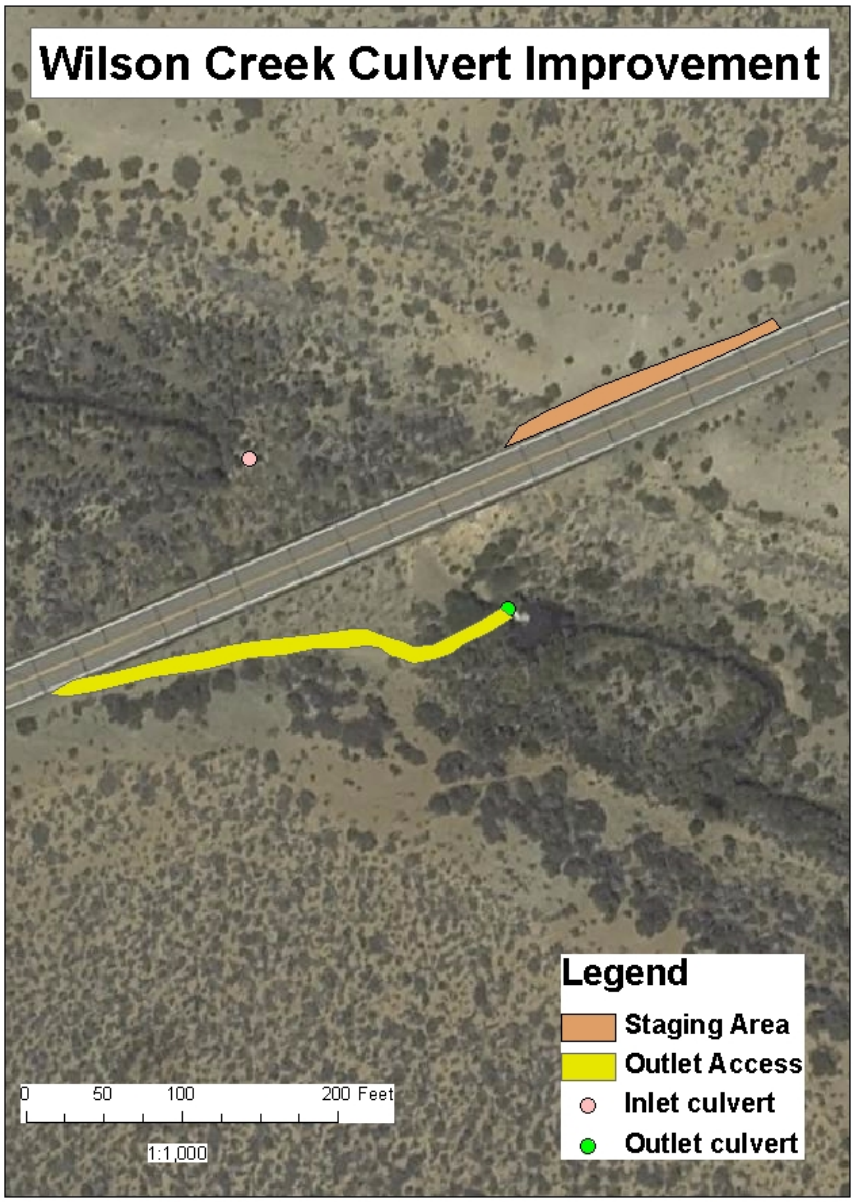
Thank you for your comments. Caltrans sent the draft environmental document to Mono County, the U.S. Bureau of Land Management and the U.S. Forest Service, and has coordinated with these agencies. Caltrans will continue to coordinate with these agencies throughout project planning. Caltrans will make every effort to construct during the fall, when Southern California Edison reduces flow and water rights will not be affected. **1**

Mike Schlafmann (U.S. Forest Service) was specifically consulted for his input regarding the project and the Mono Basin National Forest Scenic Area. Caltrans will continue to coordinate with Mike Schlafmann as the project plans are developed. **2**

The Mitigated Negative Declaration has been modified to also include cheat grass (*Bromus tectorum*), white sweetclover (*Melilotus alba*), and common mullein (*Verbasum thapsus*) as potential species in the project area. Equipment would be cleaned before use at the project to prevent spread of these species. **3**

The access route is on the south side of State Route 167, along a route that is somewhat disturbed and appears to have been previously used as an access road. The figure below shows where the access road would be located, and the photo shows the existing condition. The staging area is on the north side of the road because that is where a gravel pull-out exists. The site is also relatively visible. **4**

Caltrans would like to construct the project in late fall/early winter. This may depend on obtaining a waiver from the Lahontan Regional Water Quality Control Board as construction generally may not occur after October 15 (due to onset of the wet season). Although construction in late fall/early winter would reduce impacts on some flora and fauna, the Department of Fish and Game had concerns regarding construction impacts to spawning fish at that time (see p. 28 of this environmental document). **5**


Wilson Creek Culvert Improvement
Legend
Staging Area
Outlet Access
Inlet culvert
Outlet culvert
0
50
100
200 Feet
1:1,000

Outlet access