U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: INFORMATION:
South Lake Road
Inyo County, California
Categorical Exclusion

Date: January 25, 2017

From: Wendy Longley, P.E. (HFL-16) Wendy Longley
Project Manager

In Reply Refer To: HFPM-16

To: CFLHD Central File – CA FLAP INY CR2022(1), South Lake Road

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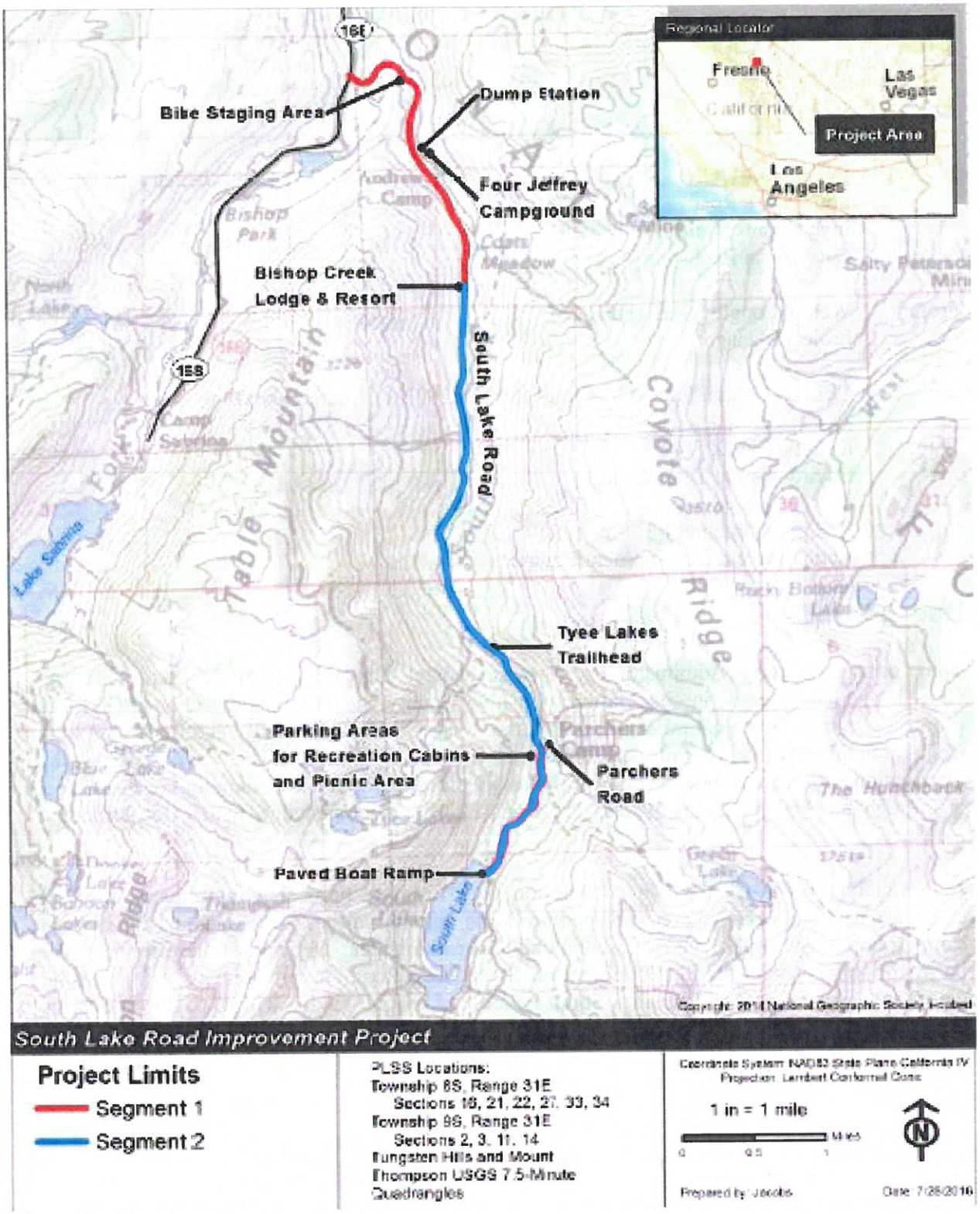
Background

The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD) as lead agency, in cooperation with Inyo County and Inyo National Forest (INF), is proposing to rehabilitate 6.9 miles of South Lake Road. CR 2022(1) South Lake Road is in Inyo County, approximately 15 miles southwest of Bishop, California. The route starts at the intersection with State Route 168 and continues 6.9 miles to South Lake. Funding for the project is through the Federal Lands Access Program (FLAP), in conjunction with a local funding match.

Additionally, FHWA-CFLHD, in cooperation with INF, are proposing improvements to (a) existing paved and unpaved areas adjacent to South Lake Road that are maintained by INF, (b) campground loops, and (c) the South Lake trailhead parking area. Delivery of these services will be in conjunction with the FLAP project on South Lake Road. Improvements to (a) existing paved and unpaved areas adjacent to South Lake Road will be funded with U.S. Forest Service (USFS) Capital Improvement and Maintenance Road (CMRD FS) funds. Improvements to (b) campground loops and (c) the South Lake trailhead parking area will be funded through the Federal Lands Transportation Program (FLTP FS).

Construction would likely occur over one construction season, weather dependent, and is currently scheduled for either 2019 or 2020 construction, funding dependent.

Figure 1. Vicinity Map of Project Location



Purpose and Need

The project route provides access to National Forest System (NFS) lands, specifically Inyo National Forest. This includes access to five campgrounds, one RV park, two lodges, two trailheads, two picnic areas, one boat ramp, and numerous privately-owned properties.

The purpose of this project is to improve and widen portions of South Lake Road and provide safety enhancements including signing, and striping. The roadway widening will accommodate a widened, shared-use shoulder in the lower portion of the corridor. This project will provide overall improved access to the Bishop Creek canyon and South Lake within the Inyo National Forest, which are high use and high economic generating Federal Lands destinations. The project will also rehabilitate paved and unpaved campground roads, loops, adjacent parking areas, entrance aprons, and the South Lake trailhead parking area.

The existing South Lake Road is a two-lane paved roadway with a paved roadway width varying from 21-27 feet. The roadway surface is showing signs of deterioration including thermal and block cracking with some areas showing signs of fatigue cracking. Roadway shoulder widths are typically narrow or non-existent. The speed limit on the route is currently not posted, with the exception of two locations posted at 25 mph and 15 mph. Crash data has been analyzed and there are several safety countermeasures to reduce the number of crashes.

Description of the Proposed Action

The general scope of this project is to rehabilitate the existing roadway; to pulverize and reclaim the existing pavement and portion of the existing subgrade for use as a new base course and overlay with a new asphalt concrete pavement section on 6.9 miles of South Lake Road, as well as minor widening along the first 2.1 miles to accommodate a widened, shared-use shoulder. The project includes grading, pulverizing existing pavement, replacing and/or repairing drainage structures (i.e. culverts), slope stabilization, rock scaling, placement of crushed aggregate base and asphalt pavement, signing, striping, and other safety-related features necessary to meet current design practice.

Based on the initial project scoping, the project was divided into three segments. Each segment had a different proposed roadway section based on existing pavement widths. It was determined during preliminary design that the roadway section of Segment 2 (i.e. STA 113+00 to STA 308+00) and Segment 3 (STA 308+00 to STA 364+00) should be combined into one segment (i.e. Segment 2) in order to maintain a consistent roadway width. The proposed roadway section for Segment 2 will be 22 feet, with 10-foot lanes and 1-foot shoulders.

Specifically, project elements include:

1) Segment 1: Rehabilitate and widen the first 2.1 miles from the intersection with State Route 168 (Station 1+00) to the Bishop Creek Lodge and Resort (Station 113+00) to accommodate a widened, shared-use shoulder. The proposed roadway section for this segment is 28 feet wide with 11-foot lanes and 3-foot shoulders. The existing paved width along this segment varies from 24-27 feet, with a wider bench width. Minor cuts and fills will be required where the proposed section does not fit within the existing

roadway bench. Construction of left-turn lanes into the Four Jeffrey Campground is also included in Segment 1.

2) Segment 2: Rehabilitate the next 4.8 miles from the Bishop Creek Lodge and Resort (Station 113+00) to the end of the project at Station 365+00. The proposed paved roadway section for this segment is 22 feet with 10-foot lanes and 1-foot shoulders. The existing paved width along this segment varies from 21-26 feet. In general, the original paved roadway width will be maintained, with only minimal widening proposed to maintain a consistent paved width.
3) Improvements to paved and unpaved pullouts maintained by the County.

Additional scope was requested by INF to rehabilitate additional paved and unpaved areas for several areas adjacent to South Lake Road, campground roads, campground loops and trailhead parking areas.

U.S. Forest Service (USFS) Capital Improvement and Maintenance Road (CMRD FS) funds will be used for these improvements. Specific project elements include:

Existing paved and unpaved areas adjacent to South Lake Road:

1) Proposed bike staging area at approximately Station 27+00 RT – new aggregate base, pave, stripe, and sign
2) Dump Station at Four Jeffrey's Campground at approximately Station 57+00 LT – pulverize, pave, and stripe existing paved area
3) Tyee Lakes Trailhead parking area at approximately Station 260+00 RT – new aggregate base, pave, stripe, and sign
4) Parking areas at LaHupp picnic area and recreation cabins at approximately Stations 314+00 RT, 319+00 RT, 323+00 RT, 324+00 RT, 330+00 RT, 347+00 RT – pulverize, pave, stripe and sign existing paved areas
5) Boat Ramp at the end of South Lake Road – pulverize and pave existing paved area (no work on concrete ramp itself)

The following improvements will be funded through the Federal Lands Transportation Program (FLTP FS):

Campgrounds:

1) Forks Campground at approximately Station 5+00 RT – pulverize, pave, and stripe the "L" portion of the campground road to the picnic area
2) Four Jeffrey Campground at approximately Station 57+00 LT – pulverize and pave Loops 2 and 3 and the connector road between Loop 1 and 4. Fog seal on the entrance road, and Loops 1 and 4. Gravel spurs for each campsite in Loops 2 and 3.
3) Mountain Glenn Campground at approximately Station 150+00 LT – reconstruct and widen the existing paved apron to a length of 30' (pulverize and pave)
4) Willow Campground at approximately Station 267+00 LT - reconstruct and widen the existing paved apron to a length of 30' (pulverize and pave), roadbed reconditioning with new surface course aggregate for the entrance road and loop, improvements to the any minor drainage structures

South Lake Trailhead parking area:

1) Reconstruct the roadway to the South Lake parking areas, and the boat trailer parking area (pulverize, pave, stripe, and sign) and overlay the South Lake parking areas. Work includes replacement of existing curbs.

Environmental Resources/Effects Analysis

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

1. Coastal Areas – The project is not located in a coastal area.
2. Environmental Justice - The proposed project occurs in a rural environment and does not involve effects to specific communities or populations and therefore would not have disproportionate effects on minority or low-income populations.
3. Farmlands – There are no prime or unique farmlands or farmlands of local or statewide importance within the project area.
4. Wild and Scenic Rivers – There are no designated wild and scenic rivers rivers within the project area.
5. Hazardous Waste Sites – A desktop search did not reveal any hazardous waste sites. A field reconnaissance did not result in the identification of any potential hazardous waste sources.
6. Section 6(f) Lands –No Section 6(f) lands are located within the project area.

This project would have no significant impacts on the following resources:

1. **Air Quality:**

Under the Clean Air Act, The U.S. Environmental Protection Agency (EPA) has established national ambient air quality standards (NAAQS) to protect public health and the environment. The criteria pollutants as defined by the EPA are: carbon monoxide (CO), lead (Pb), nitrogen dioxides (NO2), ozone (O3), and particle matters 10 and 2.5 (PM10 and PM2.5). This project occurs within Inyo County which is designated by the EPA as being an area of non-attainment for PM_{10} (CA EPA 2015).

The proposed project addresses safety concerns on South Lake Road that include roadway pulverizing/pavement removal and paving, addition of designated shoulders, slope stabilization, rock scaling, placement of crushed aggregate base and asphalt pavement, drainage improvements, signing, and striping. Based on 40 CFR Ch.1 § 93.126, all of the proposed actions are types of activities that are exempt from the conformity regulations. The proposed project does not involve increasing capacity through the creation of additional vehicle travel lanes as it will remain a two-lane road. Therefore, no further air quality analysis is required.

Although there will be temporary impacts to air quality during construction; best management practices will be implemented to minimize fugitive dust during construction (see Appendix A: Standard Environmental Commitments Table). No long-term impacts to air quality are anticipated as a result of the proposed project.

2. **Cultural Resources:**

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), Jacobs Engineering Group Inc. performed a cultural resources investigation comprised of an archival literature review and a Class III archaeological survey for the project's Area of Potential Effect (APE). The survey was conducted May 23 thru May 26, 2016.

Four resources were identified within the APE, including one previously recorded resource within a NRHP-eligible district (South Fork Bishop Creek Flowline, P-14-4825), one resource that had been previously determined not eligible for listing on the NRHP (Utter Recreation Residence Tract, FS# 05-04-53-1727), and two newly recorded resources. The two new resources within the APE include SL-24-1/CA-INY-09888 (large prehistoric lithic scatter) and the SL-24-2/CA-INY-09887 (small/sparse lithic scatter). Due to the density and variety of artifacts, SL-24-1/CA-INY-09888 has a high potential of being pertinent to regional research questions and will thus be considered eligible for listing on the NRHP for this current undertaking. However, Site SL-24-2/CA-INY-09887, having been previously disturbed and lacking in artifact variety and density, has very limited potential for providing data to address regional research questions. Based on these conclusions, SL-24-2/CA-INY-09887 is recommended as not eligible for listing on the NRHP.

Both NRHP-eligible resources, South Fork Bishop Creek Flowline and SL-24-1/CA-INY-09888 will be avoided by the project. Because the latter resource is immediately adjacent to the road shoulder, adverse effects to this resource during construction will be avoided by designating the site an Environmentally Sensitive Area. Fencing or some other perimeter protection will be erected in order to avoid inadvertent damage during construction.

The project has been designed to avoid the South Fork Bishop Creek Flowline identified within the APE; therefore, FHWA-CFLHD determined this undertaking would have "*no effect*" on the Bishop Creek Hydroelectric System (P-14-4825).

By shifting the roadway west away from SL-24-1/CA-INY-09888, the project has avoided direct impacts to this eligible resource; however, a portion of the *previously disturbed* roadway shoulder, within the site boundary, will be impacted by the fillslope of the road. The individual features within the site will be avoided; therefore, FHWA-CFLHD has determined that the undertaking will result in "*no adverse effect to historic properties*" pursuant to 36 CFR 800.5 of the NHPA.

On December 27, 2016, SHPO concurred with the determination that no historic properties will be adversely affected as a result of the proposed action given the following conditions:

- The entire site boundary of SL-24-1/CA-INY-09888 will be established as an environmentally sensitive area (ESA) (both delineated in the field and on all construction plans) and will be avoided during all construction activities;
- Prior to construction, FHWA-CFLHD will be responsible for providing training to construction personnel prior to construction activities that at a minimum will include the following:
    - A discussion on environmentally sensitive areas (ESA) within the construction area and an overview of historic preservation laws;

- Roles and responsibilities, including procedures to be followed in the event of a post review discovery, an unanticipated effect, and/or an ESA violation;
- On site archaeological and Native American monitoring by FHWA-CFLHD staff, or their representatives, during the installation and removal of the ESA boundary.

The project avoidance and minimization measures listed above can also be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

3. **Land Use:**

South Lake Road is a county-owned and maintained road that provides access to Inyo National Forest south of the City of Bishop, CA. Lands managed by the INF are guided by the management prescriptions in the *Inyo National Forest Land and Resource Management Plan* (1988). South Lake Road, and its associated recreational facilities, are located within the "Bishop Creek –Buttermilk Management Area" and are managed as a Concentrated Recreation Area (USFS 1988). In the *Draft Revised Land Management Plan for INF* (Revised Plan) (May 2016), South Lake Road falls into the "Bishop to Convict Creek Recreation Place", and is managed as a High-Use Overnight. The management purpose of the Concentrated Recreation Area and High Use Overnight prescription is to provide a broad range of facilities and recreational opportunity for large numbers of people safely, conveniently, and with little resource damage. The prescription includes provisions that either emphasize or permit the type of road maintenance activities proposed under this project.

There is no designated wilderness or Research Natural Areas within the project corridor; however, the John Muir Wilderness Area is located to the west of the project corridor, outside of the Concentrated Recreation Area. The project corridor is also located adjacent to the Coyote North, Coyote Southeast, and Table Mountain Inventoried Roadless Areas (IRA); however, no work is proposed within these designated areas.

South Lake Road also provides access to residential homes and commercial properties. Inyo County has zoned these areas as rural residential, commercial or commercial recreation. The majority of privately owned land is clustered at MP 2.1 and is associated with an RV park and Bishop Creek Lodge. A small number of privately-owned cabins on USFS land are also scattered along the project corridor. The South Lake Road improvement project is listed as a Tier 2 transportation project in the Inyo County 2015 Regional Transportation Plan (2016). The project does not conflict with Inyo County zoning or the county's General Plan (Inyo County Planning Department 2001), which outlines land use designations for private property along South Lake Road.

4. **Noise:**

The noise environment in the vicinity of the project is typical of undeveloped forest and rural lands. The predominant existing noise source in the corridor is vehicular traffic on the road. Sensitive receptors represent all land use activity categories where the FHWA noise abatement criteria specify exterior and interior noise levels. Land use activity categories include residences, recreation areas, hotels, schools, churches, libraries, and hospitals. Noise sensitive receptors

along the project route include five campgrounds, two lodges with numerous cabins, one RV park, two picnic areas, numerous residential properties, and one boat ramp. With the exception of the boat ramp, the receptors are located approximately 30 to 800 feet from the roadway.

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

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

A sound level measured from a point source decreases at a rate of 6 dBA per doubling of distance (FHWA 2011). Based on the maximum noise levels from construction activities and the distance of noise sensitive receptors from the road, temporary noise levels associated with construction activities are anticipated to exceed levels that would be expected in a rural setting such as at campgrounds and rural residences. To limit noise impacts, operation of heavy equipment would be limited to ½ hour after sunrise through ½ hour before sunset, with the exception of replacement/repair of large culvert crossings. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at the campgrounds, lodges, and residences are at their lowest. Scheduled night work would only occur at culverts located far from residences, campgrounds, and overnight lodging. With these avoidance and minimization measures in place, noise impacts are anticipated to be minor.

The project avoidance and minimization measures listed above can also be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

5. **Recreation**:

South Lake Road provides access to Inyo National Forest south of Bishop, CA, and is part of the Bishop Creek-Buttermilk Management Area in Inyo National Forest. The road provides direct access to five campgrounds, one RV park, two lodges, two trailheads, two picnic areas, and the boat ramp to South Lake. South Lake Road, and its associated recreational facilities, is part of the "Bishop Creek concentrated use recreation area", best known for its camping and fishing opportunities (USFS 1988). In the *Draft Revised Land Management Plan for INF* (Revised Plan) (May 2016), South Lake Road falls into the "Bishop to Convict Creek Recreation Place",

and is categorized as "High-Use Overnight". These places have local and regional significance as a recreational destination. More highly developed infrastructure is prevalent in order to handle high volumes of visitors. Recreational areas along South Lake Road host thousands of visitors on an annual basis.

According to the *Inyo National Forest Land & Resource Management Plan* (1988), one goal is to construct developed sites within the Bishop Creek concentrated use area as funds become available. The proposed project will improve recreational amenities by widening the first 2.1 miles of South Lake Road to accommodate a widened, shared-use shoulder. The project will also be repaving campground loops and parking lots.

The project will be constructed during summer months when recreational use is at its peak; however, South Lake Road will remain open allowing access to recreational amenities. The majority of the road work will require one lane closures of the road, which will cause short delays for traffic. Temporary traffic delays will be restricted to less than 60 minutes on South Lake Road. Short term closures may be necessary during a limited number of days during the construction season to repair and/or replace large culverts, pave parking lots and campground loops, and perform rock scaling. Temporary road closures will be limited to 3-hour time slots during daytime hours for the purpose of culvert repair/replacement and rock scaling only. The public will be notified of pending traffic delays and any short term closures.

No long term negative impacts to recreational resources are anticipated with this project.

The project avoidance and minimization measures listed above can also be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

6. Floodplains

An assessment was performed by FHWA-CFLHD to identify and evaluate if the proposed project resulted in an encroachment on an existing flood plain. Results indicated that the project is not located within an existing regulated Flood Plain based off National Flood Insurance Program (NFIP) maps; therefore no regulated floodplains will be impacted.

7. Right of way:

A DOT Highway Easement Deed will be developed for Inyo County. This easement will allow for the county to perform routine maintenance on the roadway through federally owned lands (Forest Service). Coordination with Inyo County and the Forest Service for the deed is ongoing at this time.

Initial research indicates there are up to 12 private parcels immediately adjacent to the project route. Sliver takes (i.e. acquisition of a thin slice of parcel directly adjacent to the roadway) from a few private parcels may be necessary to widen the roadway. No total takes or relocations are anticipated.

Based upon a review of other past, present, and reasonably foreseeable actions occurring within the Forest and adjacent area, including land use and management-related decisions, FHWA has

determined that the proposed transfer will have no direct, indirect, or cumulative effects on the human or natural environment and does not require further environmental analysis.

8. **Section 4(f) Properties:**

As part of the environmental analyses for this project, FHWA must comply with Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966, which is now codified in 49 U.S.C. Section 303. Section 4(f) states that the FHWA may not grant approval for a project if the project uses land that is a publicly-owned park, recreation area, wildlife and waterfowl refuge, or any significant historic site, unless (1) there is no prudent and feasible alternative to the use of such land, and (2) any such program or project includes all possible planning to minimize harm to these resources. Section 4(f) applies only to the actions of agencies within the USDOT, including the FHWA.

The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to avoid transportation use of historic sites and publicly owned recreational areas, parks, or wildlife and waterfowl refuges. These properties are also known as 4(f) properties. The Section 4(f) properties within the project area include developed recreational facilities; land designated as recreational land of local and regional significance; and one prehistoric site.

As described under *Recreation,* South Lake Road, and its associated recreational facilities, is part of the "Bishop Creek concentrated use recreation area" (USFS 1988). In the *Draft Revised Land Management Plan for INF* (Revised Plan) (May 2016), South Lake Road falls into the "Bishop to Convict Creek Recreation Place", and is categorized as "High-Use Overnight". The South Lake Road corridor has been identified as being a recreational destination of local and regional significance by Inyo National Forest (USFS 1988, USFS 2016). Because of its recreational significance, any land within the designated corridor that is permanently incorporated into a transportation facility will be considered a Section 4(f) impact.

The proposed project includes widening the first 2.1 miles from the intersection with State Route 168 (Station 1+00) to the Bishop Creek Lodge and Resort (Station 113+00) to accommodate a widened, shared-use shoulder. The proposed roadway section for this segment is 28 feet wide with 11-foot lanes and 3-foot shoulders. It is estimated that 10.35 acres of recreational land will be permanently incorporated into a transportation use. The incorporation of this land has been analyzed using the Section 4(f) Programmatic entitled, "*Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property*". As defined by FHWA, a Net Benefit is achieved when the transportation use, the measures to minimize harm, and the mitigation incorporated into a project result in an overall enhancement of the Section 4(f) property when compared to both the "no-build" or avoidance alternatives and the present condition of the Section 4(f) property.

Repaving existing recreational facilities (i.e. campgrounds, trailheads, parking areas, boat ramp) will require temporary, full or partial closures of each facility during construction. FHWA CFLHD has determined these impacts meet the criteria of a "temporary occupancy" of a Section 4(f) resource according to 23 CFR 774.13 (d). These five criteria, explained below, if met, allow

for a streamlined process of a Section 4(f) analysis. The fifth criterion is the concurrence of the official with jurisdiction over the Section 4(f) resource.

FHWA CFLHD understands the following temporary occupancy criteria to be true:

a. The duration of the occupancy of any of the existing recreational facilities (i.e. campgrounds, trailheads, parking areas, boat ramp) will be temporary and there will be no change in ownership.

Construction of the entire project is planned to last 7 months. Repaving of each recreational facility will be short in duration, ranging in time from less than a day to up to 3 weeks, depending on the area to be repaved. Larger facilities may undergo a partial closure in order to allow continuous recreational use.

b. The scope of the work will be minor, i.e., both the nature and magnitude of the changes to the Section 4(f) property.

A temporary closure of the recreational facilities will be necessary to repave the existing driving surface. There will be no permanent changes to the Section 4(f) property.

c. There are no anticipated permanent adverse physical impacts nor will there be interference with the protected activities, features, or attributes of the developed recreational facilities on either a temporary or permanent basis.

There will be no permanent impacts to the protected activities, features, or attributes that qualifying any of the existing recreational facilities as a Section 4(f) resource. All impacts would be temporary in nature.

d. The land will be fully restored, i.e., the property will be returned to a condition at least as good as that which existed prior to the project.

Repaving of deteriorated driving surfaces will return conditions at these facilities to a level that is improved over existing conditions.

e. The concurrence with this letter provides the documented agreement of the official with jurisdiction over the Section 4(f) resource that the above criteria are met with the project.

As described under *Socioeconomics*, traffic delays during construction could cause inconvenience to recreationalists accessing these facilities. Temporary closures of campgrounds and parking lots will be necessary in order to repave campground access roads and parking areas. As described under *Noise*, noise levels during construction may exceed the maximum allowable levels identified in county codes and guidance. Noise impacts near campgrounds would be of short duration and would occur during daytime hours when noise-sensitivity at campgrounds is the lowest. These short-term proximity effects would not substantially diminish the activities, features, and attributes of the recreational properties along the project corridor. The project will not result in a use of these recreational facilities.

FHWA-CFLHD has coordinated with the USFS on the proposed project and the avoidance and minimization of impacts. The USFS is in support of the project and in agreement with the avoidance and minimization measures. The project has a net benefit by providing both a safe and sustainable road and by preserving and enhancing recreational facilities for visitors to the Inyo National Forest. Written concurrence was received from the USFS in a letter dated January 9, 2017.

As described under *Cultural Resources*, one archaeological site (SL-24-1/CA-INY-09888) is considered eligible for under the NHPA. Due to avoidance measures, FHWA determined that the proposed undertaking will have no adverse effect to the resource. In a letter dated December 27, 2016, the California SHPO concurred with the finding of no adverse effect. As the project will not adversely affect the qualities of the historic property, it is exempted from 4(f) approval in accordance with 23 CFR 774.13(a)1-2.

Project avoidance and minimization measures can be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

9. **Social and Economic**:

The city of Bishop, located in northwest Inyo County, is the closest full-service community to South Lake Road and recreational users in White Mountain Ranger District in Inyo National Forest, nearby Bureau of Land Management land holdings, and designated wilderness areas. As such Bishop provides key services to the users of federally managed lands in the area.

This project is not anticipated to have long-term adverse impacts on the surrounding community. The City of Bishop is accessed via Hwy 168 from the east and west, by Hwy 6 from the northeast, and Hwy 395 from the north and south. Work on South Lake Road will not require road closures on any of these highways, and thus will not limit access to the City of Bishop. South Lake Road, located 15 miles south east of Bishop, provides access to 20+ rural residences, a handful of seasonal cabins, two lodges, and an RV park. Effects to recreational resources and businesses accessed via the project route would include temporary construction related access issues due to traffic delays and road closures. Typical traffic delays during construction are anticipated to be up to 30-60 minutes. Access to private residences will be maintained with short delays to all private residences, lodges, and RV parks. Paving of parking lots and campground roads may require short term closures of up to several days. Closures would be scheduled to occur weekdays and weekends, but would not occur during holidays or special events. Advance notice of temporary closures will be provided to INF. These impacts would be temporary and last the duration of the construction period. Construction would take approximately seven to nine months. Uninterrupted access for emergency vehicles will be maintained throughout the construction phase. Public notices of construction locations, dates, and times will be provided in advance through on-site signage, and other methods as appropriate.

Project avoidance and minimization measures can be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

10. **Threatened, Endangered, and Sensitive Species:**

A Biological Assessment/Biological Evaluation (August 2016) has been completed to evaluate the extent to which the proposed action may affect threatened, endangered, or candidate species pursuant to the Federal Endangered Species Act and if the proposed project may affect any USFS sensitive species to an extent that would result in a trend toward federal listing of those species, as specified in Forest Service Manual 2670. The presence of USFS Management Indicator species and California state special status species in the project area was also researched. The methodology and findings of the BA/BE are summarized below.

The project area was evaluated for the presence of, and potential to support, Federal Endangered Species Act listed, State of California listed, and USFS sensitive plant and wildlife species. Data from the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game Natural Diversity Database (CNDDB), California Native Plant Society (CNPS), and the USFS were reviewed to identify special-status species that occur, or have the potential to occur, in the project area vicinity. Habitat assessments and a reconnaissance-level botanical survey was conducted on May 17 and 18, 2016, along the project route.

As a result of the data searches, including a 9-quad CNDDB search, a total of 137 species were considered and evaluated for presence of required habitat (including soils, climate, disturbance, plant communities, etc.) within the project area. Due to lack of suitable habitat conditions or known presence in the South Fork Bishop Creek drainage, 123 were eliminated from further analysis. It was determined that five wildlife and 11 botanical species have the potential to occur within the project area. In addition, one federally-proposed critical habitat designation occurs within the project limits.

These species are detailed in Table 1.

Table 1. Special Status species and species of special concern considered in the effects analysis for the proposed project.

Common Name	Scientific Name	FED[1]	STATE[2]	CDFW/ CNPS[3/4]	USFS[5]	Habitat	Finding
Sierra Nevada bighorn sheep	Ovis canadensis sierra	FE	SE	FP	–	Rocky steep slopes andcnayons with adjacent open areas; forages in meadows and scrubland.	**FESA:** No effect **CESA:** No Impact **CEQA:** No Impact
Bald eagle	Haliaetus leucocephalus	–	SE	FP	S	Rivers, large lakes, and other open areas of water.	**CESA:** No Impact **CEQA:** No Impact **USFS:** No impact
Father Crowley's lupine	*Lupinus padre-crawleyi*	–	SR	1B.2	S	Great Basin scrub, riparian forest and scrub, montaine coniferous forest	**CESA:** May Adversely Impact **CEQA:** Less than Significant Impact **USFS:** May impact individual but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing
Northern goshawk	*Accipiter gentilis*	–	–	SSC	S	Coniferous forests, preferring mature or late successional forests.	**CEQA:** Less than Significant Impact **USFS:** May impact individual but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing
Wong's springsnail	*Pyrgulopsis wongi*	-	-	–	S	Restricted to caves and mines with suitable microclimates	**CESA: N/A** **CEQA: Less than Significant Impact** **USFS:** May impact individual but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing
Owens sucker	*Catostomusfumeiventris*	–	–	SSC	–	Desert marshes in areas with cold winters. Once occurred in the Owens River and its associated sloughs and marshes.	**CEQA:** Less than Significant Impact with Mitigation
Yellow Warbler	*Setophaga petechial*	–	–	–	MI	Thickets along streams and wetlands, often amoung willows and aspen.	**USFS:** May impact, but is not likely to result in a loss of viability , nor cause a trend towards federal listing
Scalloped Moonwort	*Botrychium crenulatum*	–	–	2B.2	S	Lower montane coniferous forest, marsh, swamp, meadows and seeps	**CEQA:** Less than Significant Impact **USFS:** May impact individual but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing
Upswept Moonwort	*Botrychium ascemdems*	–	–	2B.3	S	Lower montane coniferous, meadows and seeps	**CEQA:** Less than Significant Impact **USFS:** May impact individual but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing
Fringed chocolate chip lichen	*Solorina spongiosa*	–	–	2B.2	–	Meadows, seeps, alpine, subalpine coniferous forests with carbonate soils, moss mats	**CEQA:** Less than Significant Impact
Great Basin onion	*Allium atrorubens var. atrotubens*	–	–	2B.3	–	Great Basin scrub, pinyon and juniper woodlands with rocky or sandy soils	**CEQA:** Less than Significant Impact
Inyo beardtongue	*Penstemon papillatus*	–	–	4.3	–	Pinyon and juniper woodland, subalpine coniferous forests, rocky, granitic soils	**CEQA:** Less than Significant Impact
Little bulrush	*Trichophorum pumilum*	–	–	2B.2	–	Bogs, fens, marsh, swamp, riverbanks with carbonate soils	**CEQA:** Less than Significant Impact
Robins' pondweed	*Potamogeton robbinsii*	–	–	2B.3	–	Marsh, swamp, deep water lakes above 5,000 feet elevation	**CEQA:** Less than Significant Impact
Small mousetail moss	*Myurella julacea*	–	–	2B.3	–	Alpine boulder and rock fields, subalpine coniferous forest, damp rock and soil	**CEQA:** Less than Significant Impact
Small-flowered grass-of-Parnassus	*Parnassia parviflora*	–	–	2B.2	–	Meadows, seeps, wetlands in mesic soils	**CEQA:** Less than Significant Impact
Tall draba	*Draba praealta*	–	–	2B.3	–	Meadows, seeps, wetlands in mesic soils	**CEQA:** Less than Significant Impact

STATUS CODES:

1: USFWS Status

FE – Federally listed as endangered
FT – Federally listed as threatened
FC– Federal candidate for listing
PT – Federally proposed as threatened

2: State Status

SE – State listed as endangered
SR -State listed as rare
ST – State listed as threatened
SC – State species of Concern
CT- Candidate threatened

3: CDFW Status

FP – Fully Protected
SSC – Species of Special Concern
WL -Watch List

4. CNPS Status

1A – Plants presumed extinct in California
1B – Plants rare, threatened, or endangered in California and elsewhere
2 – Plants rare, threatened, or endangered in California, but more common elsewhere
3 – Plants about which we need more information – a review list
4 – Watch list, limited distribution

CNPS threat code extensions

.1 – Seriously endangered in California.
.2 – Fairly endangered in California.
.3 – Not very endangered in California.

5. Forest Service Status

S -Sensitive
MI-Management Indicator Species

Sierra Nevada Yellow-legged Frog Proposed Critical Habitat

The southern portion of the action area is located within proposed critical habitat for the Sierra Nevada yellow-legged frog (*Ovis Canadensis sierra*). USFWS described the characteristics required to sustain life-history processes of the Sierra Nevada yellow-legged frog, or primary constituent elements (PCEs) (USFWS 2013). The PCEs of this species' critical habitat are:

1) Aquatic habitat for breeding and rearing that is permanent or close to permanent water bodies.
    a. Be of sufficient depth.
    b. Maintain a natural flow pattern, including periodic flooding, and have functional community dynamics.
    c. Be free of fish and other predators.
    d. Maintain water for 2 years during the entire tadpole phase.
    e. Contain bank and pool substrates, shallower lake microhabitat with solar exposure, open gravel banks, aquatic refugia, and sufficient food resources for tadpole growth and development.
2) Aquatic non-breeding habitat (including overwintering habitat) providing for shelter, foraging, predator avoidance and aquatic dispersal. It may contain the same characteristics as aquatic breeding and rearing habitat that may not hold water long enough for the species to complete its life cycle.
3) Upland areas that provide for feeding or movement up to 80 feet from the bank or shoreline having a canopy overstory that is sufficiently thin and generally not to exceed 85 percent canopy to allow sunlight to reach the aquatic habitat for basking areas.

Habitat within the Action Area

The nearest historical occurrence (circa 1985) of the species from CNDDB data is within the project limits (CDFW 2016). However, USFS has confirmed that no individuals of this species occur up the South Fork Bishop Creek drainage (FHWA 2016a). Although the action area

contains proposed critical habitat, PCEs 1 and 2 are not met within the action area, as none of the waters are fishless. USFS INF believes the proposed critical habitat in the South Lake area may be unwarranted as all the streams in this watershed have high fish populations. This watershed supports a very popular recreational sport fishery.

Direct and Indirect Effects
As the PCEs are not fully met within the action area of the proposed project, no direct or indirect effects to the proposed critical habitat of the Sierra Nevada yellow-legged frog would occur.

Conservation Measures
No conservation measures would be required for the proposed critical habitat.

Determination
The proposed action is not likely to destroy or adversely modify the proposed critical habitat for the Sierra Nevada yellow-legged frog.

Other Fish and Wildlife

Construction of the project requires the replacement or repair of three culverts along the mainstem of South Fork Bishop Creek. Culvert work will require temporary stream diversions and isolated work areas. These actions will require approximately 30 linear feet of stream to be dewatered on both the upstream and downstream ends of each culvert. It is estimated that the replacement/repair of each of these culverts will take up to four weeks.

The California Department of Fish & Wildlife (CDFW) designates important waters for the production of wild trout in the State of California as either Heritage Trout Water or Wild Trout Water. The South Fork of Bishop Creek is not designated as one of these waters. Lakes within the South Fork Bishop Creek watershed are regularly stocked with trout in order to support sport fishing.

Rainbow trout spawn in South Fork Bishop Creek during early spring snowmelt. Spawning rainbow trout may be present during in-water work activities for the proposed project. Impacts to rainbow trout, and other fishery resources, are anticipated to be negligible. Stream diversions will be temporary, and will only limit access to habitat immediately upstream and downstream of the culvert. These diversions will occur immediately adjacent to South Lake Road where stream habitat tends to be disturbed due to routine maintenance of culverts and South Lake Road. Work area isolation around the culverts will also minimize the introduction of sediment into the stream and will help maintain baseline turbidity levels in the creek.

Avoidance and Minimization Measures

Project avoidance and minimization measures incorporated into the project to avoid or reduce impacts to the federal, state, or USFS INF sensitive species include the following:

- Do not disturb the area beyond the construction limits. Replace trees, shrubs, or vegetated areas damaged by construction operations as directed.

- Work zone will be isolated from flowing water during culvert replacement and/or repair if work needs to occur below ordinary high water.
- Provide soil erosion and sediment control measures according to the contract erosion and sediment control plan, contract permits, Sections 107, 157 and 208 of "Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects" FP-14.
- Any spill of petroleum products, hazardous materials, or other chemical or biological products released from stationary sources or construction, fleet, or other support vehicles shall be properly cleaned, mitigated, and remedied, if necessary. Any spill of petroleum products or a hazardous material shall be reported to the appropriate federal, state, and local authorities, if the spill is a reportable quantity. Response shall occur in accordance with federal, state, and local regulations.
- The contractor shall repair leaks immediately on discovery. Equipment that leaks shall not be used. Oil pans and absorbent material shall be in place prior to beginning work. The contractor shall be required to provide the "on-scene" capability of catching and absorbing leaks or petroleum product spills, including antifreeze from breakdowns or repair actions, with approved absorbent materials. A supply of acceptable absorbent materials at the job site in the event of spills, as defined in the SWPPP, shall be available. Sand and soil are not approved absorbent materials. Soils contaminated with fluids shall be removed, placed in appropriate safety containers, and disposed of according to state and/or federal regulations.

The project avoidance and minimization measures listed above, along with additional measures, can be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

11. **Utilities:**

Overhead power lines, owned by Southern California Electric, parallel the road from Four Jeffrey Campground to the southern extent of the project at South Lake. There may be up to 5 poles that require relocation. USFS owned water and sewer lines, and phone lines are also present along the project route. Utility relocations or adjustments may need to occur before or during construction.

If utility conflicts are identified, the contractor will be required to properly locate all utilities, and conduct necessary coordination with utility companies throughout construction.

12. **Vegetation and Noxious Weeds:**

Vegetation within the project limits is significantly different between the northern end at 7,800 feet elevation, and the southern end at 9,800 feet elevation. Vegetation at the lower elevations, near SR 168, is characteristic of the eastern Sierra Great Basin slopes ecoregion and is dominated by common sagebrush (*Artemisia tridentata*), pinyon pine (*Pinus monophylla*), and bitterbrush (*Purshia tridentata var. tridentata*). As the elevation increases, the vegetation community transitions to coniferous forest and mountain meadows and is dominated by ponderosa pine

(*Pinus ponderosa*) and lodgepole pines (*Pinus contorta*). Riparian areas near South Fork Bishop Creek and its tributaries are dominated by yellow willow (*Salix lutea*), Geyer's willow (*Salix geyeriana*), black cottonwood (*Populus balsimifera*), and water birch (*Betula occidentalis*).

South Fork Bishop Creek crosses under South Lake Road five times via large concrete box culverts or smaller corrugated metal pipes. South Fork Bishop Creek is a perennial creek with an average width of 20 to 25 feet from bank-to-bank and an estimated depth of 2 to 3 feet. Downslope and outside of the survey area, it eventually drains into Bishop Creek and then into the Owens River. The other creeks identified in the survey area are tributaries of South Fork Bishop Creek or unnamed drainage features that drain into South Fork Bishop Creek.

According to the *Inyo Forest Land and Resource Management Plan* (1988), new development and /or surface disturbance in riparian areas are only allowed after on-site evaluations have determined that "riparian-dependent" resources are not adversely affected, or mitigation of adverse impacts is identified and incorporated in project design and implementation specifications". "Riparian areas" are defined in the INF Land and Resource Management Plan (1988) as areas that, at a minimum, include all land within a 100-foot horizontal distance from the edge of standing bodies of water, lakes, and perennial streams. The *Draft Land Management Plan for the Inyo National Forest* (May 2016) defines "riparian conservation areas" as a horizontal buffer measured from the bank full edge of a stream. Perennial streams, such as South Fork Bishop Creek, have a 300-foot riparian conservation area on each side of the stream. Seasonal streams have a 150-foot riparian conservation area on each side of the stream.

The proposed project will require work in "riparian conservation areas" to replace culverts or modify existing culverts. Impacts to riparian zones in these areas would be considered temporary and negligible. Widening the road for the first 2.1 miles of the project corridor will require new cuts and fills within the riparian conservation area of Middle Fork and South Fork Bishop Creeks. Due to the proximity of South Lake Road to the Middle and South Forks of Bishop Creek, road widening will occur within the 300-foot riparian buffer for 1.6 linear miles; however, most of the impacts will be to high desert scrub. Only 0.5 linear miles of this section is adjacent to a forested riparian zone. Mitigation efforts to avoid and mitigate for riparian impacts will be negotiated with INF. Mitigation efforts may include the following:

- Limit use of heavy equipment on wet or poorly drained soils to what is necessary. Use ground protection mats when access is necessary to these areas.
- Stockpile topsoil in areas proposed for ground disturbance, and then redistribute as a top layer to promote plant growth.
- Establish native plant species on disturbed ground. A list of appropriate plant species will be obtained from INF.
- Limit the removal of trees within 100 feet of the ordinary high water mark in order preserve riparian functions to the inner riparian zone.

While the project may require the removal of limited amounts of riparian habitat, no adverse effects to riparian dependent resources are anticipated with the implementation of the above mitigation measures.

Noxious Weeds

Best management practices will be implemented to prevent introduction of noxious weeds (see Appendix A, Standard Environmental Commitments Table). Plant material for revegetation will follow the seed mix recommended by Inyo National Forest. Given these management requirements, the proposed project will have minor potential to spread noxious weeds.

The project avoidance and minimization measures can be found in Appendix A in the Standard Environmental Commitments Summary Table (Table 2).

13. **Visual Quality:**

South Lake Road traverses a landscape that changes from sagebrush scrub to lodgepole and ponderosa pine forest and ranges in elevation between 7,800 feet amsl and 9,800 feet amsl through the Sierra Nevada Mountains.

The *Inyo National Forest Land & Resource Management Plan* (USFS 1988) and the *Draft Revised Land Management Plan for INF* (May 2016) identifies Visual Quality Objectives (VQOs) by management prescription. VQOs describe the degree to which the natural landscape can acceptably be modified. In both plans, the VQO for the project area is "Retention" which indicates that modifications must not be visually evident. The proposed maintenance activities on the existing road would be consistent with this objective. The proposed project involves rebuilding an existing paved road, replacing/modifying existing culverts, and repaving existing campground access roads and parking lots. Minor amounts of cut and fill will be necessary to widen the first 2.1 miles of South Lake Road to accommodate a widened, shared-use shoulder, suitable for bike access. Although pavement might be slightly wider and shoulders more uniform in width, it is not expected that the changes to the characteristic landscape would be evident and would not attract attention. Guardrails will be treated with a coloring agent such as Natina so that they are not obtrusive in the existing landscape.

None of the proposed improvements would block or impede the existing scenic views. Direct visual effects are anticipated to be minor.

14. **Water Quality:**

The project area is part of the greater Crowley Lake watershed (Hydrologic Unit Code [HUC 8, 18090102), and spans two subwatersheds, the South Fork Bishop Creek (HUC12, 180901020601), and Middle Fork Bishop Creek (HUC12, 180901020602). Both subwatersheds are tributaries to Bishop Creek, which flows north and east to the Owens River. None of the aforementioned creeks are 303(d) listed; however, Crowley Lake, located over 40 river miles downstream, is 303(d) listed for ammonia and dissolved oxygen.

Both South Fork Bishop Creek and Middle Fork Bishop Creek are considered "functioning properly" by the USFS Watershed Condition Framework

(https://apps.fs.usda.gov/nfs/nrm/wcatt/WCFMapviewer/).

According to the State of California's Water Quality Control Plan for the Lahontan Region (2005), the beneficial uses of Bishop Creek include Cold Freshwater Habitat; Spawning, Reproduction, and Development; and Wildlife Habitat. In summary, Bishop Creek and its tributaries provide cold stream temperatures, riparian vegetation, fish habitat, and an abundant prey population to support healthy aquatic and riparian ecosystems. Removal of riparian vegetation can lead to increased water temperatures, a reduction in wildlife habitat, and a reduction in prey populations. Removal of riparian vegetation will be limited to that which is necessary to repair and replace culverts, maintain site distance along roads, campgrounds, and parking lots.

Because the project requires widening the road in Segment #1, the amount of impervious area will increase from 6.5 acre to 7.63 acres, an increase of 0.98 acres. The drainage flows discharged from the roadway are currently conveyed via roadside ditches and culverts and this condition would be maintained. There is the potential for a short-term increase in sediment levels because of ground disturbing activities associated with vegetation removal adjacent to the roadway, replacement and/or extension of culverts, and placement of riprap in waterways. However, these impacts would be avoided and/or minimized by the use of BMPs discussed below.

A Storm Water Pollution Prevention Plan will be developed for the proposed project to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage. This plan will include measures that serve as BMPs, including permanent measures, to reduce the potential for impacts to water quality and comply with the INF Management Area for water quality (USFS 1988, USFS 2016), and the Water Quality Control Plan for the Lahontan Region (State of California 2005). The BMPs for erosion and sediment control focus primarily on protecting receiving waters and water sources in areas of construction activity. BMPs include, but are not limited to, silt fencing, inlet protection, and riprap outlet protection at culverts. Roadside ditches will be protected during construction. The Contractor and the FHWA-CFLHD are responsible for ensuring that permit measures are met during construction and Inyo County accepts responsibility for the permit after construction, until adequate vegetation is established and the Notice of Termination can be filed and is accepted.

Project avoidance and minimization measures can be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

15. Wetlands and Waters of the US

As documented in the Wetlands and Other Waters of the U.S. (WoUS) delineation report (FHWA, August 2016b), a delineation of open waters and wetlands was conducted in May 2016 pursuant to Sections 404 of the Clean Water Act. The JD survey area is 50 feet wide from existing edge of pavement along South Lake Road from SR 168 to the Bishop Creek Lodge and Resort (approximately 2.1 miles), and 25 feet wide from existing edge of pavement along South Lake Road from the Bishop Creek Lodge and Resort to the end of County maintenance (at the paved boat ramp at South Lake). In other areas, including drainage features, culvert crossings,

pullouts, parking areas, and approach roads, the project limits are up to 50 feet wider to accommodate localized improvements such as culvert improvements. The surveys were conducted using the Routine On-site Determination Method, as described in the *U.S Army Corps of Engineers Wetland Delineation Manual* (USACE 1987).

The delineation identified a total of approximately 1.933 acres of wetlands and other waters within the survey area. All delineated aquatic features, with the exception of one wetland, likely fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and are considered WoUS. Of the likely jurisdictional WoUS (totaling 1.862 acres), approximately 0.362 acre are other WoUS, 0.615 acre are palustrine emergent wetlands, 0.863 acre are palustrine scrub-shrub wetlands, and 0.022 acre are palustrine forested wetlands. Acreages of WoUS identified in the project area are summarized in Table 2.

Table 2. Wetland and Waters of the U.S. in Project Study Area

Feature	**Acreage within Survey Area (acres)**
Wetlands	1.50
Other Waters of the U.S. (i.e. streams)	0.362

One wetland does not qualify as a WoUS because it appears to be hydrologically isolated from other WoUS within the survey area. However, the wetland does fall under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) and is considered a water of the State. This wetland is approximately 0.071 acres in size.

Three perennial streams, including South Fork Bishop Creek, and one seasonal stream were identified along the project route. Another five intermittent streams or drainage channels were also noted.

The proposed action may result in the placement of permanent and/or temporary fill in wetlands and within streams. Shoulder widening will increase the footprint of the road and may result in minor impacts to wetlands scattered along the road corridor. Three large culverts along the mainstem of the South Fork Bishop Creek are showing deterioration and will either be replaced or require the installation of a liner. Culvert replacement and/or repair will require temporary stream diversions. As the project design progresses, FHWA-CFLHD will ensure that the proposed action be designed to first avoid then minimize the amount of fill material to the greatest extent practicable to complete the proposed action.

The FHWA-CFLHD will submit a request for a jurisdictional determination to the U.S. Army Corps of Engineers (USACE). The project would likely result in the permanent "loss" (as defined in 40 CFR 230.40-45) of less than 0.5 acres of WoUS. For authorization on this project, FHWA will pursue a USACE Section 404 Nationwide Permit (i.e. Nationwide Permit #14 for Linear Transportation Projects) and the California Regional Water Quality Control Board Section 401 Water Quality Certification. All proposed work will be subject to conditions stated in the Section 404 permit and 401certification issued for this project. Wetland mitigation will

probably be necessary. Mitigation is expected to occur on-site within the boundaries of Inyo National Forest.

Project avoidance and minimization measures can be found in Appendix A in the Project Specific (Table 1) and Standard Environmental Commitments Summary Table (Table 2).

16. Cumulative Impacts:

Other past, present, and reasonably foreseeable actions occurring within the Inyo National Forest (previous road construction, future maintenance activities, etc.), including land use and management related decisions, affect or have the potential to affect the natural and cultural resources to varying degrees. The proposed action does not have impacts that would result in significant adverse effects when added to impacts from other actions because construction activities would be short-term and temporary. No increased or changed use of the Inyo National Forest would result from the proposed action.

Permits

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

- California Regional Water Quality Control Board - Section 401 Water Quality Certification.
- U.S. Army Corps of Engineers – Section 404 Nationwide Permit.
- Section 402 National Pollutant Discharge Elimination System (NPDES) permit.

Determination

Based on the above information, I have administratively determined that this project falls within the definition of Categorical Exclusion as defined at 40 CFR 1508.4. The proposed work falls within a category of actions which do not individually or cumulatively exceed the threshold of significant adverse effects on the human environment, as provided for in the Council on Environmental Quality Regulations (40 CFR 1500-1508) and the Federal Highway Administration's Regulations [23 CFR 771.117 (c)26]. The project is categorically excluded from further NEPA analysis and further NEPA approvals.

References

California Environmental Protection Agency. 2015. Area Designations Maps/State and National. Air Quality Planning Branch, Air Resources Board. Available on online at: https://www.arb.ca.gov/desig/adm/adm.htm. Accessed on Nov 16th, 2016.

California Department of Fish and Wildlife (CDFW). 2016. California Natural Diversity Database (CNDDB). Available online at: http://www.dfg.ca.gov/biogeodata/cnddb/. Accessed on June 28, 2016.

California Department of Toxic Substance Control. EnviroStor. Available online at: http://www.envirostor.dtsc.ca.gov/public/ . Accessed on November 16th, 2016.

California State Water Resources Control Board. 2015. GeoTracker. Available online at: http://geotracker.waterboards.ca.gov/. Accessed on November 16th, 2016.

Environmental Protection Agency. 2016. Pacific Southwest, Region 9, Superfund. Available online at: https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/WSOState!OpenView&Start=1&Count=1000&Expand=2#2. Accessed on November 17th, 2016.

Federal Highway Administration (FHWA). 2006. FHWA Highway Construction Noise Handbook. FHWA-HEP-06-015. Available online at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/

FHWA. 2011. Highway Traffic Noise: Analysis and Abatement Guidance. FHWA-HEP-10-025. Available online at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf

FHWA. August 2016a. Biological Assessment/Biological Evaluation for CA FLAP INY CR 2022(1), South Lake Road. Prepared by Jacobs.

FHWA. August 2016b. Wetland, Other Waters of the U.S., and Riparian Delineation Report for CA FLAP INY CR 2022(1), South Lake Road. Prepared by Jacobs.

Inyo County Planning Department. 2001. Inyo County General Plan. Available online at: http://inyoplanning.org/general_plan/index.htm

Inyo County Public Works. 2015. Inyo 2015 Regional Transportation Plan (Final). Available online at: http://www.inyoltc.org/pdfs/rtp/frtp.pdf

State of California, Regional Water Quality Control Board. 2005. Water Quality Control Plan for the Lahontan Region – North and South Basins. Available online at:

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

State of California, Office of Historic Preservation. 2016. Determinations/Findings of Eligibility and Effect for the South Lake Road Improvement Project, Inyo County, CA. FHWA_2014_0924_001. December 27th, 2016, letter from Julianne Polanco to Ms. Wendy Longley, FHWA-CFLHD.

U.S. Army Corps of Engineers (USACE). 1987. *U.S. Army Corps of Engineers Wetland Delineation Manual.*

U.S. Fish and Wildlife Service (USFWS). 2013. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct Population Segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad, Proposed Rule. Federal Register 78 pp. 24515-24574. Available online at: https://www.federalregister.gov/documents/2013/04/25/2013-09598/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-the-sierra-nevada#h-28 Accessed on June 28, 2016.

U.S. Forest Service (USFS). 1988. *Inyo National Forest Land and Resource Management Plan.* Available online at: http://www.fs.usda.gov/detail/inyo/landmanagement/planning/?cid=fsbdev3_003845

USFS. 2013. U.S. Forest Service Watershed Condition Framework. Available online at: http://www.fs.fed.us/publications/watershed. Accessed on November 29, 2016.

USFS. May 2016. Draft Revised Land Management Plan for the Inyo National Forest. R5-MB-294. Available on line at: http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/3403_FSPLT3_3083747.pdf

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Appendix A

Table 1

Table 1: Project Specific Environmental Commitments Summary

	Project Specific Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
1	One cultural site (SL-24-1/CA-INY-09888) will be designated as an Environmentally Protected Area and fenced to avoid construction-related disturbances.	Cultural	FHWA	SCR 108.01
2	• Prior to construction, FHWA-CFLHD will be responsible for providing training to construction personnel prior to construction activities that at a minimum will include the following: ○ A discussion on environmentally sensitive areas (ESA) within the construction area and an overview of historic preservation laws; ○ Roles and responsibilities, including procedures to be followed in the event of a post review discovery, an unanticipated effect, and/or an ESA violation; ○ On site archaeological and Native American monitoring by FHWA-CFLHD staff, or their representatives, during the installation and removal of the ESA boundary.	Cultural	FHWA	TBD
3	All disturbed areas will be revegetated using a seed mix approved by INF.	Vegetation	FHWA	SCR 713.04
4	Limit the removal of trees within 100 feet of the ordinary high water mark of any perennial stream in order preserve riparian functions to the inner riparian zone.	Riparian Vegetation	FHWA	Plans
5	Before initiating work below the ordinary high water of a stream, divert flow around and isolate the construction site with coffer dams (built with non-erosive materials), taking care not to dewater downstream channels during dewatering. Provide on-site, a primary and secondary backup pump (minimum of two pumps) to remove sediment laden water from the in-stream work area. All pumps used for dewatering the isolated work area shall have secondary containment. Pump seepage water from the de-watered work area to a temporary storage and treatment site or into upland areas and allow water to filter through vegetation prior to re-entering the stream channel.	Fisheries Water Quality	FHWA	SCR 157.10

	Project Specific Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
	Stabilize channels according to subsection 157.11. Dissipate flow energy at the bypass outflow to prevent damage to riparian vegetation or stream channel. Maintain and control water flow downstream of the isolated work area for the duration of the diversion to prevent downstream dewatering. Regularly inspect and clean coffer dams, culverts, or water-proofed line diversion ditches of excess debris or sediment accumulation. Upon project completion of in-water activities, slowly re-water the construction site to prevent loss of surface water downstream and to prevent a sudden release of suspended sediment. All components of cofferdams and diversions shall be removed from streams. Do not cut open sandbags and release contents into any stream or wetland. Damaged stream banks must be restored to a natural slope, pattern and profile suitable for establishment of woody species.			
6	During construction, garbage or trash produced from construction activities will be stored in a manner that is not accessible to wildlife and will be removed promptly and properly to avoid creating attractive wildlife nuisances.	USFS sensitive species	FHWA	SCR 107.08
7	Temporary traffic delays will be restricted to less than 60 minutes on South Lake Road. Temporary road closures will be limited to 3-hour time slots during daytime hours for the purpose of large culvert repair/replacement (i.e. > 48 inches diameter) and rock scaling only. Expected closures will be from 8am-11am and 1pm-4pm for a limited number of days during the construction season. No road, campground, or trailhead closures will be allowed during weekends or holidays.	Recreation	FHWA	SCR108.01
8	Except for work on large culverts (i.e. > 48' in diameter), construction work will be limited to daytime hours from ½ hour after sunrise to ½ hour before sunset. Temporary road closures will be allowed at night for the replacement of large culverts not located near residences, campgrounds, or overnight lodgings.	Noise, Recreation	FHWA	SCR 108.01

	Project Specific Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
9	Prior notice of any campground, trailhead, or parking area closures will be provided to the public. No closures will occur at these facilities during holidays or special events.	Recreation	FHWA, USFS, Inyo County	TBD

Table 2: Standard Environmental Commitments Summary Table and Standard Contract Provisions

No.	Standard Environmental Commitments contained within the Standard Specifications (FP-14) or Special Contract Requirements (SCR)	Resources	FP/SCR
1	Before developing a material source, measure the sediment content of bodies of water adjacent to the work area that will receive drainage from the work area. Perform erosion and sediment control according to the source development plan and the "*Storm Water Pollution Prevention Plan (SWPPP)*" or "Erosion Control Plan".	Water Quality	FP 105.03
2	Use only approved portions of the right-of-way for storing material or equipment. Provide additional space as needed. Do not use private property for storage without written permission of the owner or lessee. Submit copies of agreements and documents. Provide security for stored material. Restore Government-provided storage sites to their original condition.	Right-of-Way	FP 105.04
3	Comply with the terms and conditions of any permits that are issued for the performance of work.	Wetlands, Waters of the U.S., Water Quality	FP 107.01
4	For projects disturbing more than one acre of land and that do not qualify as routine maintenance (the majority of FHWA projects), Clean Water Act Section 402 (NPDES) requires the adoption of additional mitigation measures (including a storm water pollution prevention plan, SWPPP) to be included into FHWA projects. Permit coverage varies by state and land ownership (tribal lands). If applicable comply with the terms and conditions of the appropriate NPDES Construction General Permit and/or state permit requirements.	Water Quality	SCR 107.01
5	Do not disturb the area beyond the construction limits. Replace trees, shrubs, or vegetated areas damaged by construction operations as directed.	Vegetation	FP 107.02
6	Do not excavate, remove, damage, alter, or deface any archeological or paleontological remains or specimens. Control the actions of employees and subcontractors on the project to ensure that protected sites are not disturbed or damaged. Should these items be encountered, suspend operations at the discovery site, notify the CO and continue operations in other areas. The CO will inform the Contractor when operations may resume at the discovery site.	Cultural Resources	FP 107.02
7	Conserve topsoil from roadway excavation and embankment foundation areas. Stockpile conserved topsoil in low windrows immediately beyond the rounding limits of cut and embankment slopes or in other approved locations. Separate topsoil from other excavated material. Place conserved topsoil on completed slopes according to Section 624.	Vegetation	FP 204.5
8	Compacted soils be ripped and/or scarified to a 4-inch minimum depth to prepare for seeding.	Vegetation	FP 625.04

No.	Standard Environmental Commitments contained within the Standard Specifications (FP-14) or Special Contract Requirements (SCR)	Resources	FP/SCR
9	Do not operate equipment or discharge material within the boundaries of wetlands and the waters of the United States as defined by the federal and state regulatory agencies. Permits are issued by the U.S. Army Corps of Engineers according to 33 USC § 1344 and delegated by the agency having jurisdiction. If an unauthorized discharge occurs: (a) Prevent further contamination; (b) Notify appropriate authorities and the CO; and (c) Mitigate damages. Construct and maintain barriers in work areas and in material sources to prevent sediment, petroleum products, chemicals, and other liquids and solids from entering wetlands or waters of the United States. Remove and properly dispose of barrier collected material. Do not revise terms or conditions of permits without the approval of the issuing agency.	Wetlands, Waters of the U.S., Water Quality	FP 107.10(a)
10	Do not ford running streams with construction equipment. Obtain approval from the CO to use temporary bridges or other structures whenever crossings are necessary. Immediately clear ephemeral drainages, intermittent and perennial streams, lakes and reservoirs of all work items, debris or other obstructions placed by or resulting from construction operations. Locate machinery servicing and refueling areas away from streambeds and washes to reduce the possibility and minimize the impacts of accidental spills or discharges.	Wetlands, Waters of the U.S., Water Quality	SCR 107.10(a)
11	Submit a "Spill Prevention, Control, and Countermeasure (SPCC) Plan" if required at least 2 days before beginning work. If a SPCC plan is not required, submit a hazardous spill plan at least 2 days before beginning work. Describe preventative measures including the location of refueling and storage facilities and the handling of hazardous material. Describe actions to be taken in case of a spill. Do not use equipment with leaking fluids. Repair equipment fluid leaks immediately. Keep absorbent material manufactured for containment and cleanup of hazardous material on the job site. Notify the CO of hazardous spills.	Hazardous materials	FP 107.10(b)
12	Sand or soils are not approved absorbent materials. Report the spill to the appropriate federal, state, and local authorities as required by the SPCC plan or hazardous spill plan.	Hazardous materials	SCR 107.10(b)

No.	Standard Environmental Commitments contained within the Standard Specifications (FP-14) or Special Contract Requirements (SCR)	Resources	FP/SCR
13	Remove dirt, plant, and foreign material from vehicles and equipment before mobilizing to work site. Prevent introduction of noxious weeds and non-native plant species into the work site. Follow applicable Federal land management agency requirements and state requirements. Maintain cleaning and inspection records.	Noxious weeds	FP 107.10(c)
14	Provide soil erosion and sediment control measures according to the contract erosion and sediment control plan, contract permits, Section 107, and this Section. Contract permits amend the requirements of this Section. Do not modify the type, size, or location of controls or practices without approval. The erosion and sediment control plan reflects special concerns and measures to protect resources. An alternate erosion and sediment control or stormwater pollution prevention plan, with necessary permits, may be submitted for approval according to Subsection 104.03. Submit alternate erosion and sediment control proposals at least 30 days before their intended use. When soil erosion and sediment control measures are not functioning as intended, take corrective action to eliminate or minimize pollutants in stormwater discharges from the project. If wood chips are used, do not import without approval from the CO.	Water Quality, Vegetation	FP 157.04

No.	Standard Environmental Commitments contained within the Standard Specifications (FP-14) or Special Contract Requirements (SCR)	Resources	FP/SCR
15	Before grubbing or grading construct sediment controls around the perimeter of the project including filter barriers, diversion, and settling structures. Limit the combined grubbing and grading operations areas to 8 acres (3.2 hectares) of exposed soil at one time. Construct and implement soil erosion and sediment control measures as follows: (a) Construct temporary controls in incremental stages as construction proceeds; (b) Construct temporary slope drains, diversion channels, and earth berms to protect disturbed areas and slopes; (c) When a soil disturbing activity within a portion of the project is complete, apply permanent measures to the finished slopes and ditches within 14 days; (d) When a soil disturbing activity within a portion of the project has temporarily ceased, apply temporary measures within 14 days; (e) Construct outlet protection as soon as culverts or other structures are complete; (f) Construct and maintain soil erosion and sediment controls on and around soil stockpiles; (g) Following each day's grading operations, shape earthwork to minimize and control erosion from stormwater runoff; and (h) Maintain stabilized construction exits to minimize tracking of soil onto existing roads.	Water Quality, Vegetation	FP 157.05
16	Construct silt fence, berms, and fiber rolls and socks to reduce the velocity of runoff to allow sediment to settle.	Water Quality, Vegetation	FP 157.06
17	Construct sediment retention structures of the following types: (a) Temporary sediment traps. Construct temporary sediment traps to detain runoff from disturbed areas and settle out sediment. Provide outlet protection. (b) Sediment basins. Construct sediment basins to store runoff and settle out sediment for large drainage areas. Excavate and construct sediment basins according to Section 204. Construct riser pipes according to Section 602. Provide outlet protection.	Water Quality	FP 157.07

No.	Standard Environmental Commitments contained within the Standard Specifications (FP-14) or Special Contract Requirements (SCR)	Resources	FP/SCR
18	Provide an adequate water supply and apply water uniformly across the traveled way as necessary to control dust. Uniformly apply water using pressure-type distributors, pipelines equipped with spray systems, or hoses with nozzles. Control dust within the construction limits as necessary including nights, weekends, and periods of non-work when the project is open to public traffic. When the project is not open to public traffic, control dust in areas of the project that have adjacent residences or businesses. Control dust on approved, active detours established for the project. Apply water at the locations, rates, and frequencies as ordered. Control dust on active haul roads, in pits and staging areas, and on the project during periods not covered above.	Air Quality	FP 158.03
19	Do not damage vegetation designated to remain. If damage occurs, repair or replace the vegetation in an acceptable manner. Where possible, preserve vegetation adjacent to bodies of water. Treat cuts or scarred surfaces of trees and shrubs with tree wound dressing.	Vegetation	FP 201.03
20	Removal of structures and obstructions: Construct structurally adequate debris shields to contain debris within the construction limits. Do not permit debris to enter waterways, travel lanes open to public traffic, or areas designated not to be disturbed.	Water Quality	FP 203.04(b)
21	Apply turf establishment to finished slopes and ditches within 14 days after completion of construction on a portion of the site.	Water Quality, Vegetation	FP 625.03
22	Protect and care for seeded areas including watering when needed. Repair or apply supplemental applications of seed, mulch, fertilizer, and water as many times as needed until turf is established or final acceptance.	Vegetation	FP 625.09
23	Conform to the Federal Seed Act, the Federal Noxious Weed Act, and applicable State and local seed and noxious weed laws.	Vegetation, Noxious Weeds	FP 713.04

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