

# DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION



## PROPOSED CONVICT LAKE ROAD AND TRAIL IMPROVEMENT PROJECT

### LEAD AGENCY UNDER CEQA:

Mono County Public Works Department  
P.O. Box 347 ♦ 437 Old Mammoth Rd., Suite P ♦ Mammoth Lakes, CA 93546  
Contact: Garrett Higerd, Garrett Higerd ♦ [ghigerd@mono.ca.gov](mailto:ghigerd@mono.ca.gov) ♦ Assistant Public Works Director ♦ (760) 924.1802

### LEAD AGENCY UNDER NEPA (see separate NEPA Documentation):

Federal Highway Administration (FHWA) Central Federal Lands Highway Division  
12300 West Dakota Ave., Suite 280 ♦ Lakewood, Colorado 80228  
Contact: Wendy Longley, P.E. ♦ [Wendy.Longley@dot.gov](mailto:Wendy.Longley@dot.gov) ♦ Project Manager

**MND ISSUED: 15 December 2014**

**COMMENTS DUE BY: 15 January 2015**

### **A. INTRODUCTION**

The Federal Highway Administration (FHWA) is proposing to rehabilitate California Forest Highway 199 (FH 199), also known as Convict Lake Road. Convict Lake Road is located in the Inyo National Forest in Mono County, California. Pursuant to the National Environmental Policy Act (NEPA), FHWA has prepared a Categorical Exclusion (CE) to consider environmental effects that may be associated with project implementation.<sup>1</sup> The CE concludes that the project will have no effect on coastal areas, environmental justice, farmland resources, hazardous waste sites, Section 6(f)<sup>2</sup>, or on Wild and Scenic Rivers. The CE further concludes that the project will have negligible or no effect on air quality, noise, land use, socioeconomics, Section 4(f)<sup>3</sup>, cultural resources, floodplains, vegetation, recreation, visual quality, right-of-way, utilities, threatened or endangered or sensitive species, wetlands & waters of the U.S., water resources and water quality, and cumulative effects. Based on findings contained in the CE, the FHWA finds the project to be categorically excluded from further NEPA analysis and further NEPA approvals.

Federal project funding is through the Federal Lands Access Program, which requires matching funds from the local government (Mono County, in this case). The County's matching fund contribution for this project, equivalent to approximately 11.5% of total project costs, will be obtained through a state grant under the California Federal Lands Access Program; this new program provides funds for work on public highways, roads, bridges, trails, and transit systems that are located on, are adjacent to, or provide access to Federal Lands. These facilities must be owned or maintained by a state, county, town, township, tribe, municipal, or local government, with an emphasis on projects that provide access to high-use recreation sites or Federal economic generators. FHWA will use the County's matching fund contribution to fund a portion of the Convict Lake Road (but not trail) improvements. Project implementation will require the Mono County Board of Supervisors to accept responsibility for long-term maintenance of the Convict Lake Road improvements. The County must comply with applicable requirements of the California Environmental Quality Act (CEQA) to accomplish these funding and discretionary actions.

As Lead Agency under CEQA, the County has completed an Initial Study and Environmental Checklist to examine potential environmental effects of the project proposal. Findings of the Initial Study indicate that no significant unavoidable adverse

<sup>1</sup> Central FHWA, *Draft CE for the Convict Lake Road and Trail Improvement Project*, 5 November 2014.

<sup>2</sup> Land and Water Conservation Fund Program Section 6(f) protects grant-assisted recreational areas from conversion to non-recreational uses.

<sup>3</sup> U.S. Dept. of Transportation Act §4(f) prohibits project approval where the land is publicly owned or has significant historic resources or value as a recreational or waterfowl/wildlife refuge unless there are no feasible alternatives and measures are included to minimize harm.

impacts would result, provided mitigation measures are implemented. The County has tentatively recommended approval of a Mitigated Negative Declaration (MND).

**B. COMMENT PROCEDURES**

The County invites you to review and comment on the scope and adequacy of environmental information presented herein, including the project description, discussion of potential project impacts, recommended mitigation measures, and proposed approval of an MND. Due to time limits mandated by state law, **your comments on this MND must be returned no later than 15 January 2015**. Comments may be submitted by mail, by fax or by e-mail to the address shown below. Please provide the name, telephone number and address of a contact person, and do not hesitate to call if you have any questions.

**Send Comments by:** 15 JANUARY 2015  
**Send Comments to:** Gerry LeFrancois  
Mono County Community Development Department  
P.O. Box 347 (437 Old Mammoth Rd., Suite P), Mammoth Lakes, CA 93546  
[glefrancois@mono.ca.gov](mailto:glefrancois@mono.ca.gov) ♦ Tel: 760.924.1810 ♦ Fax: 760.924.1801

**C. PROJECT LOCATION, PURPOSE AND SCHEDULE**

**1. Project Location**

Convict Lake Road and Convict Lake Trail are located in the Inyo National Forest (INF) in the southern part of Mono County and along the eastern flanks of the Sierra Nevada mountains in California. As shown in the Regional Location Map (Figure 1), the project area is located just south of Highway 395 (near the Mammoth/Yosemite Airport), about 5 miles west of Crowley Lake and about 5 miles east of the Town of Mammoth Lakes.

**2. Project Purpose and Need**

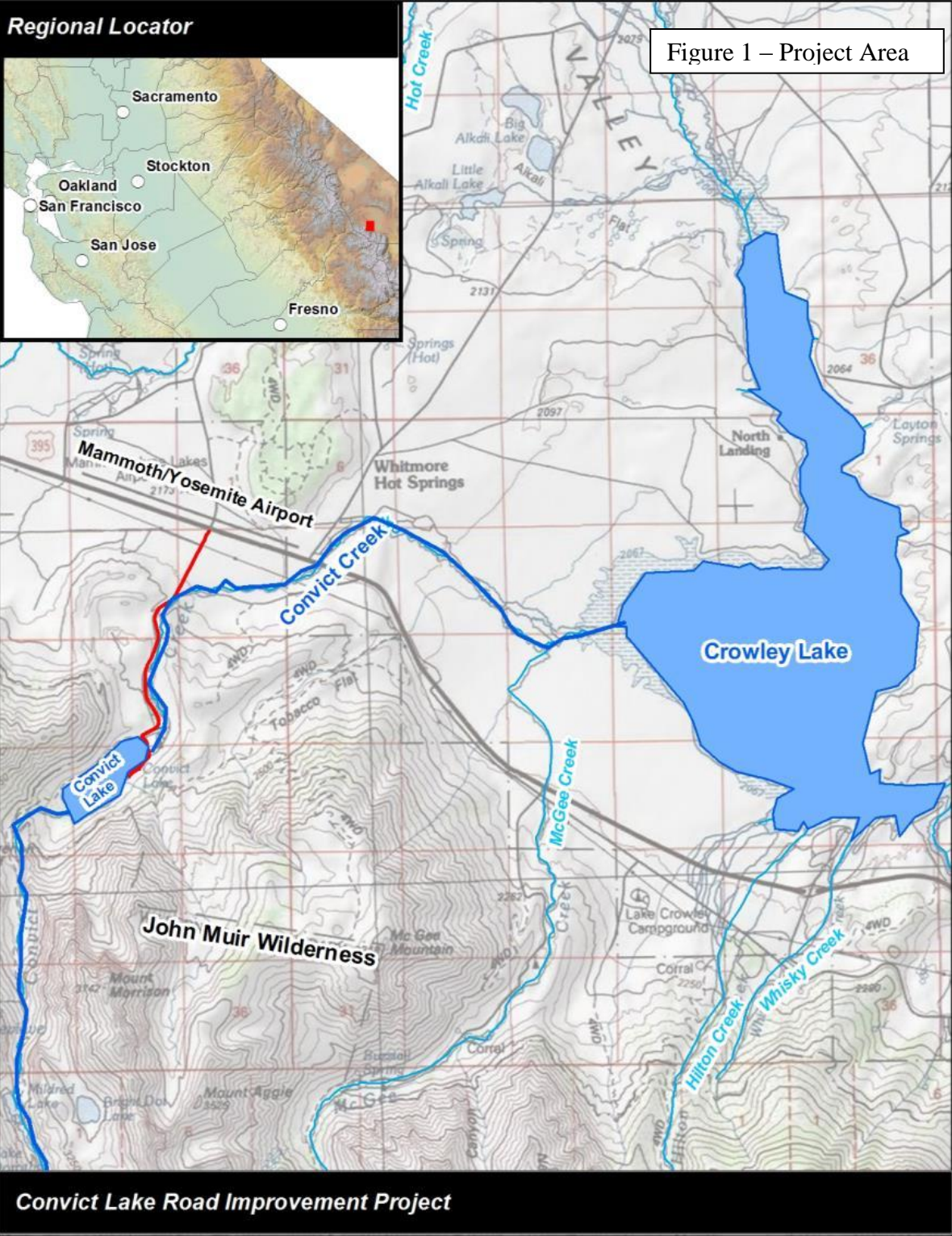
Convict Lake Road provides access to scenic Convict Lake, a popular camping, hiking and fishing area located in the INF. Convict Lake Road also provides access to the Convict Lake Resort. The Resort is open year round and offers a wide range of services and amenities for visitors to the region as well as local residents. A paved trail is located along the eastern shore of the lake. About 0.3 miles long, the trail connects to an accessible fishing deck, paved viewing platforms with interpretive signs, benches and picnic areas, and an unpaved trail that circles the lake and provides access into the high country.

The purpose and objective of the proposed project is to provide a safe and sustainable roadway and trail that will improve access to INF lands. Convict Lake Road is in fair condition, but has experienced significant cracking and edge deterioration. The narrow roadway, rough riding surface and edge deterioration pose hazards for cyclists and motorists. Cyclists are sometimes forced into traffic lanes by the rough surface and edge deterioration, and motorists sometimes swerve to avoid rough and cracked pavement sections. The retaining walls that provide lakeside parking (constructed of timber railroad ties) are deteriorating. Signing, striping and roadway guardrails do not meet current standards. All of these conditions result in heightened potential for conflict between motor vehicles, cyclists and pedestrians. Safety along the Convict Lake Road will be achieved through improvements to lane width, shoulders, clear zones, and horizontal alignment as well as super-elevation corrections, a new guardrail, signing and striping. A portion of the widened shoulder will be designed for shared pedestrian and bicycle use, and the timber bridge walkway at the lake outlet will be replaced with a wider bridge for improved pedestrian access and safety.

**Regional Locator**

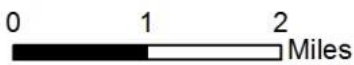


Figure 1 – Project Area



**Convict Lake Road Improvement Project**

 Project Area







Convict Lake Trail ( Figure 2) was built about 30 years ago and has since received only occasional maintenance. Much of the trail pavement is cracked and uneven, and portions of the trail have sloughed off due to poor drainage and high levels of use. Most of the trail is inaccessible to wheelchairs due to steep grades and lack of rest areas. Trail access will be improved by pavement resurfacing and minor adjustment of horizontal and vertical alignments to meet Americans with Disabilities Act (ADA) standards. Exhibits on the following pages illustrate the extent of the road and trail improvement areas.

### 3. Project Schedule

FHWA is planning to complete all project improvements during the spring and summer of 2015. Construction will begin around June (depending on weather conditions) and will be completed around September. To facilitate recreational use during construction, there will be no work during weekends, the trail loop around the lake will remain open, and the boat launching and parking area will remain open. FHWA notes that project implementation could be delayed to summer 2016 in the event that federal funding is not available for the earlier work schedule.

The meet FHWA construction scheduling requirements as well as State deadlines for submittal of the grant request materials, the County's schedule calls for the Board of Supervisors to consider MND approval at its regular meeting on Tuesday, 3 February 2015. The Board meeting will be held in the Mono County Courthouse in Bridgeport.



Provided below is a summary overview of the dates for processing this Initial Study & Mitigated Negative Declaration (IS/MND).

- ▶ **Draft IS/MND distributed for public review:** **Monday, 15 December 2014**
- ▶ **30-day IS/MND Public Review Period ends:** **Wednesday, 15 January 2015**
- ▶ **Board considers MND approval:** **Tuesday, 3 February 2015**
- ▶ **County submits approved MND for State funding:** **Thursday, 4 February 2015**

**D. MND CONTENTS**

This MND contains sixteen sections addressing the proposed project as identified in Table 1 below.

**Table 1  
INITIAL STUDY CONTENTS**

<b>SECTION</b>	<b>PAGE</b>	<b>SECTION</b>	<b>PAGE</b>
A Introduction	1	H Scoping Consultation	7
B MND Comment Procedures	2	I MND Distribution List	7
C Project Location, Purpose, Schedule	2	J Environmental Checklist	8
D MND Contents	5	K Checklist Discussion	12
E Project Description	5	L References	27
F Responsible Agencies/Discretionary Actions	6	M MND Preparers and Contributors	27
G Incorporation by Reference/Related Actions	6	N Acronyms	28
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<b>MND APPENDICES:</b>			
	<b>A: Biological Resource Analysis prepared by Dr. James Paulus</b>		
	<b>B: FHWA Categorical Exclusion</b>		

**E. DESCRIPTION OF PROPOSED PROJECT**

**1. Convict Lake Road Improvements**

Proposed road improvements involve resurfacing, rehabilitation and restoration work for 2.75 miles of Convict Lake Road. The project elements are all located along the existing roadway, and include the following:

- From Mile Post [MP] 0.00 to 1.90, widen the existing roadway to accommodate two 11’ travel lane, a 5’ shoulder adjacent to the southbound (uphill) travel lane, and a 1’ shoulder adjacent to the northbound travel lane, for a total paved width of 28’.
- From MP 1.90 to 2.20, widen the existing roadway to accommodate two 11’ travel lanes and 3’ shoulders, for a total paved width of 28’.
- From MP 2.20 to 2.75, repair the existing 22’ of roadway within the existing alignment.
- Rehabilitate the existing pullouts.
- Grade the ditch, recondition the shoulder, reconstruct the embankment, and pulverize the existing pavement and paving.
- Scale the existing slopes with unstable rock.
- Replace the wooden pedestrian bridge adjacent to the existing vehicular bridge with a wider concrete pedestrian bridge and sidewalk. The new pedestrian bridge will include pedestrian railings to meet current safety standards.
- Retrofit the existing pedestrian railing on the lake side to meet current safety standards.
- Replace old or damaged drainage culverts and extend culverts to accommodate the wider roadway.
- Replace the existing creosote timber walls at the parking area along the lake with rockery walls. Install new pedestrian railings for safety.
- Upgrade regulatory warning signs & guardrails to meet *Manual on Uniform Traffic Control Devices* standards.

## 2. Convict Lake Trail Improvements

Proposed trail improvements focus on removal of existing pavement, addition of a new base course, and overlay the trail with a new asphalt concrete pavement section. The trail improvements will maintain the existing horizontal and vertical alignment along the majority of the trail with minor adjustments to the horizontal alignment. To meet ADA standards, trail realignments are proposed at the south end of the trail, for a distance of approximately 400'. Improvements also include repairing or replacing minor drainage structures, slope armoring to reduce erosion, construction of two sets of stairs, and addition of rest areas as necessary in order to meet ADA standards per Forest Service Outdoor Recreation Accessibility Guidelines and the Trail Accessibility Guidelines. Because the proposed project improves the trail largely along its existing alignment, limited vegetation trimming may be required.

## 3. General Notes

No commercial or residential right-of-way (ROW) acquisitions would occur. However, FHWA Central Federal Lands Highway Division (CFLHD) does anticipate developing a DOT Highway Easement Deed for the route in the INF, in order to formalize an easement for operation and maintenance of the roadway by the County. INF will continue maintenance of the trail following project completion.

## F. RESPONSIBLE AGENCIES AND DISCRETIONARY ACTIONS

### LEAD AGENCY UNDER CEQA:

Mono County Public Works Department  
P.O. Box 347 ♦ 437 Old Mammoth Rd., Suite P ♦ Mammoth Lakes, CA 93546  
Contact: Garrett Higerd, Garrett Higerd ♦ [ghigerd@mono.ca.gov](mailto:ghigerd@mono.ca.gov) ♦ Assistant Public Works Director ♦ (760) 924.1802

### LEAD AGENCY UNDER NEPA (see separate NEPA Documentation):

Federal Highway Administration (FHWA) Central Federal Lands Highway Division  
12300 West Dakota Ave., Suite 280 ♦ Lakewood, Colorado 80228  
Contact: Wendy Longley, P.E. ♦ [Wendy.Longley@dot.gov](mailto:Wendy.Longley@dot.gov) ♦ Project Manager

### 1. Lead Agency under NEPA

The Federal Highway Administration-Central Federal Lands Highway Division is the designated Lead Agency under NEPA, and thus responsible for ensuring that the project complies with all applicable NEPA requirements. As noted in the Introduction, FHWA has completed a Categorical Exclusion for this project, and finds the project to be categorically excluded from further NEPA analysis and further NEPA approvals.

### 2. Lead Agency under CEQA

Mono County Public Works Department is the designated Lead Agency under CEQA, and thus responsible for ensuring that the project complies with all applicable CEQA requirements. In order to implement the project, the County will be required to take four actions: (1) approve the Final MND indicating that environmental documentation for this project has been prepared in compliance with CEQA; (2) approve the proposed discretionary actions including (a) acceptance of matching funds obtained through the California Federal Lands Access Program grant; and (b) a commitment to provide long-term maintenance of road (but not the trail) improvements following project completion; (3) approve the Mitigation Implementation and Monitoring Program, and (4) direct staff to file a Notice of Determination. CE documentation prepared by FHWA and provided to the Mono County Community Development Department has served as a primary source of information used in preparing the current IS/MND.

## G. INCORPORATION BY REFERENCE AND RELATED ACTIONS

### 1. Incorporation by Reference

CEQA Guidelines §15150 encourages 'incorporation by reference' as a means to reduce and efficiently manage technical documentation in environmental documents. This Draft MND incorporates by reference the following document:

- **FHWA-CFLHD CE:** FHWA-CFLHD completed the Categorical Exclusion on November 20, 2014. The CE concludes that the project will have no effect on coastal areas, environmental justice, farmland resources, hazardous waste sites, Section 6(f), or on Wild and Scenic Rivers. The CE further concludes that the project will have negligible or no effect on air quality, noise, land use, socioeconomics, Section 4(f), cultural resources, floodplains, vegetation, recreation, visual quality, right-of-way, utilities, threatened or endangered or sensitive species, wetlands & waters of the U.S., water resources and water quality, and cumulative effects. Based on findings contained in the CE, the FHWA finds the project to be categorically excluded from further NEPA analysis and further NEPA approvals. The FHWA CE is provided as Attachment A to this MND.

## **2. Related Projects**

There are no projects in the Mono County or INF project area at the present time that raise issues which could have a bearing on or be impacted by the proposed Convict Lake road and trail rehabilitation project. Note, however, that FHWA and Mono County did partner, provide funding, and complete environmental documentation during 2014 for the Rock Creek Road Improvement Project.

## **H. SCOPING CONSULTATION**

During preparation of the CE, FHWA contacted a number of agencies and organizations to notify them of the project and invite comment as to the scope of the environmental review and environmental commitments required to avoid potential impacts. The FHWA Mailing List is provided in the CE as Attachment A to this IS/MD.

## **I. MND DISTRIBUTION LIST**

The MND was sent to the State Clearing house (SCH) on December 12, 2014, for distribution. In addition, this MND is available for public review in the Mono County Community Development Offices in Bridgeport and Mammoth Lakes.



**J. ENVIRONMENTAL CHECKLIST**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS -- Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. AGRICULTURE AND FORESTRY: Would the project:</b>				
a) Convert Prime or Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with zoning of forest land, timberland or timberland production area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in loss or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes that could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. AIR QUALITY &amp; GREENHOUSE GAS EMISSIONS (GHG) -- Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate an air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IV. BIOLOGICAL RESOURCES -- Would the project:</b>				
a) Have a substantial adverse effect directly or through habitat changes on a candidate, sensitive, or special status species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on a riparian habitat or other sensitive natural community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with local policies or ordinances protecting biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with provisions of an adopted Habitat or Natural Community Conservation Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES -- Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects involving:				
i) Rupture of a known earthquake fault?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure or liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on an unstable geologic unit or soil or have potential to cause a landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of supporting septic tanks or alternative waste water disposal systems where sewers are not available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS: Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gases emissions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>				
a) Create a significant hazard through the transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard through reasonably foreseeable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

upset & accident conditions involving the release of hazardous materials into the environment?				
c) Cause hazardous emissions or use within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a listed hazardous materials site or (per Code §65962.5) and create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For sites in an airport land use plan or within two miles of a public or private airport, would the project pose a safety hazard to residents or workers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project in the vicinity of a private airstrip, would the project pose a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of wild land fires?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IX. HYDROLOGY/WATER QUALITY - Would the project:</b>				
a) Violate water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere with groundwater recharge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Alter existing drainage patterns in a manner that would result in substantial erosion or siltation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Alter existing drainage in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Contribute runoff that would exceed the capacity of stormwater drainage systems or pollute runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing in a 100-year flood hazard area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of flooding or failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>X. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with a land use plan, policy, or regulation of an agency with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. MINERAL RESOURCES -- Would the project:</b>				



a) Reduce availability of a valuable mineral resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Reduce the availability of a locally-important mineral resource recovery site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. NOISE -- Would the project:</b>				
a) Expose people to or generate noise levels in excess of adopted standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose people to or generate excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase ambient noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantial temporary or periodic increases in ambient noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) If in an airport land use plan or within two miles of a public airport or private airport, would the project expose residents or workers to excessive noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project near a private airstrip, expose residents or workers to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. POPULATION AND HOUSING -- Would the project:</b>				
a) Induce substantial population growth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of housing units?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. PUBLIC SERVICES Would the project cause impacts associated with the provision of new or modified governmental facilities needed to maintain acceptable service levels for:</b>				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XV. RECREATION</b>				
a) Would the project increase the use of existing parks or recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include or require construction or expansion of recreational facilities that could adversely impact the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>				
a) Conflict with a plan to measure circulation performance, or cause a substantial increase in traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed a level of service standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change air traffic patterns?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d) Increase hazards due to a design feature or incompatible uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies or plans supporting alternative transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVII. UTILITIES/SERVICE SYSTEMS -- Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require new or expanded water or wastewater treatment facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require new or expanded stormwater drainage facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies to serve the project from existing entitlements and resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have sufficient wastewater treatment capacity to serve the project in addition to existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or range of a rare or endangered plant or animal or eliminate important examples of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**K. DISCUSSION OF RESPONSES TO CHECKLIST ITEMS**

**I. AESTHETICS. Would the project:**

a-c) *Have a substantial effect on a scenic vista? Damage scenic resources? Degrade the visual character of the surroundings?*

**LESS THAN SIGNIFICANT IMPACT.** The project area is highly scenic. Elevations in the project study area range from 7,100' to 7,700' and vegetation varies from sagebrush scrub to lodgepole pine. Views are dominated by high jagged peaks that taper rapidly toward the Owens Valley floor. The resort has a low profile with ranch-style buildings dotting the hills on the northwest side of Convict Lake Road. The road from Highway 395 to Convict Lake traverses morainal ridges (deposited by historic glaciers) that screen views of Convict Lake and the Resort from Highway 395. The Convict Lake Resort is located inside the lake basin, and is not visible from Highway 395 or from the lake.

FHWA assessed impacts to aesthetic resources Visual Quality Objectives (VQOs) contained in The *Inyo National Forest Land & Resource Management Plan* (INF 1998). VQOs describe the degree to which the natural landscape can acceptably

be modified. VQOs identified in INF 1998 for the project area include Retention for all new, non-recreation-oriented facilities and Partial Retention for all other facilities, including recreation sites. The proposed maintenance activities on the existing road and trail would be subject to the objective of Partial Retention, which specifies that modifications must be visually subordinate to the natural landscape.

The final FHWA Categorical Exclusion (CE) notes that widening the existing roadway would require minor fills. Rehabilitation of the paved trail would predominantly occur within the existing alignment except for a small area (about 400') at the start of the trail that would require a minor realignment to meet ADA standards. The rockery walls along a portion of the trail will be roughly the same height as the existing timber walls. Vegetation within 10' of the timber walls would be removed for placement of new walls, and the wooden pedestrian bridge at the lake outlet would be replaced by a slightly wider concrete bridge with pedestrian railings. None of the proposed improvements would block or impede the existing scenic views. The minor fills, rockery walls, and trail realignment would be immediately adjacent to the existing roadway or trail, and would not diminish the visual character for forest users. Based on this review, FHWA concluded that direct visual effects would be minor and consistent with INF 1998 VQO designations. No mitigation is required.

**d) Create new light sources or glare that would affect views?**

**NO IMPACT.** No new light sources are proposed as part of the trail and road improvements, and none of the proposed elements is comprised of materials that would reflect light and thereby create glare. No light and glare impacts will occur, and no mitigation is required.

**II. AGRICULTURAL AND FORESTRY RESOURCES. Would the project:**

**a,b,e) Convert Farmland? Conflict with existing agricultural zoning or a Williamson Act contract? Involve other changes to the environment that could result in conversion of Farmland?**

**NO IMPACT.** None of the project-area lands are used for or intended to be used for commercial agricultural purposes, and no lands that are subject to a Williamson Act contract. The project would not result in conversion of any farmland to other uses. No impact would occur, and no mitigation is required.

**c,d) Conflict with zoning of forest land or result in the loss or conversion of forest land?**

**NO IMPACT (Beneficial Impact).** The project area is part of the Inyo National Forest (INF), which covers roughly 2 million acres of land and extends over a distance of 165 miles in central-eastern California, near the Nevada border. The INF has many uses including recreation, range, timber, mineral recover, watershed management and habitat for fish and wildlife. The forest comprises four ranger districts including Mono Lake, Mammoth, White Mountain and Mt. Whitney. Convict Lake is in the north zone-Mammoth Ranger District.

Proposed project improvements are specifically designed to enhance and preserve the uses of forest lands. The project will increase overall safety and accessibility for visitors, and bring the Convict Lake trail into compliance with current ADA compliance standards in accordance with the Forest Service Outdoor Recreation Accessibility Guidelines and the Trail Accessibility Guidelines. The project would also enhance the recreational value of Convict Lake in a manner consistent with INF guidelines; no adverse impacts on forestry resources are foreseen, and no mitigation measures are required.

**III. AIR QUALITY. Would the project:**

**a-d) Conflict with or obstruct implementation of an air quality plan? Violate any air quality standard or contribute to an existing or projected air quality violation? Result in a cumulatively considerable increase of any criteria pollutant? Expose sensitive receptors to pollutants?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** 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 standards apply to carbon monoxide (CO), lead (Pb), nitrogen dioxides (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>).

During construction, the proposed project improvements will include roadway and trail pulverizing, pavement removal and paving, as well as the addition of designated shoulders, and drainage improvements. Based on 40 CFR Ch.1 § 93.126, all of the proposed actions are types of activities that are exempt from the federal 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.



Construction impacts under California standards would also be less than significant. Mono County is a state designated non-attainment area for ozone (in Mammoth Lakes) and PM<sub>10</sub>, and construction activities can be expected to contribute to short-term fugitive dust emissions. However, the proposed road and trail rehabilitation activities are exempt from the conformity regulations for the Great Basin Unified Air Pollution Control District's Air Quality Plan (FHWA CE, see Appendix A).

FHWA has incorporated Best Management Practices (BMPs) into the project as Standard Environmental Commitments (FHWA, Categorical Exclusion) and these BMPs will be implemented to minimize fugitive dust during construction. Application of these uniformly applied standards will reduce potential impacts to less than significant levels; no mitigation will be required beyond the standard commitments already incorporated into the project by FHWA.

Sensitive receptors in the project area include the Convict Lake Campground and the Convict Lake Resort. The receptors are located between 50' and 1,000' from the roadway. Visitors, guests and employees at these sites will be temporarily exposed to air emissions throughout the 4-month construction period. However, construction will be completed in stages and limited to non-holiday weekdays and daylight hours, and will entirely cease following project completion; implementation of the environmental commitments to implement air quality BMPs (see Attachment A) will reduce these impacts to less than significant levels.

**e) Create objectionable odors?**

**NO IMPACT.** There are no objectionable odors associated with proposed project activities. No odor impacts will occur, and no mitigation is required.

**IV. BIOLOGICAL RESOURCES. Would the project:**

**a-b) Have a substantial effect on a candidate, sensitive or special status species or their habitats (plants, fish, insects, animals, birds)? Have an adverse effect on any riparian habitat or other sensitive community?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** Based upon the disturbed roadside habitats that are available, a review of California Natural Diversity Database records, consultation with biologists from the CDFW Bishop office, and a December 7, 2014 search of the entire project area, there exists some potential for special status plants to be affected by road widening and retaining wall replacement. The finding that special status plants were not seen during a site visit in December 2014 (see the Biological Assessment provided in Attachment B) is offset by the timing of the search; lateness of the season may have rendered aboveground parts of occurring plants undetectable. It remains possible that one or more populations of special status plants, as listed in the project's biological assessment report (Paulus, 2014), may be adversely affected. However, due to the limited extent of disturbance at any particular portion of the roadside habitat, it is very unlikely that the project within its narrow confines will remove a significant portion of any occurring population, so as to reduce its abundance to below the threshold of continued viability. The assumption that significant impact can be avoided to the greater portion of any population of an occurring special status plant species will be validated by a survey conducted under the aegis of Mono County prior to the onset of ground-disturbing activities. With information about the locations and the extents of special status plant populations, should any occur, avoidance can be maximized during construction and during subsequent long-term road maintenance activities, thus assuring that potential impacts remain below the level of significance.

The project will not impact potentially occurring special status animals, because suitable habitat does not intersect the project, as described in the project's biological assessment report (Paulus, 2014). Most ground disturbing activities will affect only roadside shoulder areas that are currently revegetated or otherwise highly disturbed by ongoing recreational use. Trampling has removed the understory vegetation and created abundant social trails within the riparian plant communities that are intersected by the project corridor. No burrows or nests that could be occupied by potentially occurring special status animals, as listed in the project's biological assessment, were detected during a search of the entire project area. Riparian birds are unlikely to nest in the immediate area of work, because these habitats have been and will continue to be relatively highly disturbed by ongoing, intensive recreational use. If birds do choose the roadside habitat for nesting, it is unlikely that the temporary, incremental addition of construction noise and activity would substantially alter (i.e., further degrade) the suitability of the habitat for breeding and nesting or significantly influence the fate of individual nests. Road widening that will occur within the broad expanse of sagebrush scrub will not

significantly impact the local availability of habitat for greater sage grouse, as disturbance will be limited to the immediate edge of the existing roadway. With incorporation of mitigations that require daytime work hours and that dogs be restrained, and require proper storage and disposal of potential attractants for local predators, potential impacts to individual grouse, migrating mule deer, and other wildlife will be reduced below the level of significance.

Convict Lake Road passes through vegetation classified as Big Sagebrush Scrub, an *Artemisia tridentata* – *Purshia tridentata* alliance, throughout most of its extent. This plant community is common and widespread throughout Mono County and the Great Basin generally. For approximately 900' between the resort and marina, one side of Convict Lake Road is bordered by Aspen Riparian Forest dominated by quaking aspen (*Populus tremuloides*), black cottonwood (*P. trichocarpa*), and water birch (*Betula occidentalis*), which is considered Sensitive by the State of California (CDFG, 2010). Between the marina and the southern terminus of the project, one side of Convict Lake Road is bordered by Willow Riparian Scrub, a *Salix* spp. – *Rosa woodsii* alliance which is a riparian plant community but is not considered Sensitive. FHWA (2014) has determined that the project will temporarily or permanently affect 0.44 acres of riparian vegetation (Aspen Riparian Forest and Willow Riparian Scrub). With the incorporation of previously formulated mitigation that includes plantings intended to restore Willow Riparian Scrub at an acreage ratio of 1.5:1 (0.66 acres) and thus restore riparian vegetation function (FHWA, 2014), the temporary and permanent loss of 0.44 acres that will occur almost entirely within this community will be brought to below the level of significance.

The mitigation measures provided below will reduce potential impacts on biological resources to less than significant levels. Note that these mitigation measures are proposed in addition to the environmental commitments contained in Attachment A. Mono County will be responsible for the implementation, monitoring and reporting of these measures as outlined below, in collaboration with FHWA and in accordance with CEQA requirements:

- ➔ **MITIGATION BIO-1 (Rare Plant Surveys):** Prior to the start of construction, surveys for the presence of rare plant populations will be conducted within the entire extent of the project's ground-disturbing activities. Surveys will be conducted by a qualified biologist, and will include at least one survey conducted during the period May 1 to June 30, which is when plant structures that are necessary for identification of the potentially occurring rare species are normally present. Riparian habitats will be surveyed where temporary or permanent disturbance will occur, for Lemmon's milkvetch, western single-spiked sedge, subalpine fireweed, small-flowered grass of Parnassus, scalloped-leaved lousewort, slender-leaved pondweed, and marsh arrowgrass. Upland scrub and roadside habitats will be surveyed where temporary or permanent disturbance will occur, for Long Valley milkvetch, Mono milkvetch, Masonic rockcress, pinyon rockcress, Booth's evening primrose, Booth's hairy evening primrose, Inyo hulsea, dwarf monolepis, and naked-stem phacelia. If individuals are detected, road maintenance practices that avoid future impacts to the affected populations will be encoded into the maintenance easement agreement between Mono County and Inyo National Forest. At a minimum, practices will include restrictions against use of herbicide or timing requirements for applications, in order to avoid impacts to individual plants and to recruitment in the known populations.
  - ➔ **MITIGATION BIO-2 (Limits on Construction Hours and Dates):** Construction and road maintenance will not be conducted during the nighttime periods 7 P.M. through 7 A.M. on the dates April 1 through June 15 and September 15 through December 1, in order to avoid impeding the normal migration movements of mule deer of the Round Valley herd. Temporary construction fencing will not be used during this project, except for the limited purpose of preventing encroachment at the identified archeological sites.
  - ➔ **MITIGATION BIO-3 (Proper Storage):** During construction and maintenance activities, all trash produced will be stored properly and removed promptly in order to avoid attracting wildlife.
  - ➔ **MITIGATION BIO-4 (Dog Restraints):** During construction and maintenance activities, all dogs will be kept on leash or otherwise restrained in order to avoid harassment of wildlife.
  - ➔ **MITIGATION BIO-5 (Wildlife Signage):** Signage warning that a wildlife crossing zone is being entered will be emplaced and maintained near the northern terminus of Convict Lake Road for southbound vehicle and bicycle traffic, and near the resort for northbound traffic.
- c) **Have a substantial adverse effect on federally protected wetlands through removal, filling, hydrological interruption or other means?**

**NO IMPACT.** A jurisdictional wetland determination was performed in April 2014, employing the methods prescribed in the U.S. Army Corps of Engineers 1987 *Corps of Engineers Wetlands Delineation Manual*, and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*, the *Regional Supplement to the Corps of Engineers*

Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), and the Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (Jacobs, 2014). Based upon the findings of the April field work, the project was altered to completely avoid all encroachment into areas mapped as Waters of the U.S. (FHWA, 2014). None of the culverts that will be replaced by the project were found to be within drainages that would be considered tributary to a navigable Waters of the U.S. (Jacobs, 2014). Bridge work at Convict Creek will at no time encroach within the bed or banks, and no work will occur below the ordinary high water mark at Convict Lake (FHWA, 2014). With the incorporation of standard best management practices during construction, as prescribed in the project's National Pollution Discharge Elimination Permit, there will be no substantial impact upon the biogeochemistry of any receiving Waters of the U.S.

**d) Interfere with movement of a native resident or migratory species or established wildlife migration corridors?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** The project may temporarily create a minor impediment to semi-annual migration of mule deer of the Round Valley Herd. During the period April 1 through June 15 (spring migration) and September 15 through December 1 (fall migration), mule deer in large numbers cross Convict Lake Road while using traditional, long-established migratory paths. The fall migration of 2014 was in evidence at the time of the December survey as a series of nicks trodden into the existing roadbed and shoulder, with the highest density at the base of a moraine at 0.6-0.7 miles south of the intersection of Convict Lake Road with U.S. Highway 395. Substantial impediment to movement will be avoided by the project due to its concentrated, relatively small area of created noise and activity relative to the entire length of the project corridor; deer will be able to pass to the north or south of this temporary disturbance with ease. Furthermore, the chance of collisions interfering with movement will not be increased by project construction, because construction vehicles move very slowly, and traffic calming in the construction zone will reduce the speed of other vehicles. The project will not create any fencing that could direct deer onto U.S. Highway 395. Deer migration in this area occurs mainly at night. With the incorporation of mitigation measures BIO-1 through BIO-5 above requiring daytime work hours (7 A.M. to 7 P.M. only), restraint of dogs, and proper storage and disposal of potential attractants for local predators, and warning signage for drivers, the potential impacts to individual deer will be reduced below the level of significance.

**e) Conflict with local tree preservation policies? Conflict with an adopted Habitat Conservation Plan?**

**NO IMPACT.** There are no local tree preservation policies that would suggest changes to the project. The U.S. Fish and Wildlife Service is considering a sage grouse critical habitat designation for an area that includes the lower portion of the Convict Lake Road. However, the designation has not yet been adopted and there is no Habitat Conservation Plan for this or any other species currently intersecting the project area. No mitigation is required or proposed.

**V. CULTURAL RESOURCES. Would the project:**

**a) Adversely impact the significance of a historical resource?**

**NO IMPACT.** An historical architectural assessment was not conducted for this project because no potentially historic buildings or structures exist in the Area of Potential Effects (APE), and therefore the project would not have any effect on the built environment.

**b-d) Cause a substantial change in the significance of an archaeological resource? Destroy a paleontological resource or unique geological feature? Disturb any human remains?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** As part of the FHWA CE process (please see Attachment A), an Area of Potential Effects (APE) was established for the project based on potential direct and indirect effects associated with the project. The horizontal APE generally consists of a corridor that ranges between 25 to 140' wide, centered on the existing roadway, for a total of 4.38 acres. The corridor width varies to address archaeological sites and accommodate parking improvements, staging areas, culvert crossings, and removal of retaining walls. The vertical APE ranges between 7" (for curb construction) up to 4' (for installation of guardrail posts). The Final CE (see Attachment A) contains an Archeological Survey Report with a detailed description and maps of the APE.

Native American tribal consultation conducted in March 2014; no additional religious or tribal sites were identified. During June 2014, FHWA conducted archival research, an assessment of the potential for buried archaeological resources, and a pedestrian survey of the APE. Three previously recorded prehistoric sites and one new historic site were located in the APE. The project design was revised to avoid all three prehistoric properties identified as potentially eligible for the National Register of Historic Places (NRHP). In addition, all three areas will be fenced to avoid construction related

disturbance. FHWA determined the road to be ineligible as it lacks significance and integrity under the National Register criteria. A determination of no historic properties affected and a copy of the Archaeological Survey Report were sent to the California State Historic Preservation Officer (SHPO) for concurrence on September 3, 2014. In a letter dated October 2, 2014, SHPO responded that they did not agree with FHWA's determination of no historic properties affected, and recommended a finding of no adverse effect for the three prehistoric sites. In addition, the SHPO requested further evaluation of Convict Lake Road according to the National Register criteria per 36 CFR part 63. FHWA-CFLHD re-initiated consultation with SHPO on October 24, 2014. On October 29, 2014, SHPO concurred with the determination of no adverse effect to historic properties as a result of the proposed action. SHPO also concurred that Convict Lake Road is ineligible for listing on the NRHP. Based on these consultations, FHWA concluded that requirements for compliance with §106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations, have been satisfied.

Inyo National Forest evaluated the proposed Convict Lake Trail improvements and repairs in August 2013 for potential to affect cultural resources. The evaluation was conducted in accordance with the Programmatic Agreement among USDA Forest Service, Pacific Southwest Region (Region 5), SHPO, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with §106 of the National Historic Preservation Act for Management of Historic Properties by the National Forest of the Pacific Southwest Region ('Regional PA', 2013). The USFS indicated that the APE for the improvements and repair of the trail had been previously surveyed and that no historic properties were found with the APE. Consequently, INF Heritage Resources staff determined that the improvements and repairs to Convict Lake Trail would result in no historic properties affected as per Stipulation 7.8(a) of the Regional PA.

The proposed riparian mitigation locations will be surveyed and evaluated for cultural resources by the INF archeologist in accordance with the Regional PA. Based on survey results, only those areas where cultural resources have not been identified will be used for planting riparian vegetation. The INF archeologist will complete §106 compliance for this project component under the Regional PA. Based on all of the foregoing considerations, it is concluded that impacts on cultural resources will be less than significant given the environmental commitments adopted by FHWA, and no further mitigation measures are required.

## **VI. GEOLOGY & SOILS. Would the proposal expose people to potential impacts involving:**

- a-d) Rupture of a known earthquake fault? Strong seismic ground shaking? Seismic related ground failure? Liquefaction or seiching? Landslides? Substantial soil erosion? Located on expansive soils?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** All of Mono County is subject to seismic ground shaking. However, the project site is not located within a fault rupture hazard zone as shown on the 2012 Alquist-Priolo maps ([www.quake.ca.gov](http://www.quake.ca.gov)), nor does the area have any designated landslide and liquefaction zones.

Improvements to the Convict Lake Road and trail will result in minor impacts to existing vegetation, which will expose soil in those areas. Pursuant to Clean Water Act §402 requirements for the National Pollution Discharge Elimination System (NPDES), FHWA has included environmental commitments that include preparation of a storm water pollution prevention plan (SWPP). Best management practices (BMPs) in the SWPP, as outlined in the CE environmental commitments, will include a wide range of measures to address erosion and sediment control. The measures include:

- (a) use of certified weed free permanent and temporary erosion control measures to minimize erosion and sedimentation during and after construction according to the contract erosion control plan; disturbed areas will be re-seeded with a seed mix recommended by INF;
- (b) construction of erosion controls around the project perimeter before grubbing and grading, including filter barriers, diversion and settling structures;
- (c) grubbing & grading operations will be restricted to a maximum 350,000 square feet of exposed soil at any one time;
- (d) maintenance of temporary erosion control measures in working condition into the project is complete or the measures are no longer needed;
- (e) application of turf establishment to finished slopes and ditches within 14 days of completing construction in any portion of the site; and
- (f) protections for seeded areas including watering when needed until final acceptance, and repair of all damage to seeded areas by reseeding and mulching.

In summary, implementation of the environmental commitments as outlined in the Final CE (Attachment A) will reduce project impacts on geology and soils to less than significant levels. No additional mitigation measures are required.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems?**

**NO IMPACT.** Existing INF facilities at Convict Lake include public restrooms with flush toilets. The proposed project improvements do not include any modification to these facilities. No impacts involving septic tanks or alternative waste disposal systems would occur, and no mitigation is required.

**VII. GREENHOUSE GAS EMISSIONS. Would the project:**

**a-b) Generate greenhouse gas emissions, directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted to reduce the emissions of greenhouse gases?**

**NO IMPACT (Beneficial Impact).** “Greenhouse gases” (‘GHG’) are implicated in global climate change and contribute to an increase in the temperature of the earth’s atmosphere. The principal greenhouse gases are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, and industrial and commercial sources are the second largest contributors. (City of Rolling Hills, *Poppy Trail Landslide Remediation Project MND*, 2010).

As of this date, there are no adopted plans, policies, or regulations for the reduction of greenhouse gas emissions in Mono County. However, the County during 2014 prepared a Resource Efficiency Plan that focuses on efficiency upgrades at all County facilities, new solar projects for County landfills and community centers, pollution removal systems for county road shops, permit fee waivers for energy efficient and distributed generation projects, potential use of biomass from forest health and fuel reduction projects and other tools to reduce GHG emissions, work toward energy independence and enhance efficiency. The Plan will be integrated into the General Plan as part of an ongoing update that is expected to be completed during 2015.

Beyond the County’s efforts, the California Air Resources Board (CARB) has adopted regional greenhouse gas reduction standards for areas included in the state’s 18 Metropolitan Planning Organizations (MPOs); because Mono County is not part of an MPA, the CARB standards do not apply. Additionally, California’s Climate Change Scoping Plan encourages local governments to reduce greenhouse gas (GHG) at least 15% below current levels to achieve the goal of reducing emissions to 1990 levels by 2020 ([www.arb.ca.gov/cc/scopingplan/scopingplan.htm](http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm), and [www.CoolCalifornia.org](http://www.CoolCalifornia.org)). The proposed project will not conflict with that goal. Many of the methods suggested to reduce greenhouse gas emissions involve reducing traffic, increasing use of mass transit, concentrating development in communities, utilizing alternative energy sources, and reducing the consumption of electricity and water. Many of those methods do not apply to the proposed project.

The proposed project involves the rehabilitation of an existing road and an existing trail. Neither the road nor the trail will be expanded to support additional vehicular or pedestrian traffic, and no increase in visitor use or traffic is anticipated. Project construction will not require or involve wood burning, or generate other direct emissions.

The project will use a minimal amount of water during construction and establishment of required landscaping; this use will be terminated following construction and established planting. The project will use no electricity. Road and trail improvements will remove some existing vegetation directly adjacent to the construction areas (please see discussion under Checklist Item IV, Biological Resources, for a listing of impacted vegetation). Project Specific and Standard Environmental Commitments for the project require the revegetation of all disturbed areas using a native seed mix approved by the Inyo National Forest. All vegetation removal and mitigation will be coordinated with the Inyo National Forest.

Following construction, FHWA anticipates that the project will enhance opportunities for alternative modes of transportation. Improved bicycle facilities will allow cyclists to more safely access and travel throughout the Convict Lake recreation area, and pedestrians will be able to more safely utilize the paved shoulder when travelling between the campground, resort, marina, stables, and the lake.

No increase in vehicular traffic is foreseen to result from the project. However, by providing improved non-motorized transportation opportunities, visitors are expected to be more inclined to leave their vehicles, thereby reducing greenhouse gas emissions. In fact, based on results of a survey by the Eastside Velo Bicycle Club, FHWA anticipates that the widened shoulder along Convict Lake Road may increase cycling visitation to the area by an estimated 1,100 riders per season. In summary, following completion of temporary construction activities, the project is anticipated to have no impact on greenhouse gas emissions and will enhance use of alternative travel modes in a manner consistent with County policy for long-term GHG reduction. No mitigation measures are required or proposed.

## VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

*a,b,g,h) Create a significant health hazard through the transportation of hazardous materials? Create a significant hazard due to accidental release of hazardous materials? Increase fire hazard in areas with flammable brush, grass, or trees?*

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** As noted in Checklist Item VI (Geology and Soils) a Storm Water Pollution Prevention Plan will be developed for the project in order to obtain a NPDES permit; BMPs in that plan will include measures that protect resources from oils and chemicals used during construction as well as long-term measures to permanently reduce potential impacts to water quality, biological resources and visitors. BMPs will comply with the Inyo National Forest's Rock Creek-Pine Creek Management Area direction for water quality, as well as the Water Quality Control Plan for the Lahontan Region. The Categorical Exclusion completed by FHWA for the project includes erosion and sediment control BMPs in the Project Specific and Standard Environmental Commitments for the project.

The proposed project is consistent with Mono County's Emergency Operations Plan. Adequate access for emergency vehicle access will be maintained at all times along the construction route. While the project area is subject to potential fire hazards, the project will not in itself significantly increase that risk or expose additional people to that risk.

*e) Result in a safety hazard result in a safety hazard for people working with two miles of an airport?*

**NO IMPACT.** The Mammoth/Yosemite Airport is located less than 2 miles north of a portion of the project area. The *Airport Layout Plan Update* (May 2012) notes that there are a number of obstructions located around the airport that are considered obstructions based on FAR Part 77. The major obstructions identified therein include the mountains to the south, west, and northwest, all of which penetrate the horizontal surface and the conical surface. To address obstructions on the south, the *Plan* recommends installation of a row of obstruction lights at the top of the power and telephone poles located south of the runway. The Convict Lake Road and trail improvements are at elevations far below the obstruction surfaces identified in the *Airport Layout Plan Update*, and no potential impacts to airport safety are foreseen, and no mitigation measures are required.

*c,d,f) Emit hazardous emissions within a quarter mile of a school? For a project in the vicinity of a private airstrip, would the project pose a safety hazard for people residing or working in the project area? Be located on a site that is listed as a hazardous materials site?*

**NO IMPACT.** The project area is not located within a quarter mile of any school or private airport. The California Department of Toxic Substances Control maintains a list (the 'Cortese List') of identified hazardous waste and substances sites throughout the state. The Cortese List includes no sites in Mono County. [[www.envirostor.dtsc.ca.gov/](http://www.envirostor.dtsc.ca.gov/)]

## IX. HYDROLOGY AND WATER QUALITY

*a-f) Violate water quality standards or waste discharge requirements? Substantially deplete groundwater supplies or interfere with groundwater recharge? Substantially alter existing drainage patterns causing substantial erosion, siltation or flooding? Create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems? Otherwise substantially impair or degrade water quality?*

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** The Convict Lake project area is part of the Long Hydrologic Area, which encompasses approximately 380 square miles and is subject to management strategies for protection of high quality waters. Within the Long Hydrologic Area, the project is part of the Crowley Lake watershed (hydrologic unit HUC8 18090102) and the Convict Creek subwatershed (HUC12 180901020207). The Convict Creek subwatershed is 38,213 acres in size and is tributary to Crowley Lake and subsequently the Owens River [[www.waterboards.ca.gov/rwqcb6/water\\_issues/programs/basin\\_plan](http://www.waterboards.ca.gov/rwqcb6/water_issues/programs/basin_plan)]. The northern terminus of the project area is approximately 4 miles west of Lake Crowley.

Hydrology in the project area is shaped by snowmelt, precipitation, and groundwater seepage. Convict Lake collects water from three perennial streams (including Convict Creek) as well as several unnamed intermittent/ephemeral drainages. Convict Creek's headwaters originate 5 miles south of Convict Lake at 11,400', and flow through Constance Lake, Lake Wit-So-Nah-Pah, and Mildred Lake before intersecting Convict Lake and continuing downstream into Lake Crowley.



The watershed is designated as a non-priority Class 1, properly functioning watershed by the Forest Service Watershed Condition Framework (USFS 2013). Watershed management prescriptions are outlined in the *Inyo National Forest Land and Resource Management Plan* (USFS 1988). Named surface waters along or near the project corridor include Convict Creek and Convict Lake.

Total impervious surface area would increase due to roadway improvements providing a consistent 28-foot wide paved surface, compared to the existing 20 to 37 feet of paved roadway surface. 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 incorporated as environmental commitments and discussed below.

Since the area of direct earthwork disturbance will exceed 1 acre, the project will be subject to requirements of the NPDES requirements for construction projects. These requirements are enforced by the Water Quality Control Board (Lahontan Region) and include preparation of a Storm Water Pollution Prevention Plan (SWPP) with BMPs to reduce potential erosion and sedimentation to less than significant levels. As required, a SWPP will be developed for the proposed project to obtain NPDES permit coverage. This plan will include varied BMPs, including both temporary construction BMPs and permanent measures, to reduce the potential for impacts to water quality and comply with 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.

- g-h) Place housing within a 100-year flood hazard area? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or property to risk of loss, injury or death involving flooding? Result in inundation by seiche, tsunami or mudflow?**

**NO IMPACT.** The Convict Lake project area is not located within a 100-year flood zone as identified by Federal Emergency Management Agency [[hazards.fema.gov./femaportal/](http://hazards.fema.gov./femaportal/)], and project implementation would therefore not impede or redirect flood flows or expose people or property to flood risk.

- i,j) Expose people or property to risk of loss, injury or death involving flooding? Result in inundation by seiche, tsunami or mudflow?**

**LESS THAN SIGNIFICANT IMPACT.** The Mono County *Safety Element* (2012) notes that Convict Lake is subject to earthquake-triggered rockfalls, and it is conceivable that such seismic and rockfall events could result in seiching of lake waters. The proposed project would not increase these risks, however, and the improved road and trail access would facilitate effective ingress, egress and evacuation.

The *Safety Element* also notes that landslides can be precipitated by seismic shaking and heavy rains as well as human activities that include road cuts, grading, construction removal of vegetation, and changes in drainage, all of which are proposed in conjunction with the Convict Lake project. Implementation of the environmental commitments described in Attachment A, particularly BMPs contained in the SWPP to minimize erosion, will reduce these potential impacts to less than significant levels; no supplemental mitigation is required.

**X. LAND USE AND PLANNING. Would the project:**

- a,c) Physically divide an established community? Conflict with a habitat conservation plan or a natural community conservation plan?**

**NO IMPACT.** As previously noted, the project study area is part of Inyo National Forest, and serves a wide range of recreational uses and resource values. There are no communities located in or near the Convict Lake study area, and there is no potential for the project to divide an established community. No habitat conservation plan or natural community conservation plan has been adopted for lands within the project area, and there is no potential for the project to conflict with such a plan/

**b) Conflict with an applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

**NO IMPACT.** The Convict Lake project area is part of the Inyo National Forest Convict-McGee Management Area, and subject to the use and management prescriptions contained in the *Inyo National Forest Land and Resource Management Plan* (1988). The *Plan* designates the project corridor as an area of Concentrated Recreation and Developed Recreation. Concentrated Recreation Areas are intended to provide a broad range of facilities and recreational opportunity for large numbers of people safely, conveniently, and with little resource damage. Developed Recreation sites are intended to provide necessary user services and protect resource values. The management purpose of the Developed Recreation Site and Concentrated Recreation Area prescriptions include provisions that emphasize or permit the type of road maintenance activities proposed under this project. Visitation to Convict Lake is approximately 177,000 people annually.

The FHWA CE notes that USFS is the sole landowner along the project corridor; Convict Lake Resort is owned and operated by a permittee, and provides cabins, a restaurant, general store, marina and horse stables for use by visitors. Temporary effects to the Resort may result from traffic delays during the daytime, but construction will be limited to non-holiday weekdays, and only during daylight hours only. The FHWA CE concludes that the proposed project would not have long-term adverse impacts on the Resort.

**XI. MINERAL RESOURCES. Would the project:**

**a,b) Result in the loss of availability of a known mineral resource? Result in the loss of availability of a locally important mineral resource recovery site?**

**NO IMPACT.** The project is the rehabilitation of an existing trail and road; it will not result in the loss of availability of a known mineral resource recover site, nor will it reduce availability of a locally important mineral resource recovery site. No impacts are foreseen, and no mitigation measures are required.

**XII. NOISE. Would the project result in:**

**a-e) Exposure of people to noise levels in excess of local standards or ordinances? Excessive ground borne vibration or ground borne noise levels? Substantial permanent increases in existing noise levels? Substantial increases in ambient noise levels in the project vicinity? Substantial increases in temporary or periodic noise levels? If within two miles of an airport, expose residents or workers to excessive noise levels?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** Per FHWA regulation 23CFR 772.7(f), the project has been determined to meet the criteria for a Type III project. The criteria include: 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.

As a Type III project, the Convict Lake project requires no analysis for highway traffic noise impacts. The noise environment in the project vicinity is typical of undeveloped forest and rural lands. The predominant noise source in the corridor is vehicular traffic on Convict Lake Road. Noise sensitive receptors in the project area include the Convict Lake Campground and the Convict Lake Resort. These receptors are located between 50' and 1,000' 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 a manner that would increase noise at any of the receivers in the general vicinity. 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, 2006), maximum noise levels from diesel-powered equipment range from 80 to 95 dBA at a distance of 50 feet.

Construction activities along the majority of the project limits would be subject to requirements of Mono County Code 10.16 (Noise). This local ordinance establishes maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment at 65 dBA between the hours of 7:00pm and 7:00am and 75 dBA between the hours of 7:00am and 7:00pm.

The FHWA CE notes that 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 and trail, temporary noise levels associated with construction activities are anticipated to exceed the maximum allowable levels identified in county code and guidance at most of the receptors in the study area. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at the campground and the Resort is the lowest. The CE contains environmental commitments that will reduce these temporary noise impacts to less than significant levels. As presented in Attachment A, the commitments include: 1) restricting construction activities within 500 feet of existing noise sensitive uses to the hours of 7:00am to 7:00pm.; 2) use of well-maintained equipment, with regular equipment inspections; and 3) placement of stationary sources as far from sensitive receptors as practicable.

Construction activities generate ground-borne vibration when heavy equipment travels over unpaved surfaces or engage in soil movement. Impacts of ground-borne vibration include discernable movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In “soft” sedimentary surfaces, ground vibration is quickly damped out. Surface soils in the Convict Lake project area are comprised of rock and soil materials that were deposited by ancient glaciers as they flowed out of the canyon. Vibration impacts are anticipated to be less than significant due to presence of soft soil conditions at the site, and due to the predominant use of paved surfaces for transport of heavy equipment.

**f) *If within two miles of a private airstrip, expose residents or workers to excessive noise levels?***

**NO IMPACT.** The project site is not located within two miles of a private airstrip.

**XIII. POPULATION AND HOUSING. Would the project:**

**a-c) *Induce substantial growth either directly or indirectly? Displace existing housing, especially affordable housing, or substantial populations?***

**NO IMPACT.** The project involves the rehabilitation of an existing road and trail inside the Inyo National Forest. Uses in the project area are consistent with prescriptions contained in the *Inyo National Forest Land and Resource Management Plan*, including a broad range of facilities and recreational opportunity with associated user services and resource protections. The number of guest lodging units at Convict Lake Resort will not change, and there is no permanent housing in or near the project area. No impacts on population and housing are foreseen, and no mitigation measures are proposed.

**XIV. PUBLIC SERVICES. Would the project impact or create need for new government services?**

**a) *Fire protection? Police Protection? Schools? Other public facilities?***

**LESS THAN SIGNIFICANT IMPACT.** Water, sanitary sewer, electric power lines, and phone lines occur within the project area. Electric power and phone lines are overhead throughout the Segment 1, under the existing pedestrian bridge, and underground in Segment 2. Power and phone lines will remain in place under the new pedestrian bridge. Water and sewer lines are INF owned. These utility lines and junction boxes that are within the roadway will require adjustments during construction. FHWA-CFLHD will coordinate with utility companies for any anticipated relocations or adjustments.

The project is the rehabilitation of an existing road within the boundaries of the Inyo National Forest. The project does not include any development and will not increase the capacity of the road. No hazardous materials will be utilized or stored on site. The project is not anticipated to increase the need for fire protection services, or create the need for additional police protection. Because there is no residential housing on the site, and because visitor lodging capacity will not change, the project is not anticipated to generate additional population or to create any impacts on area schools. The project will directly enhance visitor safety, transportation safety and ADA access on the Convict Lake Trail and Road systems, consistent with the management objectives for Forest Highway access roads. In this regard, the project would most directly support the objective calling for safe and adequate rural highways connecting the National Forest System with major highway systems, and the objective to provide for economy of operation and maintenance and the safety of users. No adverse impacts are foreseen on public services, and no mitigation measures are proposed.

## **XV. RECREATION. Would the project:**

*a,b) Increase the use of parks or recreational facilities? Require construction or expansion of recreational facilities?*

**NO IMPACT (Beneficial Impact).** As noted above in Checklist Item IX (Land Use), the Convict Lake project area is part of the Inyo National Forest Convict-McGee Management Area, and subject to the use and management prescriptions contained in the *Inyo National Forest Land and Resource Management Plan* (1988). The *Plan* designates the project corridor as an area of Concentrated Recreation and Developed Recreation. FHWA has concluded that the project improvements are consistent with both the intent and purpose of both designations, and will enhance safety and access to the INF facilities. No increase in vehicular traffic is foreseen to result from the project. However, based on results of a survey by the Eastside Velo Bicycle Club, FHWA anticipates that the widened shoulder along Convict Lake Road may increase visitation to the area by an estimated 1,100 riders per season.

As part of the NEPA environmental requirements for this project, FHWA must comply with Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966 (codified in 49 U.S.C. §303). DOT Act 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 Statute 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 (collectively known as 4(f) properties). Within the current project, there are several Section 4(f) properties including three prehistoric sites, the Convict Lake campground, and the Convict Lake Trail.

FHWA has analyzed the project in terms of Section 4(f) requirements and has determined that the project qualifies for the Section 4(f) exception per 23 CFR 774.13(g) because the improvements are solely for preserving and enhancing the recreational use along the lakeshore. Trail improvement activities include removing the existing pavement, repairing or replacing minor drainage structures, slope armoring to reduce erosion, realignment of the trailhead at the south end and placing base course and asphalt pavement. The proposed trail rehabilitation will maintain the existing horizontal and vertical alignment along the majority of the trail with minor adjustments to the horizontal alignment. Trail realignments are proposed at the south end of the trail, for approximately 400 feet, in order to meet ADA standards. The Forest Service owns, and will continue to maintain, the trail. Therefore, it has been determined that the trail improvement project qualifies for the Section 4(f) exception per 23 CFR 774.13(g) as the improvements are solely for preserving and enhancing the recreational use along the lakeshore.

FHWA-CFLHD has coordinated with the USFS on the proposed trail improvement project and the avoidance and minimization of impacts. The USFS has expressed its support of the project and its agreement with the avoidance and minimization measures, noting that the project has a beneficial effect overall by providing a safe and sustainable trail for visitors to INF and Convict Lake. Trail access around the lake perimeter will at all times be maintained during the construction period, with a temporary trail detour around the trail reconstruction area.

FHWA has also concluded that the proposed project would not have long-term adverse impacts on the Convict Lake Resort. As noted, temporary effects are expected to result from traffic delays during the daytime, but construction will not take place on the weekends or during holidays when visitation to the lake and Resort is high or at night. During the approximately four-month construction period, no road closures along the majority of the construction route. Closures will be limited to the road section just beyond the Campground access road, and although parking areas beyond the Campground access road will be closed to the public throughout construction, the existing overflow parking area will be available for parking during construction.

In summary, the project will have adverse effects on access and recreation during the 4-month construction period, but these short-term effects will be supplanted by long-term benefits to access and safety. No mitigation measures are required apart from the environmental commitments provided in the CE (see Attachment A).

## **XVI. TRANSPORTATION/ TRAFFIC. Would the project:**

*a-d) Conflict with a plan to measure circulation system performance or cause a substantial increase in traffic relative to existing traffic load and street system capacity? Exceed a level of service established for designated roads? Cause a change in air traffic patterns? Increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** As noted in the project description, Convict Lake Road is currently a two-lane, paved roadway with varying widths and variable width unpaved shoulders, as well as multiple paved and unpaved pull-offs and intersecting roadways. From the intersection with US 395 to the Marina ('road segment 1'), the paved width varies from 20 to 22 feet and from the Marina to the turnaround on the east side of the lake ('segment 2') it varies from 22 to 37 feet. Initially constructed almost 50 years ago, Convict Lake Road is in fair condition but with significant transverse and alligator cracking, and edge deterioration. The narrow roadway, rough riding surface and edge deterioration can be hazardous and discourage use by both bicycles and pedestrians. The absence of a paved shoulder and significant edge cracking forces cyclists toward the center of the motor vehicle lane while travelling at slow uphill speeds, while motorists tend to steer outside of the travel lane to avoid areas of significant cracking and rough ride. The timber railroad tie retaining walls that allow for lake-side parking are deteriorating; roadway guardrails do not meet current standards; and signing and striping do not comply with current guidelines. Coupled with the high level of recreational use in the Convict Lake project area, these conditions pose a risk for conflict between motor vehicles and pedestrians or bicyclists. Based on these considerations, FHWA determined that improvements are needed including pedestrian facilities along the roadway, widened shoulders, crossing opportunities and traffic calming measures.

The proposed project would not increase the traffic capacity of the roadway or induce an increase in traffic. The proposed project addresses safety concerns on Convict Lake Road and rehabilitation needs on the Convict Lake Trail that include roadway and trail pulverizing/pavement removal and paving, addition of designated shoulders, and drainage improvements. 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.

Similarly, the proposed project would not have long-term adverse impacts on the Resort. Temporary effects to the Resort may result from traffic delays during the daytime. Construction will not take place on the weekends or during holidays when visitation to the lake and Resort is high or at night. Typical traffic delays during construction on the weekdays are anticipated to be up to 30 minutes. These impacts would be temporary and last the duration of the construction period. Construction would take approximately four months. Road closures are not anticipated in Segment 1. Road closures will be allowed in Segment 2, just beyond the Campground access road. Parking areas beyond the Campground access road will be closed to the public throughout construction. The existing overflow parking area can be used during construction. 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 the local media and on-site information signs as appropriate.

No commercial or residential right-of-way (ROW) acquisitions would occur. However, FHWA CFLHD does anticipate developing a DOT Highway Easement Deed for the route in the INF in order to formalize an easement for operation and maintenance of the roadway by the County.

Environmental commitments provided in the FHWA CE will reduce temporary impacts on traffic to less than significant levels, and no supplemental mitigation is required for these short-term effects. Following construction the project improvements will significantly reduce existing hazards on the road and trail systems and provide for safer access and circulation. The project will have no impact on air traffic patterns nor will it conflict with any plan for measuring system performance.

**e) Result in inadequate emergency access or access to nearby uses?**

**LESS THAN SIGNIFICANT IMPACT.** 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 the local media and on-site information signs as appropriate. No supplemental mitigation is required.

**f) Conflict with adopted policies or programs supporting alternative transportation or result in inadequate parking?**

**NO IMPACT (Beneficial Impact).** FHWA anticipates that the project will enhance opportunities for alternative modes of transportation. In particular, the improved bicycle facilities will allow cyclists to more safely access and travel throughout the Convict Lake recreation area. In addition, pedestrians will be able to safely utilize the paved shoulder when travelling between the campground, resort, marina, stables, and the lake. By providing non-motorized transportation opportunities, visitors are expected to be more inclined to leave their vehicles, and have a more direct experience with the natural amenities. Replacement of the timber pedestrian bridge will provide visitors safe access to the lake and other

recreational facilities in the project area. Improvements to Convict Lake Trail in accordance with ADA standards will allow for safe hiking and access to the lake shore for visitors with a range of abilities. No adverse impacts are foreseen, and no mitigation is required.

**XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:**

**a,b,e) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Require construction of new water or wastewater treatment facilities? Have adequate wastewater treatment capacity available to serve the project?**

**NO IMPACT.** The project is limited to the rehabilitation of Convict Lake Road and trail in Convict Creek. It will not require or result in the construction of new water or wastewater treatment facilities, or in the expansion of existing facilities.

**c) Require construction of new storm water drainage facilities?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** Drainage issues have contributed to deterioration of the Convict Lake trail and to the Road as well. As noted in the project description, inadequate drainage has caused portions of the trail to slough off, and drainage has also contributed to pavement cracking and poor edge conditions along the road.

No new stormwater drainage facilities are proposed to be constructed. The drainage flows discharged from the roadway are currently conveyed via roadside ditches and culverts, and this condition would be maintained. However, old and damaged drainage culverts will be repaired and extended in order to accommodate the wider roadway. Similarly, minor drainage structures along the trail will be repaired or replaced in order to meet ADA-compliance requirements, consistent with the Forest Service Outdoor Recreation Accessibility Guidelines and the Trail Accessibility Guidelines trail improvements.

FHWA notes that there is a potential for short-term increased sediment levels due to ground disturbing activities associated with replacement and/or extension of culverts, placement of riprap in waterways and other project activities. However, these impacts would be avoided and/or minimized through implementation of the Storm Water Pollution Prevention Plan BMPs designed to reduce the potential for impacts to water quality and comply with the Water Quality Control Plan for the Lahontan Region (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 BMPs will reduce impacts to less than significant levels, and no supplemental mitigation is required.

**d) Are there sufficient water supplies available to serve the project?**

**NO IMPACT.** Water and sewer facilities in the project area are owned and maintained by the Inyo National Forest. The project is not anticipated to increase use of these facilities, and no expansion of facilities is proposed. The project would have no adverse impacts on water supply, and no mitigation is required.

**f,g) Be served by a landfill with sufficient capacity to accommodate the project's solid waste disposal needs? Comply with federal, state and local statutes related to solid waste?**

**LESS THAN SIGNIFICANT IMPACT.** Mono County landfill facilities that serve the region include Benton Crossing Landfill and Pumice Valley Landfill. Both facilities have sufficient capacity to serve local communities for 12 years. Both Mono County and the state have adopted goals that support waste reduction and recycling. In Mono County, green waste from land clearing activities is turned into mulch at the landfill sites (instead of being placed in the landfill), and the Mono County Dept. of Public Works typically recycles asphalt grindings from road projects for use in other projects. Other construction wastes will be recycled to the greatest extent possible in compliance with Mono County standard procedures. The project will comply with all solid waste regulations. No adverse impacts are foreseen, and no mitigation is proposed.

**XVIII. 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 major periods of state history or prehistory?**

**LESS THAN SIGNIFICANT IMPACT.** As described in this MND, none of the proposed project elements would pose a risk of significant adverse impact to biological resources.



**(b) Does the project have impacts that are individually limited but cumulatively considerable?**

**NO IMPACT (beneficial impact).** A number of past, present, and reasonably foreseeable actions occurring within Inyo National Forest (previous road construction, future maintenance activities, and land use and management related decisions), have impacted or have the potential to impact affect natural and cultural resources to varying degrees. Adverse impacts of the Convict Lake Road and trail improvement project are all limited to the temporary and short-term effects of construction. Thereafter, the project would have a range of long-term environmental benefits including improved drainage, access, safety, multi-modal options, aesthetics and recreation. No increased or changed use of Inyo National Forest resources would result from the proposed action. In summary, the proposed action would not result in impacts that are individually limited but cumulatively considerable.

**(c) Does the project have environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly?**

**NO IMPACT (beneficial impact).** Road and trail remediation associated with this project will have beneficial direct and indirect impacts on the individuals who utilize this forest resources. No permanent adverse impacts on human beings are foreseen.

**DETERMINATION** - On the basis of this initial evaluation, the following determination has been made (see Lead Agency signature below):

- The proposed project COULD NOT have a significant effect on the environment, a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment; an ENVIRONMENTAL IMPACT REPORT is required
- The project MAY have a significant effect on the environment, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigations for effects identified as "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

\_\_\_\_\_  
Lead Agency Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**L. REFERENCE MATERIALS**

California Air Resources Board, AB 32 Scoping Plan, CARB website, [www.arb.ca.gov/cc/scopingplan/scopingplan.htm](http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm)

California Air Resources Board (ARB or Board) to develop a Scoping Plan  
Air emissions inventory data, available online at [www.arb.ca.gov](http://www.arb.ca.gov).

California Department of Conservation, Alquist-Priolo Fault Zone Maps, Geological Survey website, [www.quake.ca.gov](http://www.quake.ca.gov).

California Department of Fish and Game, Special status species, habitat information, available online at [www.dfg.ca.gov](http://www.dfg.ca.gov).

California Department of Fish and Game, List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, Sacramento, CA September 2010.

California Department of Toxic Substances Control website: [www.envirostor.dtsc.ca.gov/](http://www.envirostor.dtsc.ca.gov/)

California Water Quality Control Board, *Water Quality Control Plan for the Lahontan Region* ("Basin Plan"). 1995.

City of Rolling Hills, *Final Mitigated Negative Declaration for Poppy Trail Landslide Remediation Project*, October 2010.

Cool California (a collaboration of State government agencies, universities and Next10, a nonprofit organization) website, [www.CoolCalifornia.org](http://www.CoolCalifornia.org).

Federal Emergency Management Agency, Map Service Center, FEMA-Issued Flood Maps website, <https://hazards.fema.gov/femaportal/>.

Federal Highway Administration, Central Federal Lands Highway Division, *Categorical Exclusion for California Forest Highway 199-Convict Lake Road and Trail Improvement Project*, 20 November 2014.

Great Basin Air Pollution Control District website, <http://www.gbuapcd.org/index.php>, 5 December 2014.

Jacobs Engineering, *Wetlands and Other Waters of the U.S. Delineation Report for CA FLAP CR4So7(1) Convict Lake Road, Mono County, California*, prepared for Federal Highway Administration, Central Federal Lands Highway Division, Lakewood, Colorado July 25, 2014.

Mono County Community Development Department, *IS/MND for California Forest Highway 89-1, Rock Creek Road Improvement Project*, Inyo and Mono Counties. August 2013.

Mono County Community Development Department, *Mono County Safety Element*, 2012.

Mono County Community Development Department, *Mitigated Negative Declaration for California Forest Highway 89-1, Rock Creek Road Improvement Project*, Inyo and Mono Counties. August 2013.

Paulus, J., *Biological Assessment for the Convict Lake Road Improvement Project*, prepared for Mono County Public Works Department, Mammoth Lakes, December 2014.

**M. MND PREPARERS AND CONTRIBUTORS**

Mono County Community Development Department

Planning Director ..... Scott Burns  
Senior Planner..... Gerry LeFrancois

Mono County Public Works Department

Assistant Public Works Director ..... Garrett Higerd

Federal Highway Administration-Central Federal Lands Highway Division  
 Project Manager .....Wendy Longley  
 Environmental Protection Specialist ..... Timberley Belish

Bauer Planning & Environmental Services, Inc.  
 Environmental Review ..... Sandra Bauer

James Paulus, Ph.D.  
 Biological Resources ..... Jim Paulus

**N.            ACRONYMS AND TERMS**

A number of abbreviations and acronyms are used throughout this MND. To facilitate understanding of these terms, a glossary of definitions is provided below.

- ADA**            Americans with Disabilities Act; the ADA guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.
- APE**            Area of Project Effects, a NEPA term referring to the project study area.
- BMP**            Best Management Practices for avoiding or minimizing erosion, hazards, air contamination, and other environmental impacts
- CARB**           California Air Resources Board
- CDFW**           California Department of Fish and Wildlife, a state agency responsible for management and protection of biological resources in California
- CE**              Categorical Exclusion, a category of actions under the National Environmental Policy Act that do not individually or cumulatively have a significant effect on the human environment, and which thus do not require either an environmental assessment or an environmental impact statement.
- CEQA**           California Environmental Quality Act of 1970. CEQA established the requirement for environmental review of project proposals in California
- CFLHD**          Central Federal Lands Highway Division, a division of the FHWA. CFLHD is the FHWA division responsible for review and implementation of the Convict Lake Project, Mono County and INF are partners of FHWA for this project.
- CFR**            Code of Federal Regulations
- dB**              Decibels, a measure of sound. Decibels are measured according to various scales, including the (A) scale referred to in this report.
- EIR**            Environmental Impact Report, a CEQA document prepared for projects that may have impacts that cannot be reduced to less than significant levels
- EPA**            Environmental Protection Agency, a federal agency was created for the purpose of protecting human health and the environment by writing and enforcing regulations based on laws passed by Congress.
- FEMA**           Federal Emergency Management Agency
- FH**              Forest Highway; the project is located on FH 199
- FHWA**           Federal Highway Administration, lead agency for the Convict Lake Trail and Road Project under National Environmental Policy Act (NEPA),
- GBAPCD**        Great Basin Air Pollution Control District, the agency responsible for maintaining air quality in the project area.

<b>GHG</b>	Greenhouse Gases, implicated in global climate change and primarily consisting of carbon dioxide, methane, nitrous oxide, ozone, and water vapor.
<b>INF</b>	Inyo National Forest; the project is located in the INF.
<b>MND</b>	Mitigated Negative Declaration, a CEQA document for projects where all environmental impacts can be mitigated to less than significant levels. An IS/MND is an Initial Study (IS) and MND.
<b>NAAQS</b>	National Ambient Air Quality Standards. Under <b>the</b> 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 standards apply to carbon monoxide (CO), lead (Pb), nitrogen dioxides (NO <sub>2</sub> ), ozone (O <sub>3</sub> ), particulate matter (PM <sub>10</sub> and PM <sub>2.5</sub> ), and sulfur dioxide (SO <sub>2</sub> ).
<b>NPDES</b>	The National Pollution Discharge Elimination System
<b>NRHP</b>	The National Register of Historic Places
<b>ROW</b>	Road right of way, a type of easement granted or reserved over land for transportation purposes.
<b>RWQCB</b>	Regional Water Quality Control Board (the project is in the Lahontan region, region #6)
<b>SCE</b>	Southern California Edison
<b>sf</b>	Square Feet, a measure of area.
<b>SHPO</b>	California Historic Preservation Office, a state agency responsible for surveying and recognizing historic properties.
<b>SWPP</b>	Storm Water Pollution Prevention Plan, a plan to reduce erosion and sedimentation from runoff.
<b>USDA</b>	United State Department of Agriculture
<b>USFS</b>	United States Forest Service
<b>USFWS</b>	United States Fish and Wildlife Service
<b>VQO</b>	Visual Quality Objectives; VQOs describe the degree to which the natural landscape can acceptably be modified.

**O. MITIGATION MONITORING AND REPORTING PROGRAM**

**PURPOSE:** This section lists mitigation measures contained in the MND for the proposed Convict Lake Road and Trail Improvement Project that are the responsibility of Mono County as lead agency under CEQA. Mitigation measures are provided in the format of a Comprehensive Mitigation Monitoring and Reporting Plan to ensure compliance with State Public Resources Code §21086.6 which requires public agencies approving a project under CEQA to establish a program for monitoring and reporting on the adopted mitigation plan.

**ADOPTION OF MITIGATION MEASURES:** As part of deliberations concerning the proposed project, the Mono County Board of Supervisors will be required to consider adoption of the mitigation measures listed herein. If the Board members approve the project, they will also be required to specify whether these mitigation measures are to be incorporated as formal conditions of project approval.

**MONITORING AND REPORTING PROCEDURES:** The Mono County Board of Supervisors will be responsible for ensuring that adopted mitigation measures are implemented through all project phases. County staff will be responsible for ensuring that mitigation measures are satisfactorily monitored, and for reporting to the Board regarding progress in implementing the measures. The Board, representing residents of the County, will in turn be responsible for considering the reports submitted by staff, and determining whether measures are being implemented and enforced as intended in this Mitigation Monitoring and Reporting Plan. It is the responsibility of the Board of Supervisors to amend the mitigation measure(s) if necessary to achieve the intended environmental protections.

**REGULATORY AND CODE COMPLIANCE STANDARDS:** The project will be subject to a number of uniform code requirements and standard conditions of approval, many of which have been established to safeguard environmental resources, and/or to promulgate environmental goals and objectives. If the proposed project is approved, compliance with these measures will be mandatory (not discretionary). As such, these measures do not conform to the strict definition of mitigation. Although regulatory standards and codes are not generally incorporated into this mitigation program, the County will be required to ensure that the project is in full compliance with all relevant requirements.

**COMPILATION OF MITIGATION MEASURES:** The following measures are proposed to eliminate, avoid or reduce potential effects of project implementation that have been found to be potentially substantial and adverse.

**RELATIONSHIP TO NEPA:** The Federal Highway Administration-Central Federal Lands Highway Division is the designated Lead Agency under NEPA, and thus responsible for ensuring that the project complies with all applicable NEPA requirements. FHWA has completed a Categorical Exclusion for this project that includes a number of environmental commitments designed to minimize or avoid adverse impacts to environmental resources. FHWA shall be solely responsible for implementing commitments contained in the CE. This Mitigation Plan applies only to the four measures approved by Mono County as lead agency under CEQA and responsible for long-term road (but not trail) maintenance activities.

**PROPOSED CONVICT LAKE ROAD IMPROVEMENT PROJECT IS/MND  
MONO COUNTY MITIGATION MONITORING AND REPORTING PROGRAM**

Project Approval Date: \_\_\_\_\_

Project File Number: \_\_\_\_\_

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The following mitigation measures have been adopted by the Mono County Board of Supervisors to mitigate potentially significant impacts of the Convict Lake Road Improvement Project on biological resources. These measures represent formal conditions of project approval by the County. County staff shall monitor progress in implementing these measures until the Board of Supervisors determines that all measures have been fulfilled in accordance with their original purpose and intent. This monitoring form shall be available for public review and inspection, and all verifications included in this form shall have been satisfactorily completed prior to final project clearance.

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY	VERIFICATION OF COMPLIANCE		
			AGENCY	SIGNATURE	DATE
<b>BIOLOGICAL RESOURCES</b>					
<b>BIO-1</b>	<p><u>Rare Plant Surveys:</u> Prior to the start of construction, surveys for the presence of rare plant populations will be conducted within the entire extent of the project's ground-disturbing activities. Surveys will be conducted by a qualified biologist, and will include at least one survey conducted during the period May 1 to June 30, which is when plant structures that are necessary for identification of the potentially occurring rare species are normally present. Riparian habitats will be surveyed where temporary or permanent disturbance will occur, for Lemmon's milkvetch, western single-spiked sedge, subalpine fireweed, small-flowered grass of Parnassus, scalloped-leaved lousewort, slender-leaved pondweed, and marsh arrow-grass. Upland scrub and roadside habitats will be surveyed where temporary or permanent disturbance will occur, for Long Valley milkvetch, Mono milkvetch, Masonic rockcress, pinyon rockcress, Booth's evening primrose, Booth's hairy evening primrose, Inyo hulsea, dwarf monolepis, and naked-stem phacelia. If individuals are detected, road maintenance practices that avoid future impacts to the affected populations will be encoded into the maintenance easement agreement between Mono County and Inyo National Forest. At a minimum, practices will include restrictions against use of herbicides or timing requirements for applications, in order to avoid impacts to individual plants and to recruitment in the known populations.</p>	<p><b>TIMING:</b> Prior to start of road construction activities</p> <p><b>RESPONSIBLE PARTY:</b> County of Mono</p>			
<b>BIO-2</b>	<p><u>Limits on Construction Dates and Hours:</u> Construction &amp; road maintenance will not be conducted during the nighttime periods 7 P.M. through 7 A.M. on the dates April 1 through June 15 and September 15 through December 1, in order to avoid impeding the normal migration movements of mule deer of the Round Valley herd. Temporary construction fencing will not be used during this project, except for the limited purpose of preventing encroachment at the identified archeological sites.</p>	<p><b>TIMING:</b> Throughout road construction &amp; maintenance.</p> <p><b>RESPONSIBLE PARTY:</b> County of Mono</p>			
<b>BIO-3</b>	<p><u>Proper Storage:</u> During construction and maintenance activities, all trash produced will be stored properly and removed promptly in order to avoid attracting wildlife.</p>	<p><b>TIMING:</b> Throughout road construction &amp; maintenance.</p> <p><b>RESPONSIBLE PARTY:</b> County of Mono</p>			
<b>BIO-4</b>	<p><u>Dog Restraints:</u> During construction and maintenance activities, all dogs will be kept on leash or otherwise restrained in order to avoid harassment of wildlife.</p>	<p><b>TIMING:</b> Throughout road construction &amp; maintenance.</p> <p><b>RESPONSIBLE PARTY:</b> County of Mono</p>			
<b>BIO-5</b>	<p><u>Wildlife Signage:</u> Signage warning that a wildlife crossing zone is being entered will be emplaced and maintained near the northern terminus of Convict Lake Road for southbound vehicle and bicycle traffic, and near the resort for northbound traffic.</p>	<p><b>TIMING:</b> Throughout road construction &amp; maintenance.</p> <p><b>RESPONSIBLE PARTY:</b> County of Mono</p>			



**ATTACHMENT A**  
**BIOLOGICAL RESOURCES REPORT**

*Prepared by James Paulus, Ph.D.*

# Biological Assessment for the Convict Lake Road Improvement Project

J.Paulus  
December 10, 2014

## Introduction

The Federal Highway Administration (FHWA) is preparing to make improvements to Forest Highway 199, also known as Convict Lake Road, and an associated paved trail at Convict Lake (Figure 1). FHWA will be wholly responsible for construction of the Convict Lake Road and Convict Lake Trail improvements, but analysis under the California Environmental Quality Act is required for the funding and maintenance commitments that will be provided by Mono County for the Convict Lake Road portion of the proposed project. The project will take place entirely on Inyo National Forest lands. It will include repaving and widening 2.75 miles of existing roadway, which FHWA (2014a) has determined will impact up to 0.44 acres of riparian vegetation between the Convict Lake Resort and the southern terminus of the project at Convict Lake. Roadside impacts to already revegetated shoulders and the adjacent scrub vegetation will occur elsewhere. The elevation of the project increases from 2170 m (7120 ft) at its U.S. Highway 395 terminus to 2330 m (7640 ft) at Convict Lake. Current plans are to complete construction during the spring and summer of 2015.

## Plant Communities

Searches of the vegetation that will be affected were conducted for this study on December 7, 2014. An April 4, 2014 survey of plant communities was conducted by FHWA’s consulting biologists (Jacobs, 2014a). Based upon these field observations, it was determined that nearly all of the area where new project-related disturbance will occur is long revegetated roadside shoulder. Widening the paved roadway will encroach briefly and intermittently into three plant community types (Table 1) that occur at the edges of the shoulders and that have over time revegetated cuts and fills that make up the roadbed. Retaining wall replacement at the marina will cause additional disturbance to a slope that has already been revegetated by recreational activity. A high level of human use in roadside areas becomes clearly evident in communities nearer to Convict Lake, notably between the resort and the southern terminus of the project. Project-related disturbance to vegetation there will occur in the context of a long history of recreational use that has created an abundance of social trails and generalized trampling that has reduced plant cover.

Table 1. Plant communities that were mapped within the 26.5 acre Convict Lake Road project area in 2014. Community names (after Holland, 1986) are cross-referenced to the CDFG (2010) classification and Sawyer, *et al.* (2009) Alliance classification. \* are designated “sensitive” by CDFW (CDFG, 2010).

Holland name and CDFW classification number	Alliance and primary association names
upland	
Big Sagebrush Scrub 35.110.07	Big Sagebrush Shrubland <i>Artemisia tridentata</i> - <i>Purshia tridentata</i>
wetland and potential wetland	
Aspen Riparian Forest 61.111.00*	Aspen Grove <i>Populus tremuloides</i> - <i>Salix lasiolepis</i>
Willow Riparian Scrub 61.209.00	Sandbar Willow Thicket <i>Salix exigua</i> - <i>Rosa woodsii</i>

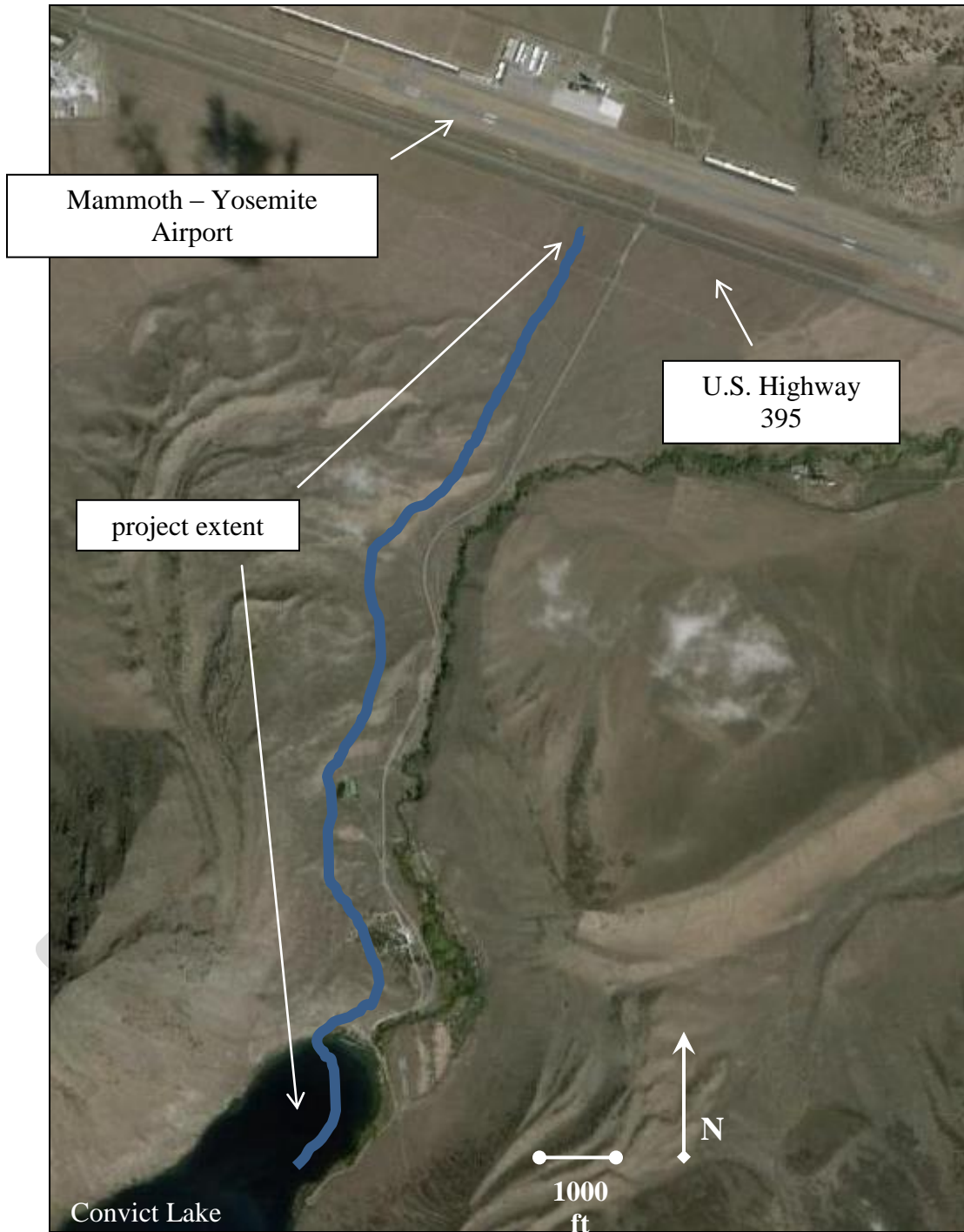


Figure 1. Extent of the Convict Lake Road Improvement Project between U.S. Highway 395 and Convict Lake in Mono County, California.

Upland sagebrush – bitterbrush (*Artemisia tridentata* – *Purshia tridentata*) scrub (“sagebrush scrub”) averaging 30-40% total living cover is traversed by the project at Convict Lake Road between U.S. Hwy 395 and the Marina parking lot. The roadway intersects this community type near the entrance to Convict Lake Campground also. The extensive sagebrush scrub stand to the west of Convict Creek and south of U.S. Highway 395 is relatively intact and undisturbed. The main historical disturbance has been livestock grazing. This community provides relatively unfragmented habitat (although interrupted by an east-west trending overhead power transmission corridor and the north-south trending Convict Lake Road). Any vegetation disturbance associated with this project will occur in two narrow bands (average 4 ft wide) on either side of Convict Lake Road. Nearly all of this area is currently graveled, devegetated or recovering, shoulder (Figure 2), so disturbance to sagebrush scrub will be insignificant or minor at any given point along the disturbance corridor, yet it also will be diffusely extensive with regard to the local stand that it bisects between U.S. Highway 395 and Convict Lake.

Riparian and lakeshore forest and scrub stands (“aspen riparian forest” and “willow riparian scrub” hereafter) that are variously dominated by quaking aspen (*Populus tremuloides*), water birch (*Betula occidentalis*), willows (*Salix lasiolepis*, *S. geyeriana*, *S. exigua*, and possibly others), or interior rose (*Rosa woodsii*) are intersected by the project south of Convict Lake Resort. In contrast to the upland scrub, this riparian and lakeside vegetation is widely disturbed by recreational use, as it occurs between a large campground and a popular fishing lake and hiking trail. Up to 0.44 acres of this often scrubby, interrupted vegetation will be temporarily or permanently disturbed by roadway and bridge improvements, but much of this impact will be repair of ecological damage caused at heavily traveled social trails. Habitat loss that is caused by the project will be limited to the edges of the existing road and trail. Elsewhere, the project description calls for “trimming of vegetation” as the majority of impact (FHWA, 2014a).

The project area’s sagebrush scrub is a regionally common and widespread community type in Mono County and in the Great Basin Floristic Province generally. Permanent loss of less than one acre at intermittent fringes of the shoulders of Convict Lake Road will not significantly reduce the availability of this habitat. Locally, the project will slightly widen an existing roadway through a treeless stand that totals several thousands of acres, and will not further serve to degrade the community by increasing its fragmentation. The project may allow for (but will not necessarily result in) greater road traffic through the area, and the goals of road widening for 2.75 miles specifically include encouraging greater use by bicyclists. If any greater vehicle or bicycle usage does occur, it is possible that the incidence of collisions with wildlife will also increase, as wildlife using or migrating through the extensive upland scrub habitat surrounding the project area will continue to encounter the roadway during movements.

Aspen riparian forest and willow riparian scrub alliances are considered regionally common, but are restricted to relatively limited aquatic habitats such as riparian corridors, lakeshores, and wetlands driven by seasonal to perennial spring flows. The Aspen Riparian Forest community that is intersected briefly by the project would be regarded as Sensitive by CDFW (2010), who in the setting of this project would likely assert jurisdiction to the outer edge of the phreatophytic vegetation prevalence (*i.e.*, at the generally abrupt transition to Sagebrush-Bitterbrush). CDFW may assert jurisdiction within the extents of this community and of Willow Riparian Scrub (which is not classified as Sensitive) for the purposes of permitting planned disturbance, if such permits are determined to be required. Aspen Riparian Forest and Willow Riparian Scrub in the project area, unlike the sagebrush scrub of uplands, has revegetated right up to the pavement edge in most areas. As a result, the project will temporarily or permanently disturb up to 0.44 acres (FHWA, 2014a). It was determined during the field survey that greater than 90% of this must occur in Willow Riparian Scrub, because Aspen Riparian Forest abuts the roadway edge only briefly at two locations, a springfed stand south of the resort at the RV dump station, and immediately north of the bridge spanning Convict Creek.



Figure 2. Typical roadside habitat that was searched on December 7, 2014 for Special Status plant and animal species presence. The major portion of Convict Lake Road passes through sagebrush scrub habitat, as shown here. An additional, smaller portion of the project will affect aspen riparian forest or willow riparian scrub.

Stands that will be affected by the project retain some characteristics of native riparian forest and riparian scrub, despite the long history of human use and disturbance. The deciduous tree canopy averages 20% total living cover and 30 ft crown height in aspen riparian forest. Water birch comprises less than 50% of the subcanopy. The deciduous tree canopy averages 50% total living cover and 8-10 ft crown height in willow riparian scrub, which is dominated by clonally sprouting shrubs such as sandbar willow (*Salix exigua*) and interior wild rose. In these areas, patches dominated by water birch and thereby classifiable as Water Birch Riparian Scrub (community code 63.610.01, a type that is locally rare and Sensitive per CDFW, 2010) were not observed within the project extent. Nearby known occurrences of Water Birch Riparian Scrub are associated with the riparian corridor downstream along Convict Creek. In the affected communities, cover in the shrub layer attains 60%+ patchily, and thereby effectively limits the creation of new social trails. Wherever the cover of clonal shrubs is substantially lower, which is the entirety of the intersected Aspen Riparian Forest and about half of the intersected Willow Riparian Scrub, understory growth and likely species diversity are now curtailed by recreational use. Overall, understory herbaceous growth was sparse in 2014, and was limited to the fringes of dense shrubs, or small canopy openings where recreational impact was less than usual. The improvements in roadside and trailside habitat conditions and use that are among the goals of this project will likely be of most benefit (when local drought conditions ease) to the understory species' trends toward population stability and new recruitment.

In summary, nearly all of the temporary or permanent loss of up to 0.44 acres of riparian forest and scrub community extents will occur in Willow Riparian Scrub. The impact to vegetation classified as Aspen Riparian Forest is in an area where understory vegetation is sparse and regularly disturbed by use for recreation at Convict

Creek. Project-related impact to plant species diversity is very unlikely in Aspen Riparian Forest, but may potentially occur where the project will disturb relatively dense and therefore apparently less disturbed habitat roadside in Willow Riparian Scrub. Within the area of effect, Willow Riparian Scrub retains some function to maintain local plant (and animal) species diversity, including potentially species that are listed or otherwise have sensitive status.

### Sensitive Species

A list of sensitive plant and animal species that could have some potential to occur at the project site was compiled, based upon a review of regional data (Mono County Planning Department, 2001, California Native Plant Society (CNPS), 2014, California Department of Fish and Wildlife (CDFW), 2014a, 2014b, 2014c, 2014d), published regional floras (Baldwin, *et al.*, 2012, Jepson Herbarium, 2014), surveys that have been performed for the preparation of environmental documents for nearby projects, and a November 2014 search of the California Natural Diversity Database (CNDDDB) records for the USGS Convict Lake, Old Mammoth, Whitmore Hot Springs, Watterson Canyon, Bloody Mountain, Tom’s Place, Graveyard Peak, Mt Abbott, and Mt Morgan quadrangles (CDFW, 2014e). Informal consultation with CDFW Bishop Office was also conducted to inform the list of potentially occurring sensitive species. Potentially occurring plants (Table 2) and animals (Table 3) were considered to be “sensitive” if they have current state or federal status as rare, threatened or endangered (CDFW, 2011a, 2014c), or are listed in the CNDDDB lists of special plants or animals (CDFW, 2014b, 2014d), or are listed by CNPS in their inventory of sensitive California plants (CNPS, 2014), or are included in the most recent sensitive plant lists prepared by Inyo National Forest (U.S. Forest Service, 2013).

Table 2. Sensitive plant species that may potentially occur in the available plant communities at the Convict Lake Road Improvement Project. Long Valley milkvetch and Mono milkvetch are listed as Rare by CDFW (2014a). Flowering period is taken from CNPS (2014).

Scientific Name Common Name Life Form	Rank or Status <sup>1</sup>		Flowering Period	Regionally Occurring Communities Some Potential for Occurrence
	CNPS	CNDDDB		
<i>Astragalus johannis-howellii</i> Long Valley milkvetch herbaceous perennial	1B.2	S2	June-August	Big Sagebrush Scrub Great Basin Mixed Scrub
<i>Astragalus lemmonii</i> Lemmon’s milkvetch herbaceous perennial	1B.2	S2	May-Sept	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow
<i>Astragalus monoensis</i> Mono milkvetch herbaceous perennial	1B.2	S2	June-August	Big Sagebrush Scrub Great Basin Mixed Scrub (roadside near Rock Creek)
<i>Boechera cobrensis</i> Masonic rockcress herbaceous perennial	2B.3	S3	June-July	Big Sagebrush Scrub Great Basin Mixed Scrub (roadside at Mammoth Airport)
<i>Boechera dispar</i> pinyon rockcress herbaceous perennial	2B.3	S3	March-June	Big Sagebrush Scrub Great Basin Mixed Scrub



Scientific Name Common Name Life Form	Rank or Status <sup>1</sup>		Flowering Period	Regionally Occurring Communities Some Potential for Occurrence
	CNPS	CNDDDB		
<i>Carex scirpoidea</i> ssp. <i>pseudoscirpoidea</i> western single-spiked sedge rhizomatous herb	2B.2	S2	July-Sept	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow
<i>Epilobium howellii</i> subalpine fireweed stoloniferous herb	4.3	S4	July- August	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Wet Montane Meadow
<i>Eremothera boothii</i> ssp. <i>boothii</i> Booth's evening primrose herbaceous annual	2B.3	S2	April-Sept	Big Sagebrush Scrub Great Basin Mixed Scrub (often disturbed habitats)
<i>Eremothera boothii</i> ssp. <i>intermedia</i> Booth's hairy evening primrose herbaceous annual	2B.3	S2S3	May-June	Big Sagebrush Scrub Great Basin Mixed Scrub (often disturbed habitats)
<i>Micromonolepis pusilla</i> dwarf monolepis herbaceous annual	2B.3	S2	May- August	Big Sagebrush Scrub Great Basin Mixed Scrub
<i>Parnassia parviflora</i> small-flowered grass of Parnassus herbaceous perennial	2B.2	S2	Aug-Sept	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow
<i>Pedicularis crenulata</i> scalloped-leaved lousewort herbaceous perennial	2B.2	S1	June-July	Willow Riparian Scrub Wet Montane Meadow
<i>Phacelia gymnoclada</i> naked-stem phacelia herbaceous annual	2B.3	S2	April- August	Big Sagebrush Scrub Great Basin Mixed Scrub
<i>Stuckenia filiformis</i> ssp. <i>alpina</i> slender-leaved pondweed rhizomatous herb	2B.2	S3	May-July	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow

1. Rank or status, by agency:

**CNPS** = California Native Plant Society listings (CNPS, 2014)

1B = rare and endangered in California and elsewhere,

2B = rare, threatened or endangered in California, but more common elsewhere,

4 = plants of limited distribution in California – watchlist species.

Threat Code extensions:

.1 is Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat,



- .2 is Fairly endangered in California (20-80% of occurrences threatened),
- .3 is Not very endangered in California (< 20% of occurrences threatened or no current threats known).

**CNDDDB** = California Natural Diversity Data Base rankings (CDFW, 2014b)

- S1 is Critically Imperiled: often 5 or fewer populations, or steep rate of decline,
- S2 is Imperiled: often 20 or fewer populations, steep decline, or very restricted range,
- S3 is Vulnerable: often 80 or fewer populations, declining or restricted range,
- S4 is Apparently Secure: uncommon but not rare in California.

Table 3. Sensitive wildlife species that could potentially occur in the available habitats at the Convict Lake Road Improvement Project. Key to status codes is given below, NL = not listed.

species	status <sup>1</sup>		Communities Some Potential for Occurrence
	CDFW	State ranking	
<b>amphibians</b>			
<i>Hydromantes platycephalus</i> Mount Lyell salamander	SSC	S3	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow
<b>birds</b>			
<i>Buteo swainsoni</i> (nesting) Swainson's hawk	Threatened	S2	Aspen Forest Aspen Riparian Forest Great Basin Riparian Forest
<i>Centrocercus urophasianus</i> Bi-State DPS (nesting, leks) greater sage grouse	SSC	S3	Big Sagebrush Scrub Great Basin Mixed Scrub
<i>Empidonax traillii</i> (nesting) willow flycatcher	Endangered	S1	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub
<b>mammals</b>			
<i>Aplodontia rufa californica</i> Sierra Nevada mountain beaver	SSC	S2S3	Aspen Riparian Forest Willow Riparian Scrub Water Birch Riparian Scrub Montane Freshwater Marsh Wet Montane Meadow
<i>Taxidea taxus</i> American badger	SSC	S4	Big Sagebrush Scrub Great Basin Mixed Scrub
<i>Vulpes vulpes necator</i> Sierra Nevada red fox	Threatened	S1	Big Sagebrush Scrub Great Basin Mixed Scrub

1. Rank or status, by agency:

**CDFW** = State of California under the California Endangered Species Act (CDFW, 2014c)

SSC = Species of Special Concern (CDFW, 2014d).

**State ranking** = CNDDDB State Conservation Ranking as reported by CDFW (2014d)

- S1 is Critically Imperiled: often 5 or fewer populations, or steep rate of decline,
- S2 is Imperiled: often 20 or fewer populations, steep decline, or very restricted range,
- S3 is Vulnerable: often 80 or fewer populations, declining or restricted range,
- S4 is Apparently Secure: uncommon but not rare in California,
- ? indicates CNDDDB uncertainty in assigning rank.

The November 2014 review of CNDDDB records did not uncover any previously documented occurrences of sensitive species within the area that would be disturbed by construction and long-term maintenance of the proposed project. This information, however, must be interpreted in the general context that the absence of CNDDDB records concerning the project area does not signify that sensitive species are absent, rather that none have been reported. No very recent floristic or wildlife surveys at the project area were found during the review of local environmental literature. Project area work has been more general in scope (e.g., Knapp, *et al.*, 1993, U.S. Forest Service, 2011). Sensitive plant species have been inventoried and occasionally monitored along Convict Creek nearby at the Sierra Nevada Aquatic Research Laboratory (Orr and Howald, 2000), which is downstream from the current project. In order to supplement the current information on sensitive plant population occurrence, the project area searched on December 7, 2014. J. Paulus and L. Burgess walked each side of Convict Lake Road for the entire length of the proposed project. Wandering transects were used to search the disturbed roadside shoulders and adjacent relatively undisturbed vegetation.

### **Sensitive Plants**

The list of potentially occurring sensitive plants includes mainly perennial herbaceous species. All would have a hemicryptophytic habit to escape freezing during winter months, and would be most evident (if present) during the months of May through July (Table 2). Booth's evening primrose (both subspecies), dwarf monolepis, and naked-stem phacelia are annual species that spend winter months in the seedbank of upland soils. Their presence or absence in the project area sagebrush scrub habitat could be most definitively determined during the months of May to July, unless drought conditions have inhibited spring germination. Perennial species would be displaying leaves, flowers, and fruits during this same period. There are no potentially occurring sensitive shrub or tree species in the habitats that will be affected by the project.

The available habitats, which briefly are disturbed soil in a roadside setting, upland xeric scrub, and disturbed riparian forest and riparian scrub, all appear to have at least some potential to support populations of plant species that are currently recognized as sensitive. The three annuals, as well as the perennial herbs Long Valley milkvetch, Mono milkvetch, Masonic rockcress, and pinyon rockcress, would occur only in upland roadside shoulder areas or the adjacent vegetation classified here as Big Sagebrush Scrub. Lemmon's milkvetch, western single-spiked sedge, subalpine fireweed, small-flowered grass of Parnassus, scalloped-leaved lousewort, and slender-leaved pondweed have some potential to occur at the remaining relatively undisturbed, dense and wet patches of Willow Riparian Scrub. Habitats that are available for potentially occurring wetland species are signaled by low-lying microdepressions protected by small patches of dense willow or interior wild rose. The potentially occurring species of more mesic habitats are not typically found in areas where the soil surface is regularly disturbed, and none that may occur are known to be specially adapted to such habitats or early seral stages of mesic habitat recovery.

The potentially occurring upland habitat species, in contrast, are regionally known to occur in disturbed habitats, including roadsides, and some species are considered to have special adaptation to the niches made available when upland scrub is disturbed. While habitats for Mono County populations of Booth's evening primrose (ssp. *boothii*) are poorly characterized, the nearest known is in sagebrush scrub located about two miles east. Elsewhere in high desert climates, this species is known to inhabit disturbed, sandy or gravelly habitats, for example gravel roadsides near Little Lake in Inyo County. The nearest known recent observation of Booth's hairy evening primrose (ssp. *intermedia*) is a population near Watterson Meadows (elevation 2080 m) at a highly disturbed scar where fire had recently removed the Big Sagebrush Scrub canopy (Paulus, 2006). Dwarf monolepis and naked-stem phacelia, which also are annual species of sagebrush scrub habitats, are known to occur in the Long Valley area at sites with a long history of grazing disturbance. The nearest occurrence of naked-stem phacelia, at Arcularius Ranch about eight mile north of the project is along a gravel roadside at a highly used roadway.

Populations of the upland perennial Long Valley milkvetch (this species is also Sensitive per BLM, 2013, and USFS, 2013) are scattered throughout the extensive sagebrush scrub of nearby Long Valley, with the nearest population approaching Mammoth-Yosemite Airport within one mile of the project area. Known populations inhabit historically grazed BLM and USFS-administered lands that resemble habitat available roadside at the project, but the alkaline meadow fringe soil that is often typical of known occurrences is not present at the edges of Convict Lake Road. Other species that in Long Valley are restricted to occurring only in the alkaline or saline range of soil

conditions were excluded from this analysis. Masonic rockcress and pinyon rockcress are known regionally to occupy sagebrush scrub more generally, including open, rocky, or disturbed areas, but are not regarded as specialists restricted to regularly disturbed areas such as roadsides. The nearest documented occurrence of Masonic rockcress is a population at the roadside edge of relatively undisturbed Big Sagebrush Scrub near the Airport, less than one mile northeast of the project (Paulus, 2010). Mono milkvetch (also Sensitive per BLM, 2013 and USFS, 2013) occurrences in Rock Creek Canyon, at 2510 m elevation about 10 miles southeast, include populations found in graveled campground parking areas and other gravelly roadside settings. Populations to the north include a June Lake Road occurrence that extends from the sagebrush scrub onto the otherwise devegetated road shoulders. Based upon its known regional occurrences, Mono milkvetch is perhaps the most likely of the species that were included here to be specifically adapted to the disturbed, open upland habitats that will be paved or devegetated by road widening within upland scrub.

In riparian settings, small areas of palustrine, relatively stable, emergent habitat, or patches of densely treed and shrubby-thorny (e.g., interior rose thicket) terrestrial habitat may support small, relic assemblages, as described below. Sensitive species that are restricted to marsh, seep zone, and spring outflow habitats, or to freshwater and alkaline meadow habitats, were not included in the analysis because these habitats are not present within the area that will be affected. The project was specifically refined so that all springfed habitat would be avoided (FHWA, 2014a as delineated by Jacobs, 2014b).

Lemmon's milkvetch (also Sensitive per BLM, 2013 and USFS, 2013) has been collected most often in alkaline meadow habitats in the nearby Long Valley region, but occurrences about six miles to the east at freshwater habitats near Hilton Creek and Crowley Lake and elsewhere in California suggest that streamside and lakeside areas that will be disturbed by the project may be suitable. Relatively low-elevation populations of western single-spiked sedge have been recorded along the perennial flows of Hilton Creek, six miles southeast at 2100 m elevation, and Deadman Creek, about nine miles northwest at 2300 m elevation. Subalpine fireweed is rare in Mono County, but is widely distributed elsewhere in the central Sierra Nevada. Occurrences are generally lakeside or streamside. Unlike other potentially occurring species in Aspen Riparian Forest, subalpine fireweed's known populations often exhibit some tolerance for a roadside and trailside disturbance regime. Small-flowered grass of Parnassus and scalloped-leaved lousewort are both known to occur at the Convict Creek riparian zone within one mile of the project area. The habitat described for small-flowered grass of Parnassus at this and at all other occurrences in California is streamside. The riparian habitat where scalloped-leaved lousewort occurs is at small, meadow-like gaps between sometimes closely spaced willows, in seasonally moist to wet soil. Willow-dominated vegetation also occurs within the area of the proposed project. Slender-leaved pondweed grows as submersed plants in relatively stable shallow water of lake and pond margins, artificial channels, and streams, for example at June Lake and Deadman Creek in Mono County. This habitat is present only at the proposed bridge improvements at Convict Creek, where a generally stable, calm freshwater flow occurs.

During the December 2014 field assessment, no populations of sensitive plant species were found. Senesced aboveground parts presumably would have been difficult to reliably distinguish in habitat dominated by sagebrush scrub or willow riparian scrub. But notably, Mono milkvetch (which would be present as senesced crowns) were not found while searching within the more accessible, currently devegetated and graveled roadside shoulders. Plants that were found on shoulders were common native species (Appendix A), and patchy populations (except cheatgrass) of the non-native, potentially invasive species crested wheatgrass (*Agropyron cristatum*), cheatgrass (*Bromus tectorum*), common filaree (*Erodium* sp.), summer cypress (*Kochia scoparia*) knotweed (*Polygonum aviculare*), Russian thistle (*Salsola tragus*), and woolly mullein (*Verbascum thapsus*).

No canopy gap habitats were found within roadside Aspen Riparian Forest or Willow Riparian Scrub where willows are the top canopy, suggesting that habitat for scalloped-leaved lousewort does not occur. The aquatic habitats where Convict Creek is crossed, and where a flow from the palustrine emergent wetland described by Jacobs (2014b) enters a pipe under Convict Lake Road, did not exhibit any evidence of slender-leaved pondweed or small-flowered grass of Parnassus occurrence. There remains some possibility that a population of one of the other potentially occurring sensitive species narrowly intersects the sagebrush scrub or the willow riparian scrub that will be devegetated, or occurs as a relic population in depressed microhabitat within willow riparian scrub. It is unlikely

that the small amount of upland or riparian habitat removal (averaging 4 feet wide on either side of Convict Lake Road) would substantially reduce the viability of any occurring population. This conclusion may be confirmed with a survey conducted in the period May – July prior to disturbance associated with construction, as mapping at that time could reliably include the entire extent of any discovered population. Such a survey would also identify where future maintenance of road shoulders should be modified to avoid impacts to sensitive plants, should any be found to occur.

### **Sensitive Animals**

Based upon the literature review and consultation with staff from the Bishop office of CDFW, seven sensitive wildlife species have some potential to be present within the types of habitats that are currently available where project-related disturbance would occur. Greater sage grouse, if they occur within or near the project area, would be restricted to using the available sagebrush scrub habitat. Mount Lyell salamander, Swainson's hawk, willow flycatcher, and Sierra Nevada mountain beaver would meanwhile be restricted to occurrence within the riparian forest habitat. The relatively large and mobile mammals American badger and Sierra Nevada red fox could use either habitat. All of these sensitive species have some potential to use the project area for denning, nesting, or foraging. However, for the reasons described below, the likelihood that the project will negatively impact individuals is very low, and in no foreseeable case could the project cause impacts that would tend to cause decline of the local population.

The South Mono population of greater sage grouse (Bi-State Distinct Population Unit) depend upon sagebrush scrub of the Long Valley area for foraging, nesting, and brood-raising. They use grassy openings in the shrub canopy ("leks") with great fidelity to conduct annual displays that are necessary for successful breeding. The nearest known active lek is northeast across U.S. Highway 395, and so is separated from the project area by the four-lane highway, an associated overhead power transmission corridor, and the Mammoth-Yosemite Airport. While partially isolated from the known use area of the South Mono population, the treeless, mainly undisturbed scrub adjoining the project area nevertheless is suitable for grouse foraging and possibly overwintering use. But due to this isolation, its distance from the nearest active lek, and the relatively low total cover provided by shrubs and grasses, it is considered to be less suitable as nesting or brood-rearing habitat. The consistent, 30-40% total shrub canopy cover observed at the project area in December 2014 does not achieve habitat-sized patches of 50% cover or greater that would be most likely to be chosen for nesting (Kolada, *et al.*, 2009a). Brood rearing and success is more likely in scrub where greater canopy and subcanopy plant species diversity including native perennial grasses has developed (Kolada, *et al.*, 2009b). During the 2014 site survey, no grassy openings in the shrub canopy resembling known leks were found, no near-road stands having greater than 1-2 % relative cover by native perennial grasses and herbs were found, and no evidence of grouse use was observed.

Bi-State grouse are threatened by development that fragments the habitat or disrupts breeding, and by historically increasing predatory pressure (Bi-State Technical Advisory Committee, 2012). Since the project will not create new barriers or erect structures that would further fragment the limited habitat for grouse, and with the incorporation of conservation practices during construction will not serve to attract predators such as ravens or coyotes, there will be no significant impact upon the fate of individual grouse or upon Critical Habitat for recovery as has been recently proposed (USFWS, 2013). The site is too far removed from lek sites to disrupt breeding. Because sagebrush scrub in the area is somewhat isolated from the known grouse use area, and its isolation and composition make it less likely to be used during nesting and brood-rearing than the extensive habitat north of U.S. Highway 395, the project is very unlikely to impact nesting or chick-rearing success. Because the project erects no new (permanent) fencing, there will be no substantial increase in grouse mortality due to collisions with fences. It is concluded that following the implementation of simple practices such as proper trash storage and restraint of dogs, potential project-related impact to individual grouse in the area will be avoided and no further mitigation is needed.

Mount Lyell salamander and Sierra Nevada mountain beaver occurrence would be highly restricted to the near-water riparian zone. The salamander's typical lakeside or streamside habitat is signaled by undisturbed surface rocks that are kept moist throughout the rain-free summer. Its nearest known occurrence in the Pine Creek area about 15 miles to the south are associated with habitats that are relatively undisturbed and far removed from recreational use. Sierra Nevada mountain beaver are primitive rodents that occupy burrows in earthen banks or

rotted logs, and nearby observations of their habitat suggest that highly grassy banks that are overgrown with willows are most likely to be chosen for burrowing. Sierra Nevada mountain beaver was added to the search list because there are reports of individuals having been captured in traps placed in the riparian zone of Lower Mammoth Creek (Steele, 1989).

During the December 2014 survey, all roadside shoulder and vegetated areas were searched for moist, rocky habitat that may be suitable for Mount Lyell salamander. Patches of relatively dense willow and rose at the existing paved edge were searched carefully for runs or burrows that could be attributed to Sierra Nevada mountain beaver, finding none. Rocky habitats are not present in Willow riparian scrub where it will be affected by the project to the south of the Convict Creek bridge. Dense grass or sedge-dominated vegetation that may be suitable for Sierra Nevada mountain beaver and other riparian zone rodents does not occur. The potential habitat present at an isolated palustrine wetland identified by Jacobs (2014b) near the resort will be completely avoided by the project (FHWA, 2014a). Perennially moist and rocky or willow-dominated habitat at a roadside position was otherwise found only where the road spans Convict Creek. Because the project will not encroach anywhere within the bed and banks of Convict Creek, including at the bridge (W. Longley, personal communication 12/1/14), it is concluded that potential impacts to Mount Lyell salamander and Sierra Nevada mountain beaver will be avoided if standard practices meant to maintain water quality in the riparian work area and avoid downslope sedimentation at Convict Creek are properly implemented.

Swainson's hawk typically nest in large trees bordering or very near the open meadow habitats in which they forage. Meadow habitats are not present, but do occur at Convict Creek downstream of the project area. Swainson's hawk have been observed nesting in the northern portion of Long Valley, 10 miles to the north. Trees within and near the project area were leafless at the time of survey in 2014, at which time no large nests were observed. The only birds observed were black-billed magpie (*Pica hudsonia*) at the resort and a bald eagle (*Haliaeetus leucocephalus*) at the pine overcanopy of Convict Creek's riparian vegetation corridor near the project area's eastern edge. Overwintering bald eagles at offsite perches would not be affected by the project.

Willow flycatcher is state listed as Endangered (ssp. *extimus* and *traillii*) and federally listed as Endangered (ssp. *extimus*). Nesting willow flycatchers could choose the remnant areas of less disturbed, willow-dominated scrub that occur adjacent to Convict Lake, or along Convict Creek where the project intersects Aspen Riparian Forest south of Convict Lake Resort. However, their typically preferred nesting habitat of more extensive willow scrublands with intervening relatively undisturbed meadow (*e.g.*, the habitat described for the nearest historical nesting occurrences at McGee Creek) is not present. The known occurrence of an individual exhibiting probable breeding behavior or pre-nest territory establishment at Convict Creek in 1982, less than one mile from the project area, nevertheless suggests the possibility that individuals may migrate through en route to or from extant nesting habitat to the north. In 2010, CDFW "cleared" habitat in the project area for trout stocking, in response to a legal challenge that impacts of trout stocking upon willow flycatchers had not been adequately analyzed during preparation of an Environmental Impact Report for CDFW-permitted trout stocking. Clearing of the habitat was done through inspection by CDFW biologists, so the implication of such a designation is that habitat for willow flycatcher was judged to be absent at that time. However, an additional CDFW review in consultation with USFWS staff in 2014 found that 0.21 acres of suitable habitat now occurs in the 3.07 acres of aspen riparian scrub that falls within the project area (Jacobs, 2014b).

Due to the existing level of disturbance related to recreation, which will be ongoing, the habitat that will be lost for nesting birds including willow flycatcher is considered to be ecologically fragmented at present. Given the seral, patchy willow and wild rose re-growth of the project area, suitable patches of nesting habitat availability are now presumably small. For example, only 0.21 acres of the 3.07 acres of riparian vegetation recently evaluated in and near the project area were judged to be suitable for willow flycatcher breeding habitat (Jacobs, 2014b). The habitat patches that are now available for nesting have become isolated from the larger extents of less disturbed riparian forest and scrub that occurs southward along Convict Lake and northward along Convict Creek, and are subject to a much greater intensity of human activity during the nesting season.

Direct impact to nesting birds and nesting habitat will not be caused by the project, because only roadside clonally sprouting, shrubby willows will be removed to accommodate wider paved lanes. Habitat fragmentation for

willow flycatcher and other potentially occurring nesting birds will not be increased because the project merely widens an already existing roadway. Nest abandonment due to construction would be a significant impact, and is prohibited by Migratory Bird Treaty Act provisions as well as Sections 3503 and 3515 of the Fish and Game Code. Because construction will take place in a context of ongoing vehicular and pedestrian traffic, and amid intense use for recreation, and given that larger expanses of relatively undisturbed habitat are available nearby, it is unlikely that the temporary increment of construction-related increases in activity and noise during the normal nesting period of April 1 through September 30 will impact nesting success within the larger area of riparian habitat.

American badger, a species that is not in CNDDDB records for the region, nevertheless has some potential to occur based upon recently documented occurrences in sagebrush scrub near Mammoth Creek, four miles northwest at approximately 7550 ft (2300 m), as reported by CAJA (2008). This species and Sierra Nevada red fox are highly mobile mammals that would not be affected by the project unless occupied burrows are destroyed. The December 2014 search did not find any burrows of sufficient size to be attributable to either species within the area that will be disturbed. Tracks in December indicated rabbits, likely mountain cottontail rabbit (*Sylvilagus nuttallii*), opportunistically use culverts that will be replaced by the project, but there were no signs of mammalian denning or nest-building found when each was searched using a spotlight. Because large mammals have not been using burrows within the roadside shoulders or the adjacent narrow fringes of scrub and riparian vegetation, it is concluded that the project will not affect American badger or Sierra Nevada red fox.

Mule deer (*Odocoileus hemionus*) of the Round Valley Herd use traditional migration trails that cross Convict Lake Road within the project area. The greatest evidence for mass movement of deer that was found during the December 2014 survey was at the many nicks gouged into roadside shoulders by trailing deer, principally in sagebrush scrub terrain where the lowest moraine transitions to alluvial plain (0.6 to 0.7 miles south of U.S. Highway 395). It is likely that some small number of the migratory herd will hold in the area from arrival of the herd in spring (April 1 through June 15) until migrants return on their way to lower elevations in fall (September 15 through December 1). "Resident" individuals (April 1 through December 1) and their fawns may need to pass through the project area regularly in order to access surface water at Convict Creek or Convict Lake. Mule deer are considered an important harvest species by CDFW, and their traditional migratory corridors are considered crucial habitat for necessary herd movement. Any impediment to movement that is created by the project could be regarded as a potentially significant impact to individuals or to herd health generally.

The project will not create any new fencing that could divert deer away from their normal path of migration. The only new fencing will be very limited temporary exclusion fencing emplaced at three cultural resource sites during construction. The improvements to the roadway are anticipated to be complete by mid-August, at which time this fencing will be removed. The majority of the project occurs away from cover and water available at Convict Creek. Only a small portion of the entire 2.75 miles of the road will be subjected at any one time to activities that require use of construction equipment such as pulverizers and paving machines; therefore deer will be able to move around the construction activity while still being in the migration corridor. Construction equipment moves very slowly, and planned traffic control measures will slow down all private vehicles during construction operations, decreasing the potential for collisions with deer. Furthermore, construction is not scheduled for nighttime hours, which is when the majority of migratory movements occur locally. Road work will include pulverizing the existing paved surface, which will take approximately one week; laying aggregate (3 days); and repaving (3 days). Because no substantial temporary or permanent barriers to deer movements will be created by the project, it is very unlikely that construction activities will deter migration or increase collisions by diverting animals onto U.S. Highway 395.

It is possible that widening and repaving the roadway will allow for increased vehicular speeds, leading to an increase in the likelihood of collisions with deer. The average daily traffic levels for the road are 200 to 500 vehicles and during the summer season it increases to 660. While the road has a posted speed limit of 35 mph, the 85<sup>th</sup> percentile speed is 40 mph (FHWA, 2014a), so there is already a real potential for deer mortality due to collisions. Prevention of incrementally increased deer mortality could be addressed by pairing speed limit postings with signage warning that a deer crossing area is being entered.

## Anticipated Permits Related To These Findings

**Lahontan Regional Water Quality Control District.** A Waste Discharge Permit will be required pursuant to Clean Water Act Section 401 requirements. Work within and near Convict Creek has some likelihood to cause discharge into a navigable water. The project will temporarily or permanently disturb 0.44 acres of riparian vegetated habitat at Convict Creek and near the shoreline of Convict Lake. Therefore, compensatory mitigation (FHWA, 2014a) and a mitigation plan (FHWA, 2014b) will be required in order to obtain Section 401 Water Quality Certification.

**California Department of Fish and Wildlife.** A Streambed Alteration Agreement pursuant to California Fish and Game Code Section 1602 will not be required. No work will disturb the bed or banks of Convict Creek (Wendy Longley, personal communication). All work near the creek and lake will take place above the Ordinary High Water Mark (Jacobs, 2014b), and the project has been revised to avoid the identified palustrine emergent wetlands (FHWA, 2014a). Although the project will temporarily or permanently disturb 0.44 acres of riparian vegetated habitat at Convict Creek and near the shoreline of Convict Lake, CDFW does not assert permitting powers to projects wholly conducted by the federal government on federally administered lands (Rose Woods, personal communication 12/9/14).

A Streambed Alteration Permit will likely be required if maintenance activities to be performed by Mono County along Convict Lake Road must encroach within the bed or banks of Convict Creek. Mono County must notify CDFW prior to such encroachments and any activities that will affect the extent of riparian vegetation.

## Suggested Mitigation Measures

1. Prior to the start of construction, surveys for the presence of rare plant populations will be conducted within the entire extent of the project's ground-disturbing activities. Surveys will be conducted by a qualified biologist, and will include at least one survey conducted during the period May 1 to June 30, which is when plant structures that are necessary for identification of the potentially occurring rare species are normally present. Riparian habitats will be surveyed where temporary or permanent disturbance will occur, for Lemmon's milkvetch, western single-spiked sedge, subalpine fireweed, small-flowered grass of Parnassus, scalloped-leaved lousewort, slender-leaved pondweed, and marsh arrow-grass. Upland scrub and roadside habitats will be surveyed where temporary or permanent disturbance will occur, for Long Valley milkvetch, Mono milkvetch, Masonic rockcress, pinyon rockcress, Booth's evening primrose, Booth's hairy evening primrose, Inyo hulsea, dwarf monolepis, and naked-stem phacelia. If individuals are detected, road maintenance practices that avoid future impacts to the affected populations will be encoded into the maintenance easement agreement between Mono County and Inyo National Forest. At a minimum, practices will include restrictions against use of herbicide or timing requirements for applications, in order to avoid impacts to individual plants and to recruitment in the known populations.
2. Construction and road maintenance will not be conducted during the nighttime periods 7 P.M. through 7 A.M. on the dates April 1 through June 15 and September 15 through December 1, in order to avoid impeding the normal migration movements of mule deer of the Round Valley herd. Temporary construction fencing will not be used during this project, except for the limited purpose of preventing encroachment at the identified archeological sites.
3. During construction and maintenance activities, all trash produced will be stored properly and removed promptly in order to avoid attracting wildlife.
4. During construction and maintenance activities, all dogs will be kept on leash or otherwise restrained in order to avoid harassment of wildlife.
5. Signage warning that a wildlife crossing zone is being entered will be emplaced and maintained near the northern terminus of Convict Lake Road for southbound vehicle and bicycle traffic, and near the resort for northbound traffic.

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**Personal Communications**

Wendy Longley, PE, December 1, 2014. Telephone conversation with Wendy Longley, Project Manager at Federal Highway Administration.

Rose Woods, December 9, 2014. Telephone conversation with Rose Woods, California Department of Fish and Wildlife, Bishop.

Appendix A. Plant species observed within the area that would be disturbed by the Convict Lake Road Improvement Project in Mono County, California. Transects were searched on December 7, 2014.

species	common name	habit	sagebrush scrub	riparian forest/scrub
<i>Achillea millefolium</i>	common yarrow	NPH		x
<i>Agropyron cristatum</i> <i>ssp. pectinatum</i>	crested wheatgrass	IPG	x	x
<i>Ambrosia acanthicarpa</i>	annual bursage	NAH	x	
<i>Argemone munita</i>	prickly poppy	NPH	x	
<i>Artemisia cana ssp. bolanderi</i>	silver sagebrush	NS		x
<i>Artemisia douglasiana</i>	mugwort	NPH		x
<i>Artemisia tridentata</i>	big sagebrush	NS	x	x
<i>Betula occidentalis</i>	water birch	NT		x
<i>Bromus tectorum</i>	cheatgrass	IAG	x	x
<i>Calyptridium sp.</i>	pussy paws	NP?H	x	
<i>Carex douglasii</i>	Douglas' sedge	NPGL	x	x
<i>Carex sp.</i>	sedge	NPGL		x
<i>Ceanothus velutinus</i>	tobacco brush	NS	x	
<i>Cercocarpus ledifolius</i>	mountain mahogany	NS		x
<i>Chamaesaracha nana</i>	dwarf chamaesaracha	NPH	x	
<i>Chrysothamnus viscidiflorus</i>	green rabbitbrush	NS	x	x
<i>Dieteria canescens</i>	hoary aster	NPH	x	

species	common name	habit	sagebrush scrub	riparian forest/scrub
<i>Elymus cinereus</i>	basin wildrye	NPG	x	x
<i>Elymus elymoides</i>	squirreltail grass	NPG	x	
<i>Elymus triticoides</i>	creeping wildrye	NPG		x
<i>Eriastrum sparsiflorum</i>	Great Basin woollystar	NAH	x	
<i>Ericameria nauseosa</i>	rubber rabbitbrush	NS	x	x
<i>Eriogonum umbellatum</i>	sulphur flower	NHS	x	
<i>Erodium</i> cf. <i>cicutarium</i>	filaree	IAH	x	x
<i>Iris missouriensis</i>	western blue flag	NPGL		x
<i>Juncus balticus</i> ssp. <i>ater</i>	Baltic rush	NPGL		x
<i>Juncus</i> sp.	rush	NPGL		x
<i>Kochia scoparia</i>	summer cypress	IAH	x	
<i>Lepidium</i> sp. (spp?)	pepperweed	I?AH	x	x
<i>Opuntia polyacantha</i> var. <i>erinacea</i>	old man prickly-pear	NS	x	
<i>Polygonum aviculare</i> ssp. <i>depressum</i>	prostrate knotweed	IAH	x	
<i>Populus tremuloides</i>	quaking aspen	NT		x
<i>Populus trichocarpa</i> (canopies)	black cottonwood	NT		x
<i>Prunus andersonii</i>	desert peach	NS	x	
<i>Purshia tridentata</i>	bitterbrush	NS	x	
<i>Rosa woodsii</i>	interior wild rose	NS		x
<i>Salix exigua</i> var. <i>exigua</i>	sandbar willow	NS		x
<i>Salix geyeriana</i>	Geyer's willow	NS		x
<i>Salix</i> cf. <i>lasiolepis</i> (canopies)	arroyo willow	NT		x
<i>Salsola tragus</i>	Russian thistle	IAH	x	
<i>Stephanomeria tenuifolia</i>	skeletonweed	NPH	x	
<i>Stipa hymenoides</i>	western ricegrass	NPG	x	
<i>Stipa occidentalis</i>	western needlegrass	NPG	x	
<i>Symphoricarpos rotundifolius</i>	snowberry	NS	x	
<i>Tetradymia canescens</i>	spineless horsebrush	NS	x	
<i>Verbascum thapsus</i>	woolly mullein	IBH		x

key to growth habit codes:

A	annual
B	biennial
G	grass
GL	grass-like
H	herb
HS	halfshrub
I	introduced
N	native
P	perennial
S	shrub
T	tree

**ATTACHMENT B**

**FHWA Categorical Exclusion**



# Memorandum

12300 West Dakota Avenue  
Suite 280  
Lakewood, CO 80228

## Central Federal Lands Highway Division

Subject: **Information:** Date: November 20, 2014  
 California Forest Highway 199  
 Convict Lake Road and Trail Improvement  
 Mono County, California  
 Categorical Exclusion

From: Wendy Longley, PE *Wendy Longley 11/20/14* In Reply Refer To: HFPM-16  
 Project Manager

To: CFLHD Central Files – CA FLAP CR4S07(1), Convict Lake Road

Through: Kelly Wade, Environmental Team Leader *KW*  
 Curtis Scott, Project Development Engineer *CS*

### Introduction

The Federal Highway Administration (FHWA), as lead agency, and in cooperation with Mono County and Inyo National Forest (INF), is proposing to rehabilitate California Forest Highway 199 (FH 199), also known as Convict Lake Road, in Inyo National Forest. Approximately 2.75 miles of the road is being examined for this project, beginning at Highway 395 and ending at the turnaround at Convict Lake (see Figure 1). Funding for the road improvements is through the Federal Lands Access Program, in conjunction with a local funding match. In addition to the road improvements, FHWA and INF propose to improve the existing paved Forest Service trail (approximately 0.3 miles) that is adjacent to the eastern shore of Convict Lake (Figure 2). Construction would likely occur in one construction season and is currently scheduled for spring/summer of 2015. If funding is not available, construction may be delayed to summer 2016.

### Purpose and Need

Convict Lake Road provides access to Convict Lake within Inyo National Forest. The lake is a popular camping, hiking and fishing area with views of Mt. Morrison. The route also provides access to the Convict Lake Resort, which provides year-round amenities to visitors to the area. Along the eastern shore of the lake, a paved trail approximately 0.3 miles long connects to an accessible fishing deck, paved viewing platforms with interpretive signs, and occasional benches and picnic areas.

The purpose of the project is to provide a safe and sustainable roadway and trail that will improve access to Inyo National Forest lands. Safety will be enhanced by improving lane width, shoulders and clear zones, and horizontal alignment, in addition to superelevation corrections, new guardrail, signing, and striping. The proposed roadway section will also accommodate a widened shoulder for shared pedestrian and bicycle use along a portion the corridor. Pedestrian access at the lake outlet bridge will be improved by replacing the existing timber bridge walkway with a wider pedestrian bridge. Visitor access to the lake will be improved through minor horizontal and vertical alignments to Convict Lake Trail to meet Americans with Disabilities Act (ADA) standards and resurfacing the paved trail.

The existing Convict Lake Road within the project corridor is a two-lane, paved roadway with varying widths and variable width unpaved shoulders, as well as multiple paved and unpaved pull-offs and intersecting roadways. From the intersection with US 395 to the Marina (defined as Segment 1), the paved width varies from 20 to 22 feet and from the Marina to the turnaround on the east side of the lake (defined as Segment 2) it varies from 22 to 37 feet. Convict Lake Road was initially constructed nearly 50 years ago and is in fair condition; however, significant transverse and alligator cracking, along with edge deterioration, are present. The narrow roadway, rough riding surface and edge deterioration can be hazardous and discourage use by both bicycles and pedestrians. The absence of a paved shoulder and significant edge cracking forces cyclists toward the center of the motor vehicle lane while travelling at slow uphill speeds. In addition, motorists will tend to steer outside of the travel lane to avoid areas of significant cracking and rough ride. Timber railroad tie retaining walls that allow for important lake-side parking are deteriorating and need to be replaced. Guardrails within the roadway do not meet current standards and signing and striping is not in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. Given the high level of recreational use that occurs within the project area, there is increasing potential for conflict between motor vehicles and pedestrians or bicyclists. Improved pedestrian facilities along the roadway, including widened shoulders, crossing opportunities and traffic calming measures are needed to reduce the potential for these conflicts.

The paved portion of the Convict Lake Trail starts beyond the bridge over the lake outlet and continues south, along the lake, for approximately 0.3 miles. The trail was originally built about 30 years ago and has received only occasional maintenance over the years. The paved trail starts in fully accessible condition for users of all abilities but quickly degrades. The pavement is cracked and uneven and portions of the trail have sloughed off due to high levels of social trailing and drainage issues. The vast majority of the path is no longer accessible to wheelchairs and does not meet ADA standards as it is too steep in locations and there are not sufficient areas for visitors to rest along the way. Recreationists crossing the trail have created deep ruts on the steep, unprotected slope on the lake-side of the trail, undercutting the pavement, and increasing erosion of slopes.



Figure 1: Project Location

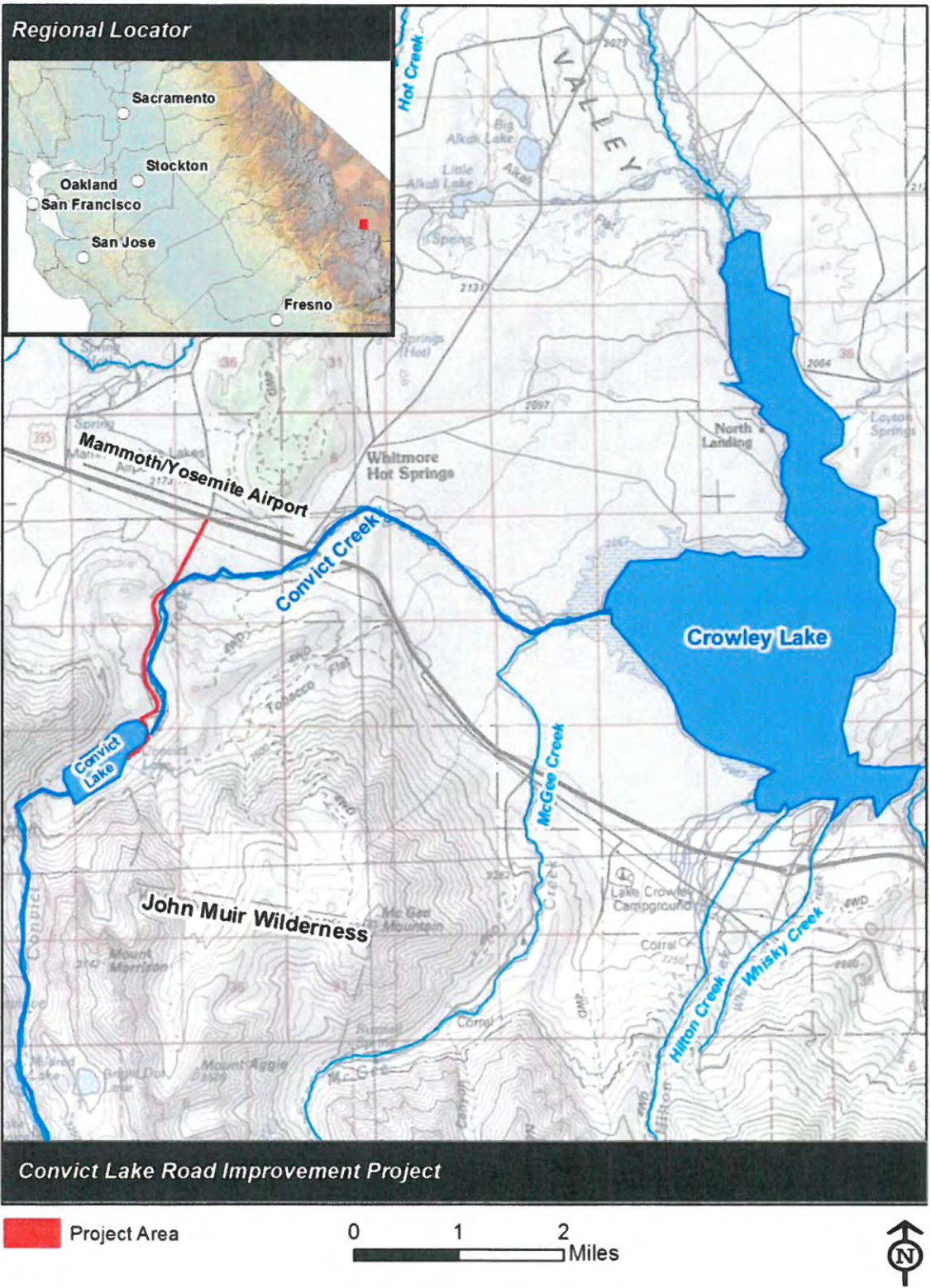




Figure 2: Trail Improvement Location along Convict Lake



 Convict Lake Trail Improvement



## Project Description

The proposed road improvements involve resurfacing, rehabilitation and restoration work for 2.75 miles of Convict Lake Road.

The project elements, which would follow the existing roadway, include the following:

- Within Segment 1, from Mile Post [MP] 0.00 to 1.90, widen the existing roadway to accommodate two 11-foot travel lanes, a 5-foot shoulder adjacent to the southbound (uphill) travel lane, and a 1-foot shoulder adjacent to the northbound (downhill) travel lane (a total paved width of 28 feet).
- Within Segment 1, from MP 1.90 to 2.20, widen the existing roadway to accommodate two 11-foot travel lanes and 3-foot shoulders (a total paved width of 28 feet).
- Within Segment 2 (MP 2.20 to 2.75), the existing 22 feet of roadway will be repaired within the existing alignment.
- Rehabilitation of existing pull-outs.
- Ditch grading, shoulder reconditioning, embankment reconstruction, pulverizing existing pavement and paving.
- Slope scaling of existing slopes with unstable rock.
- Replacement of the wooden pedestrian bridge adjacent to the existing vehicular bridge with a wider concrete pedestrian bridge and sidewalk. The new pedestrian bridge will include pedestrian railings to meet current safety standards.
- Retrofit of the existing pedestrian railing on the lake side to meet current safety standards.
- Replacement of old or damaged drainage culverts and extension of culverts to accommodate the wider roadway.
- Replacement of the existing creosote timber walls at the parking area along the lake with rockery walls. New pedestrian railings will also be installed for pedestrian safety.
- Upgrading regulatory/warning signs and guardrails to meet MUTCD guidelines.

The general scope of the proposed trail improvements is to remove the existing pavement, add new base course, and overlay with a new asphalt concrete pavement section. The proposed trail rehabilitation will maintain the existing horizontal and vertical alignment along the majority of the trail with minor adjustments to the horizontal alignment. Trail realignments are proposed at the south end of the trail, for approximately 400 feet, in order to meet ADA standards.

Improvements also include repairing or replacing minor drainage structures, slope armoring to reduce erosion, construction of two sets of stairs, and addition of rest areas as necessary in order to meet ADA compliance in accordance with the Forest Service Outdoor Recreation Accessibility Guidelines and the Trail Accessibility Guidelines. Because the proposed project improves the trail largely along its existing alignment, it is anticipated that limited vegetation trimming within the project limits may be required.

No commercial or residential right-of-way (ROW) acquisitions would occur. However, FHWA CFLHD does anticipate developing a DOT Highway Easement Deed for the route in the INF in

order to formalize an easement for operation and maintenance of the roadway by the County. Inyo National Forest will continue maintenance of the trail after completion of the project.

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.

### **Environmental Resources/Effects**

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

1. Coastal Areas – There are no coastal areas impacted by this project
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. Farmland – There are no prime or unique farmlands or farmlands of local or statewide importance impacted by the project.
4. Hazardous Waste Sites – Visual inspection for potential hazardous material was made during the scoping visit. No dumping areas or habitations were found. Nothing was noted that would indicate the potential presence of hazardous materials or need for additional survey.
5. Section 6(f) Lands – There are no Section 6(f) lands that would be affected by the project.
6. Wild and Scenic Rivers – There are no designated wild and scenic rivers or study rivers within the project area.

The proposed project will have negligible, minimal or no effect on the following issues:

#### **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. These include: carbon monoxide (CO), lead (Pb), nitrogen dioxides (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>). The project occurs in Mono County, in the Crowley Lake Hydrologic Unit (18090102), which is designated as in attainment and for all criteria pollutants and would have no long-term impacts on air quality.

The proposed project addresses safety concerns on Convict Lake Road and rehabilitation needs on the Convict Lake Trail that include roadway and trail pulverizing/pavement removal and paving, addition of designated shoulders, and drainage improvements. 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 B Standard Environmental Commitments Table). No long-term impacts to air quality are anticipated as a result of the proposed project.

## **Noise**

The proposed project would not increase the capacity of the roadway or induce an increase in traffic, and would therefore not have long-term effect on noise levels. Short-term effects due to construction noise may result from the proposed roadway and trail repairs, but would be limited in duration and temporary in nature. Per FHWA regulation 23CFR 772.7(f), this project has been determined to be a Type III project and therefore does not require a noise analysis.

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 Convict Lake Road. Noise sensitive receptors in the project area include the Convict Lake Campground and the Convict Lake Resort. The receptors are located between 50 feet and 1,000 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.

Mono County Code 10.16 (Noise) would apply for construction activities in the majority of the project limits. This local ordinance establishes maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment at 65 dBA between the hours of 7:00pm and 7:00am and 75 dBA between the hours of 7:00am and 7:00pm.

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 and trail, temporary noise levels associated with construction activities are anticipated to exceed the maximum allowable levels identified in county code and guidance at most of the receptors in the study area. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at the campground

and the Resort is the lowest. Therefore, these temporary noise impacts are anticipated to be minor.

### **Land Use**

The project corridor is located in the INF. The land within the corridor is predominantly undeveloped sagebrush with riparian communities along Convict Creek and Lake. The USFS is the sole landowner along the corridor, although Convict Lake Resort is owned and operated by a permittee. The Resort provides cabins, a restaurant, general store, marina, and horse stables to visitors to the project area.

Lands managed by the INF are guided by the management prescriptions in the *Inyo National Forest Land and Resource Management Plan* (1988). The project corridor is located within areas of Concentrated Recreation Area and Developed Recreation Site prescription within the Convict-McGee Management Area. There is no designated wilderness or Research Natural Areas in the project area.

The management purpose of the Concentrated Recreation Area 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 purpose of the Develop Recreation Site prescription is to maintain developed recreational facilities to provide necessary user services and to protect resource values. The management purpose of the Developed Recreation Site and Concentrated Recreation Area prescriptions include provisions that either emphasize or permit the type of road maintenance activities proposed under this project.

The management objectives for Forest Highway access roads, such as Convict Lake Road, are identified in the Forest Service Manual. The proposed project relates to two of these objectives:

- Provide safe and adequate rural highways connecting the National Forest System with major highway systems.
- Provide for economy of operation and maintenance and the safety of users.

The proposed resurfacing, rehabilitation, and restoration of the roadway to maintain the paved surface of the roadway supports the objective to provide a safe and adequate facility. Adding a widened shoulder to the roadway supports the objective of providing safety for users by separating vehicular and pedestrian/bicycle traffic. As noted in the Recreation section of this document, the addition of a widened shoulder is expected to increase cycling in the project area. The wider roadway also allows for safe pedestrian use of the road particularly near the Resort and the lake.

### **Socioeconomics**

Convict Lake Road is approximately 9 miles from the town of Mammoth Lakes. There are no impacts to Mammoth Lakes anticipated as a result of the proposed project given the distance of the community from the project area and the abundance of recreational opportunities in the region.

Convict Lake Resort, which is adjacent to the project area, is privately owned and operated and provides cabins, a general store, restaurant, and a marina for visitors to the area. The Resort also hosts weddings, outdoor ceremonies, and receptions. The visitation to Convict Lake is approximately 177,000 people annually. The addition of a widened shoulder under the proposed project may increase visitation to the project area and potentially increase revenue for the Resort resulting in a long-term socioeconomic benefit. Based upon a member survey, Eastside Velo Bicycle Club estimates the addition of the widened shoulder may increase visitation to the project area by an estimated 1,100 riders per season from an increase in individual bicycle trips and sponsored organized rides (Eastside Velo Bicycle Club 2014).

The proposed project would not have long-term adverse impacts on the Resort. Temporary effects to the Resort may result from traffic delays during the daytime. Construction will not take place on the weekends or during holidays when visitation to the lake and Resort is high or at night. Typical traffic delays during construction on the weekdays are anticipated to be up to 30 minutes. These impacts would be temporary and last the duration of the construction period. Construction would take approximately four months. Road closures are not anticipated in Segment 1. Road closures will be allowed in Segment 2, just beyond the Campground access road. Parking areas beyond the Campground access road will be closed to the public throughout construction. The existing overflow parking area can be used during construction. 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 the local media and on-site information signs as appropriate.

#### **Section 4(f)**

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 three prehistoric sites, the Convict Lake campground, the Convict Lake Trail.

#### Convict Lake Campground:

The proposed project would not limit use or access to the Convict Lake Campground. As described under *Socioeconomics*, traffic delays during construction could cause inconvenience to recreationalists accessing the campground. As described under *Noise*, impacts from construction related noise would be of short duration and would occur during daytime hours when noise-sensitivity at campground 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 would not result in a use of this property.



### Convict Lake Trail:

Convict Lake Trail is a recreational resource within Inyo National Forest that is considered to be a Section 4(f) property. Project activities include removing the existing pavement, repairing or replacing minor drainage structures, slope armoring to reduce erosion, realignment of the trailhead at the south end and placing base course and asphalt pavement. The proposed trail rehabilitation will maintain the existing horizontal and vertical alignment along the majority of the trail with minor adjustments to the horizontal alignment. Trail realignments are proposed at the south end of the trail, for approximately 400 feet, in order to meet Americans with Disabilities Act (ADA) standards. The Forest Service owns and will continue to maintain the trail. Therefore, it has been determined that the trail improvement project qualifies for the Section 4(f) exception per 23 CFR 774.13(g) as the improvements are solely for preserving and enhancing the recreational use along the lakeshore.

FHWA-CFLHD has coordinated with the USFS on the proposed trail improvement 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. Written concurrence was received from the USFS in a letter dated November 5, 2014. The project has a beneficial effect overall by providing a safe and sustainable trail for visitors to INF and Convict Lake.

### Prehistoric Archeological Sites

In consultation with SHPO, and for the limited purpose of this undertaking, FHWA will treat these resources as eligible for the National Register of Historic Places (NRHP) and will apply the criteria of no adverse effect. The manner in which this is accomplished is by assessing the likely criteria for which the resource would be considered eligible, and then evaluating the impacts of the project on the integrity of the resource. With this approach, the resource receives full consideration and protection as an eligible resource so FHWA can move forward with project delivery, yet a precedent is not established for future research or undertakings by other parties. However, it is recognized that additional survey of portions of this resource and/or additional archival research may bring to light new information to clarify the eligibility status of this resource in the future. Therefore, except for the purpose of this undertaking, FHWA has agreed that the eligibility of this resource will remain unevaluated due to the inconclusive nature of the findings to date.

FHWA's conclusion is that if the resources were found to be eligible, it would likely be under Criterion D and the aspects of integrity that currently remain and are most likely important in capturing the historic qualities and attributes of the resource are yet to be determined. Given the limited widening of this project which follows the general alignment of the existing route with minor adjustments, and because no character defining features will be impacted by the project activities, it is FHWA's position that the project would not result in adverse effects to the prehistoric sites even if found to be eligible. FHWA will however, provide an environmentally sensitive area action plan to mitigate any potential disruption to the historic properties. In a letter dated September 3, 2014, the CA SHPO was notified of FHWA's intent to consider the historic properties as eligible for the purposes of the project; however with identification of the sites as environmentally sensitive areas and avoidance measures implemented there would be no effect. The CA SHPO did not concur with the "no effect" determination by FHWA and recommended that FHWA continue to consider the resources as eligible for the NRHP but apply the criteria of no adverse effect. FHWA reinitiated consultation on October 24, 2014 with a



finding of no adverse effect to which the SHPO concurred in a letter dated October 29, 2014. Therefore, it is the finding of FHWA that the project will have a *de minimis* impact and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required. Furthermore, the *de minimis* coordination requirements in 23 CFR 774 have been met.

### **Cultural Resources**

An Area of Potential Effects (APE) was established for the project taking into consideration potential direct and indirect effects associated with the project. The horizontal APE generally consists of a corridor that ranges between 25 to 140 feet centered on the existing roadway for a total of 4.38 acres. The corridor width varies to address archaeological sites and accommodate parking improvements, staging areas, culvert crossings, and removal of retaining walls. The vertical APE ranges between seven inches (for construction of curbs) up to four feet (for installation of guardrail posts). The Archeological Survey Report dated August 2014 includes a detailed description and maps of the APE. An historical architectural APE was not delineated because no potentially historic buildings or structures exist in the APE and therefore the project would not have any effect on the built environment.

Archival research, assessment of the potential for buried archaeological resources, and a pedestrian survey of the APE were completed in June 2014. These efforts identified three previously recorded prehistoric sites and one new historic site in the APE, Convict Lake Road. Native American tribal consultation was conducted in March 2014 with no additional religious or tribal sites identified. Additional information on the Cultural Resources consultation is included in Appendix B. Additional information regarding the identification efforts as well as the findings can be found in the Archeological Survey Report (August 2014).

The project design was revised to avoid all three prehistoric properties identified as potentially NRHP-eligible. In addition, all three areas will be fenced to avoid construction related disturbance. FHWA determined the road to be ineligible as it lacks significance and integrity under the National Register criteria. A determination of no historic properties affected and a copy of the Archeological Survey Report were sent to the SHPO for concurrence on September 3, 2014. In a letter dated October 2, 2014, the SHPO responded that they did not agree with FHWA's determination of no historic properties affected but rather that they recommended a finding of no adverse effect for the three prehistoric sites. In addition, the SHPO requested further evaluation of Convict Lake Road according to the National Register criteria per 36 CFR part 63. FHWA-CFLHD re-initiated consultation with the SHPO on October 24, 2014. On October 29, 2014, SHPO concurred with the determination of no adverse effect to historic properties as a result of the proposed action. The SHPO also concurred that Convict Lake Road is ineligible for listing on the NRHP. FHWA requirements for compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations, have been satisfied.

Inyo National Forest had evaluated the proposed Convict Lake Trail improvements and repairs in August 2013 for potential to affect cultural resources in accordance with the "Programmatic Agreement among U.S.D.A. Forest Service, Pacific Southwest Region (Region 5), the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Processes for Compliance with Section 106 of the National Historic Preservation Act for Management of Historic Properties by

the National Forest of the Pacific Southwest Region (Regional PA 2013).” The USFS indicated that the APE for the improvements and repair of the trail had been previously surveyed and that no historic properties were found with the APE. Consequently INF Heritage Resources staff determined that the improvements and repairs to Convict Lake Trail would result in no historic properties affected as per Stipulation 7.8(a) of the Regional PA.

The proposed riparian mitigation locations will be surveyed and evaluated for cultural resources by the INF archeologist in accordance with the Regional PA. Based on survey results, only those areas where cultural resources have not been identified will be used for planting riparian vegetation. As a result no historic properties will be affected as a result of this project component. The INF archeologist will complete Section 106 compliance for this project component under the Regional PA.

### **Flood Plains**

An assessment was performed by FHWA-CFLHD to identify and evaluate if the proposed project resulted in encroachment on flood plains. Results indicated that the project is located within Zone D Flood Plains based off National Flood Insurance Program (NFIP) maps. Based on project design, the repairs will be in kind so there will be no impacts to Flood Plains.

### **Vegetation**

The majority of the project area is devoid of vegetation due construction and maintenance activities. However, the proposed project may result in minor vegetation removal and require soil stabilization post construction. Disturbed areas will be re-seeded with a seed mix recommended by INF. Best Management practices will be implemented to minimize soil erosion.

### **Recreation**

Approximately 177,000 people visit Convict Lake in Inyo National Forest annually. Convict Lake Road provides these visitors access to the lake, the Convict Lake Resort, and a campground. The Convict Lake Campground is operated by USFS, has 84 sites, and is open for 5 months per year and sees an estimated 27,000 to 28,000 campers annually. Visitors to the area enjoy hiking trails for day trips around the lake to sightsee and fish, and up Convict Canyon to the high alpine lakes for day and overnight use. Other activities available for visitors to the area include boating, wildlife viewing, and horseback riding. Convict Lake Resort also remains open in the winter months and accommodates guests interested in all the area’s winter sports and outdoor activities such as skiing, snowboarding, snowshoeing, and snowmobiling.

The project will improve the visitor experiences by enhancing opportunities for alternative modes of transportation through improved bicycle facilities for both accessing the site and traveling throughout the Convict Lake recreation area. In addition, pedestrians can utilize the paved shoulder when travelling between the campground, resort, marina, stables, and the lake. By providing non-motorized transportation opportunities, visitors are more inclined to leave their vehicles and have a more direct experience with the natural amenities. Replacement of the timber pedestrian bridge will provide visitors safe access to the lake and other recreational facilities in the project area. Improvements to Convict Lake Trail in accordance with ADA

standards will allow for safe hiking and access to the lake shore for visitors with a range of abilities.

There will be minor temporary construction impacts to recreation taking place within and adjacent to the project area related to traffic delays and noise. Construction will not take place on the weekends or during holidays when visitation to the lake and Resort is high. Typical traffic delays during construction on the weekdays are anticipated to be up to 30 minutes. These impacts would be temporary and last the duration of the construction period. Construction would take approximately four months. Road closures are not anticipated in Segment 1. Road closures will be allowed in Segment 2, just beyond the Campground access road. Parking areas beyond the Campground access road may be closed to the public throughout construction. The existing overflow parking area can be used during construction. The Convict Lake Trail will be closed to pedestrians during trail construction. To reduce the impacts on recreation, the road in segment 2 and the trail will not be closed during the same time period so that visitors can continue to access the eastern portion of the lake. When the road is closed, the trail will remain open. When trail access is restricted during construction, the road will be open to pedestrian use. Throughout the construction period, recreationists will continue to have access to the lake via the marina and the trail along the western shoreline of the lake. Public notices of construction locations, dates, and times will be provided in advance through the local media and on-site information signs as appropriate. Inyo National Forest will also coordinate with the Resort to disseminate construction information to visitors.

### **Visual Quality**

Convict Lake Road lies within a landscape of sagebrush scrub to lodgepole pine and ranges in elevation between 7,100 feet and 7,700 feet through the Sierra Nevada Mountains. The project area has minimal development, which includes a campground, resort, and marina. The project setting includes views of the lake/creek, shrubs, and trees. The high jagged peaks that frame the valley floor are the dominant visual feature.

The *Inyo National Forest Land & Resource Management Plan* (INF 1998) identifies Visual Quality Objectives (VQOs) by management prescription. VQOs describe the degree to which the natural landscape can acceptably be modified. VQOs for the project area include Retention for all new, non-recreation-oriented facilities and Partial Retention for all other facilities, including recreation sites. The proposed maintenance activities on the existing road and trail would be subject to the objective of Partial Retention, which specifies that modifications must be visually subordinate to the natural landscape.

Widening the existing roadway would require minor fills. Similarly, rehabilitation of the paved trail would predominantly be within the existing alignment except for a small area, approximately 400 feet, at the start of the trail that would require a minor realignment to meet ADA standards. The rockery walls in Segment 2 will be roughly the same height as the existing timber walls. Vegetation within 10 feet of the timber walls will be removed for placement of new walls. The wooden pedestrian bridge at the lake outlet would be replaced with a slightly wider concrete bridge with pedestrian railings. None of the proposed improvements would block or impede the existing scenic views. The minor fills, rockery walls, and trail realignment would be immediately adjacent to the existing roadway or trail, and would not diminish the visual character for forest users. Direct visual effects are anticipated to be minor.



In addition, all disturbed areas will be revegetated using a seed mix approved by INF to reestablish native vegetation.

### **Right-of-Way**

All proposed project elements occur within the INF; therefore, no right-of-way acquisitions are required. A Highway Easement Deed will be developed for Mono County. This easement will allow for the county to perform routine maintenance on the roadway. Coordination between Mono County and the Forest Service for the deed is ongoing at this time. No construction easements would be required.

### **Utilities**

Water, sanitary sewer, electric power lines, and phone lines occur within the project area. Electric power and phone lines are overhead throughout Segment 1, under the existing pedestrian bridge, and underground in Segment 2. Power and phone lines will remain in place under the new pedestrian bridge. Water and sewer lines are INF owned. These utility lines and junction boxes that are within the roadway will require adjustments during construction. FHWA-CFLHD will coordinate with utility companies for any anticipated relocations or adjustments.

### **Threatened, Endangered, and Sensitive Species**

A Biological Assessment/Biological Evaluation (BA/BE) (Jacobs 2014) was completed to evaluate 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 U.S. Forest Service 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 methodology and findings of the BA/BE are summarized below.

The project area was evaluated for the presence of, and potential to support, federally-listed and Forest Service sensitive plant and wildlife species. Data from U.S. Fish and Wildlife Service, 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. Wildlife habitat suitability assessments and evaluation of habitat suitability for rare plants were conducted within the project area on April 2, 2014. This survey was conducted within a 25-foot buffer from the edge of pavement on both sides of the roadway and a 50-foot buffer along the roadway from the edge of pavement at culvert locations. Based on the desktop review which included a review of recorded occurrences, known range, and habitat requirements of each species, 68 wildlife species and 102 plant species were evaluated for potential to occur within the project area or be affected by the proposed project. Of the wildlife species, 14 were ESA-listed, 24 were USFS Sensitive Species, 15 were State of California listed, and 15 were listed by the California Department of Fish and Wildlife (CDFW). Of the plant species, none were ESA-listed, 45 were USFS Sensitive Species, none were State of California listed, and all 57 were listed by the CNPS.

Those federal listed species with potential to occur in the project area are listed in Table 1. The project area also contains proposed critical habitat for the greater sage-grouse.

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

Common Name	Scientific Name	Federal	State	USFS	CDFG/ CNPS	Habitat	Finding
Greater sage-grouse	<i>Centrocercus urophasianus</i>	PT	-	FSS	SSC	Uses a wide variety of sagebrush mosaic habitats with meadows and aspen in close proximity. Roosts in sagebrush and use seeps, wet meadows, riparian areas, alfalfa fields, potato	May affect, but is not likely to jeopardize the species and is not likely to adversely modify or destroy proposed critical habitat
Southwestern Willow Flycatcher	<i>Empidonax traillii eximius</i>	FE	SE	FSS	-	Habitat is restricted to dense riparian vegetation.	May affect, but is not likely to adversely affect
Sierra Nevada Yellow-legged Frog	<i>Rana sierrae</i>	FE	SC	FSS	SSC	Lakes, ponds, meadow streams, isolated pools, and sunny riverbanks in the Sierra Nevada Mountains.	No effect
Yosemite Toad	<i>Anaxyrus [Bufo] canorus</i>	FT	-	FSS	SSC	Wet mountain meadows, willow thickets, and the borders of forests; no more than a hundred yards from a permanent water source; typically found between 1,460 to 3,630 meters (amsl).	No Effect
Northern Goshawk	<i>Accipiter gentilis</i>	-	-	FSS	SSC	Usually nests on north slopes, near water. Typically nests in red fir, lodgepole pine, Jeffrey pine, and aspens.	The proposed project may affect individuals, but is not likely to result in a trend toward federal listing or loss of viability.

Long Valley Milk-vetch	<i>Astragalus johannis-howellii</i>	-	-	FSS	1B.2	Great basin scrub habitat; areas with sandy volcanic ash or pumice with sagebrush scrub.	No impact.
Bald Eagle	<i>Haliaeetus leucocephalus</i>	-	SE	FSS	FP	Seacoasts, rivers, large lakes, and other large areas of open water.	The proposed project may affect individuals, but is not likely to result in a trend toward federal listing or loss of viability.
Bodie Hills Rock Cress	<i>Boehera bodiensis</i>	-	-	FSS	1B.3	Dry, open, rocky, high or north-facing slopes or exposed summits of granitic or rhyolitic material, on moisture-accumulating microsites in sagebrush associations within the pinyon-juniper and mountain sagebrush zones.	No impact.
Scalloped-leaved Lousewort	<i>Pedicularis crenulata</i>	-	-	-	2B.2	Wet meadows and streambanks.	No impact.
Owens Sucker	<i>Catostomus fumiventris</i>	-	-	-	SSC	Owens River watershed in eastern California; the species is most abundant in Crowley Reservoir (Mono County).	The proposed project is unlikely to affect individuals, and is not likely to result in a trend toward federal listing or loss of viability.

USFWS Status: FE = Federally endangered; FT = Federally Threatened; PT = Proposed Threatened

State Status: SE = State endangered; ST = State Threatened; SC = State Candidate

USFWS Status: FSS = Forest Service Sensitive

CDFW Status: FP = Fully Protected; SSC = Species of Special Concern

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. CNPS threat code extensions: .1 – Seriously endangered in California; .2 – Fairly endangered in California; .3 – Not very endangered in California.



The BA submitted to the USFWS on September 15, 2014 concluded that the project may affect, but is not likely to adversely affect southwestern willow flycatcher due to the limited suitable habitat within or adjacent to the project area and the insignificant effects associated with temporary disturbance. The BA further concluded there would be no effect to Yosemite toad and Sierra Nevada yellow-legged frog as suitable habitat does not occur in the project area. The greater sage grouse is currently proposed for listing under the Endangered Species Act. FHWA-CFLHD concluded that the proposed project may affect but is not likely to jeopardize the greater sage-grouse, and is not likely to adversely modify or destroy proposed critical habitat. If the greater sage-grouse becomes listed prior to completion of the project, FHWA-CFLHD made a provisional effect determination of may affect, but is not likely to adversely affect the grouse or its critical habitat. On November 6, 2014, the USFWS recommended conservation measures for the southwestern willow flycatcher as part of the informal consultation process. Construction will not take place until final concurrence on the project effects is received. FHWA will conduct protocol-level surveys (Sogge et al. 2010) for southwestern willow flycatcher prior to starting trail and bridge work near Convict Lake.

1. Project-related surveys will occur during the first two survey periods (May 15<sup>th</sup> – June 24<sup>th</sup>) to determine if southwestern willow flycatchers are present in suitable habitat adjacent to the project area.
  - a. If no southwestern willow flycatchers are detected during the first two survey periods, then work may proceed in these areas after June 24<sup>th</sup>.
  - b. If southwestern willow flycatchers are detected during the first or second survey period, then project-related surveys will continue during the third survey period (June 25<sup>th</sup> – July 17<sup>th</sup>) to determine if willow flycatchers are nesting in suitable habitat adjacent to the project area.
  - c. If surveys confirm that willow flycatchers are nesting or nesting is a possible outcome, then FHWA would (1) only proceed with work after a qualified biologist has determined that any young have fledged or birds are not attempting to renest, or (2) implement a buffer of appropriate distance, based on discussions with USFWS, to avoid adverse effects to individuals.

U.S. Forest Service sensitive species are defined as, “Those plant and animal species identified by a Regional Forester for which population viability is a concern, as evidenced by: (a) significant current or predicted downward trends in population numbers or density, or (b) significant or current or predicted downward trends in habitat capability that would reduce a species’ existing distribution” (FSM 2670). Sixty-nine Forest Service sensitive species (24 wildlife species and 45 plant species) were evaluated for presence of required habitat (including soils, climate, disturbance, plant communities, etc.) within the project area, as well as reported location occurrences of species within the vicinity of the project area. Table 1 details the Forest Service Sensitive Species known to occur or could be located in habitat within, or directly adjacent, to the project area, as well as the potential project impact. The analysis in the BE concludes that the proposed project may affect individual INF sensitive species, but it is not likely to result in a trend toward federal listing or loss of viability.

Project avoidance and minimization measures incorporated into the project to avoid or reduce impacts to the USFWS listed or proposed species and critical habitat and USFS species include:

- During construction, garbage or trash produced from construction activities shall be removed promptly and properly to avoid attracting wildlife.
- Vehicles and equipment entering the project area shall be kept clean of noxious weeds and free from oil leaks, and are subject to inspection. Construction equipment shall be washed thoroughly to remove dirt, plant, and other foreign material prior to entering the project area. Particular attention shall be shown to the under carriage and surfaces where soil containing exotic seeds may exist. These efforts are critical to prevent the introduction and establishment of non-native plant species into the project area. FHWA's contractor shall inspect each piece of equipment before entering the project area. Equipment found operating on the project that has not been inspected, or has oil leaks shall be shut down and subject to citation.
- Certified weed free permanent and temporary erosion control measures shall be implemented to minimize erosion and sedimentation during and after construction.

The project avoidance measures and minimization measures listed above can also be found in **Appendix A: Project-specific Environmental Commitments Summary Table 1**. Additionally, a number of measures to control erosion and sedimentation are included in the Standard Environmental Commitments Summary Table 2 in **Appendix A**. For additional information regarding federally listed species or Forest Service sensitive species see the Biological Assessment/Biological Evaluation (August 2014).

### **Wetlands and Waters of the U.S.**

As documented in the Wetlands and Other Waters of the U.S. (WoUS) Delineation Report (July 2014), a delineation of open waters and wetlands was conducted in April 2014 pursuant to Sections 404 of the Clean Water Act. The area surveyed for wetlands generally extends 25 feet from the edge of pavement; however, wider areas were surveyed at crossings of WoUS and where potential staging and stockpiling activities were identified. 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).

Within the survey area, approximately 0.61 acres of WoUS and wetlands were identified. Waters of the U.S. within the project area include the lake shore and Convict Creek, a perennial stream. One wetland, a palustrine emergent wetland, was identified north of the road near Convict Lake Resort. Acreages of WoUS and the wetland identified in the project area are summarized in Table 2. The roadway improvements will have no effect on WoUS and the roadway design has been revised to avoid impacting the wetland area. Therefore, no USACE Section 404 permit or California Regional Water Quality Control Board Section 401 Water Quality Certification will be required for the proposed action.

**Table 2: Summary of Wetlands/Other Waters of the U.S. in the Survey Area**

<b>Feature</b>	<b>Acreage within Survey Area (acres)</b>
<b>Wetlands</b>	0.001
<b>Waters of the U.S.</b>	0.61

In addition to the WoUS, approximately 3.07 acres of riparian areas is present along the banks of Convict Lake and Convict Creek. The riparian area along the lake is dominated by an over-story of black cottonwood (*Populus trichocarpa*) and willows (*Salix* sp.) and an intermittent understory of wood rose (*Rosa woodsii*). The riparian vegetation along the creek is dominated by willows.

Temporary and permanent impacts to 0.44 acres of riparian vegetation will result from road expansion, clearing to facilitate bridge repair, clearing to facilitate rockery wall construction, and rehabilitation of Convict Lake Trail. A Riparian Mitigation Plan has been prepared for Convict Lake Road to comply with Clean Water Act (CWA) Section 401 permit requirements to obtain a Waste Discharge Permit. In order to obtain State Water Quality Certification from the California Regional Water Quality Control Board (RWQCB), mitigation is required for impacts to riparian vegetation.

Riparian mitigation will involve creating riparian habitat that is similar in functions and values to the riparian areas that will be impacted. The identified riparian habitat found on the project site consists of black cottonwood (*Populus trichocarpa*), quaking aspens (*Populous tremuloides*), water birch (*Betula occidentalis*) and willow species (*Salix* spp.). Compensatory mitigation is proposed at a minimum of 1.5:1 ratio and will result in establishment of at least 0.66 acres of riparian habitat. The amount of riparian habitat established will be finalized through the permitting process with the California Regional Water Quality Control Board. The understory will be seeded with an Inyo National Forest approved herbaceous seed mix. Proposed compensatory mitigation activities will be constructed prior to completion of construction.

### **Water Resources and Water Quality**

The project area is located within the Crowley Lake watershed (hydrologic unit -HUC8 18090102) and is contained in one subwatershed: Convict Creek (HUC12 180901020207). The Convict Creek subwatershed is 38,213 acres in size and is tributary to Crowley Lake and subsequently the Owens River. The northern terminus of the project area is approximately 4 miles west of Lake Crowley.

Hydrology in the project area is supported by snow melt, precipitation, and groundwater seepage. Convict Lake collects water from three perennial streams (including Convict Creek upstream) as well as several unnamed intermittent/ephemeral drainages. Convict Creek's headwaters originate 5 miles south of Convict Lake at 11,400 ft amsl, and flows through Constance Lake, Lake Wit-So-Nah-Pah, and Mildred Lake before intersecting Convict Lake and continuing downstream into Lake Crowley.



The watershed is designated as a non-priority Class 1, properly functioning watershed by the Forest Service Watershed Condition Framework (USFS 2013). Watershed management prescriptions are outlined in the *Inyo National Forest Land and Resource Management Plan* (USFS 1988). Named surface waters along or near the project corridor include Convict Creek and Convict Lake.

Total impervious surface area would increase due to the roadway widening. The project would provide a consistent 28-foot wide paved surface, compared to the existing 20 to 37 feet of paved roadway surface. 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 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 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.

### **Cumulative Effects**

Other past, present, and reasonably foreseeable actions occurring within Inyo National Forest (previous road construction, future maintenance activities, etc.), including land use and management related decisions, affect or have the potential to affect 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 Inyo National Forest resources would result from the proposed action.

### **Determination**

Based on the above evaluation and coordination, 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(d)). The project is categorically excluded from further NEPA analysis and further NEPA approvals.

### **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 Environmental Protection Agency; State Water Resources Control Board – A project specific National Pollutant Discharge Elimination System Permit will be developed for the proposed project elements described herein.
- California Environmental Protection Agency; State Water Resources Control Board – Waste Discharge Permit.
- Encroachment permit – Required from Caltrans for any construction occurring in, or signage placed upon, the agencies right-of-way.

## References

- FEMA 2011. Flood Insurance Rate Map, Mono County, California and Incorporated Areas. Panel 1650 of 2050. Map number 06051C1650D. Produced by Federal Emergency Management Agency.
- Federal Highway Administration (FHWA). 2006. *Construction Noise Handbook*.
- FHWA. 2011. *Highway Traffic Noise: Analysis and Abatement Guidance*.
- 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](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml)
- USACE. 1987. *U.S Army Corps of Engineers Wetland Delineation Manual*.
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- USFS. 2013. U.S. Forest Service Watershed Condition Framework. Available online at: <http://www.fs.fed.us/publications/watershed>.
- USFS. 2014. Forest Service Current Schedule of Proposed Actions for the Inyo National Forest April 2014 thru December 2014 and Current List. Available online at: <http://www.fs.fed.us/sopa/forest-level.php?110504>.



**Preparer**

Timberley Belish, Environmental Protection Specialist, FHWA-CFLHD

**Cc (distributed via email):**

Federal Highway Administration (FHWA-CFLHD)

Wendy Longley, Project Manager, [wendy.longely@dot.gov](mailto:wendy.longely@dot.gov)

Kelly Wade, Environmental Team Leader, FHWA, [Kelly.wade@dot.gov](mailto:Kelly.wade@dot.gov)

Timberley Belish, Environmental Protection Specialist, FHWA, [Timberley.belish@dot.gov](mailto:Timberley.belish@dot.gov)

Ramon Sanchez, Right-of-Way and Utilities, FHWA, [ramon.l.sanchez@dot.gov](mailto:ramon.l.sanchez@dot.gov)

Doug White, Wetlands Permit Specialist, FHWA-CTR, [doug.white.ctr@dot.gov](mailto:doug.white.ctr@dot.gov)

Sebastian Guzman, Lead Designer, FHWA, [Sebastian.guzman@dot.gov](mailto:Sebastian.guzman@dot.gov)

Bonnie Klamerus, Bridge Designer, FHWA, [Bonnie.klamerus@dot.gov](mailto:Bonnie.klamerus@dot.gov)

Dominic Monarco, Geotechnical Engineer, FHWA, [Dominic.monarco@dot.gov](mailto:Dominic.monarco@dot.gov)

Ron Andresen, Materials Engineer, FHWA, [ron.andresen@dot.gov](mailto:ron.andresen@dot.gov)

Greg Schertz, Safety Engineer, FHWA, [greg.schertz@dot.gov](mailto:greg.schertz@dot.gov)

Scott Wolfert, Regional Engineer, [scott.wolfert@dot.gov](mailto:scott.wolfert@dot.gov)

Inyo National Forest

Nora Gamino, Forest Facilities Engineer, [ngamino@fs.fed.us](mailto:ngamino@fs.fed.us)

Mono County

Garrett Higerd, Acting Assistant Public Works Director, [ghigerd@mono.ca.gov](mailto:ghigerd@mono.ca.gov)

Gerry LeFrancois, Community Development Planner, [glefrancois@mono.ca.gov](mailto:glefrancois@mono.ca.gov)



## **Appendix A: Environmental Commitments**

**Table 1: Project Specific Environmental Commitments Summary Table – CR4S07(1), Convict Lake Road and Trail Improvement**

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
<p>Road closures would not take place in Segment 1. The road in Segment 2 beyond the Campground access road may be closed during construction. Advance notice of closures would be provided to INF. The paved trail will be closed during construction. Uninterrupted access for emergency vehicles will be maintained throughout the construction phase. Public notices of construction locations, dates, and times will be given in advance through the local media and on-site information signs as appropriate.</p>	<p>Socioeconomic; Recreation</p>	<p>FHWA/USFS</p>	<p>SCR 108.01 SCR 156.06</p>
<p>Three cultural sites will be designated as Environmentally Protected Areas and fenced to avoid construction-related disturbances.</p>	<p>Cultural</p>	<p>FHWA</p>	<p>SCR 108.01</p>
<p>Access will be maintained to the Convict Lake Resort at all times.</p>	<p>Recreation</p>	<p>FHWA</p>	<p>TBD</p>
<p>Construction will be limited to Monday through Friday. No work will occur at night.</p>	<p>Recreation</p>	<p>FHWA</p>	<p>SCR 108.01</p>
<p>The Contractor will not be permitted to have the road in Segment 2 and the trail closed to public pedestrian access at the same time.</p>	<p>Recreation</p>	<p>FHWA</p>	<p>TBD</p>
<p>Project-related surveys will occur during the first two</p>	<p>Special Status Species</p>	<p>FHWA/USFS</p>	<p>SCR 108.01</p>

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
<p>survey periods (May 15<sup>th</sup> – June 24<sup>th</sup>) to determine if southwestern willow flycatchers are present in suitable habitat adjacent to the project area.</p> <p>a. If no southwestern willow flycatchers are detected during the first two survey periods, then work may proceed in these areas after June 24<sup>th</sup>.</p> <p>b. If southwestern willow flycatchers are detected during the first or second survey period, then project-related surveys will continue during the third survey period (June 25<sup>th</sup> – July 17<sup>th</sup>) to determine if willow flycatchers are nesting in suitable habitat adjacent to the project area.</p> <p>If surveys confirm that willow flycatchers are nesting or nesting is a possible outcome, then FHWA would (1) only proceed with work after a qualified biologist has determined that any young have fledged or birds are not attempting to renest, or (2) implement a buffer of appropriate distance, based on discussions with USFWS, to avoid adverse effects to individuals.</p>			
<p>During construction, garbage or trash produced from construction activities will be removed promptly and properly to avoid creating attractive wildlife nuisances.</p>	Special status species	FHWA	SCR 107.08
<p>All disturbed areas will be revegetated using a seed mix approved by INF. Tree removal and mitigation will be coordinated with Inyo National Forest.</p>	Vegetation	FHWA	SCR 713.04

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
Riparian vegetation will be planted in areas identified on the construction plans in accordance with the Riparian Mitigation Plan.	Riparian	FHWA	TBD
Notify the CO at least 2 weeks prior to the beginning of planting riparian vegetation.	Riparian	FHWA	TBD
All woody vegetation will be planted manually utilizing shovels, dibble bars, and/or hand augers. No mechanized equipment will be utilized during the implementation of the mitigation plan to ensure that adjacent riparian areas are left undisturbed.	Riparian	FHWA	TBD
Within the project limits except as noted on the construction plans, willow cuttings will be harvested for replanting as part of the mitigation plan.	Riparian	FHWA	TBD
Willow cuttings and the live-stock will be planted as the first phase of the project, which is anticipated to be June 2014. The cuttings will be planted immediately after harvesting or soaked (totally submerged in flowing water) for up to 14 days prior to planting. The willows will not be planted into frozen soils.	Riparian	FHWA	TBD
The following measures will be implemented to minimize temporary construction noise impacts: 1) Construction activities within 500 feet of existing noise sensitive uses shall be limited to the hours of 7:00am to 7:00pm.; 2) use well-maintained equipment and have equipment inspected regularly; and 3) locate stationary	Noise	FHWA	SCR 108.01 SCR 107.10

<b>Commitment</b>	<b>Resources</b>	<b>Agency/Person Responsible</b>	<b>FR/SCR/Plan Sheet #/Comp Date</b>
sources as far from sensitive receptors as practicable.			



**Table 2: Standard Environmental Commitments Summary Table, – CR4S07(1), Convict Lake Road and Trail Improvement**

No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
1.	For projects disturbing more than one acre of land (the majority of FHWA projects), Clean Water Act Section 402 (NPDES) requires additional measures (including a storm water pollution prevention plan, SWPP) that are routinely included in FHWA projects.	Water Quality	FP 107.01
2.	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
3.	Do not excavate, remove, alter, damage, or deface any archaeological 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.	Cultural Resources	FP 107.2
4.	Properly clean up, mitigate, and remedy, if necessary, all spills of petroleum products, hazardous materials, or other chemical or biological products released from construction, fleet, or other support vehicles, or stationary sources. Respond in accordance with federal, state, and local regulations.  Immediately report the CO any spill of petroleum products or a hazardous material. Report the spill to the appropriate federal, state, and local authorities, if the spill is a reportable quantity.	Hazardous Materials	SCR 107.10
5.	All vehicles and equipment entering the project area must be clean of noxious weeds and free from oil leaks and are subject to inspection. Wash all construction equipment thoroughly to remove all dirt, plant, and other foreign material prior to entering the project. Particular attention must be shown to the under carriage and any surface where soil containing exotic seeds may exist. These efforts are critical to prevent the introduction and establishment of non-native plant species into the project area. Make arrangements for the CO to inspect each piece of equipment before entering the project. The CO will maintain records of inspections. Equipment found operating on the project that has not been inspected, or has oil leaks will be shut down and subject to citation.	Noxious Weeds	SCR 107.10

No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
6.	<p>In general, when gasoline, diesel fuel, antifreeze, hydraulic fluid or any other chemical contained within the vehicle is released to the pavement or the ground, proper, corrective, clean-up, and safety actions specified in the SWPPP must be immediately implemented. All vehicles with load rating of two tons or greater should carry, at minimum, enough absorbent materials to effectively immobilize the total volume of fluids contained within the vehicle.</p> <p>Repair leaks immediately on discovery. Do not use equipment that is leaking. Have oil pans and absorbent material in place prior to beginning repair work. Have the “on-scene” capability of catching and absorbing leaks or spillage of petroleum products including antifreeze from breakdowns or repair actions with approved absorbent materials. Keep a supply of acceptable absorbent materials at the job site in the event of spills, as defined in the SWPPP. Sand or soil are not approved absorbent materials.</p> <p>Use oil pans and absorbent materials to prevent leaks, spills, and draining petroleum fluids from falling onto bare ground and paved surfaces during servicing of equipment. Dig up soils contaminated with such fluids, place in appropriate safety containers, and dispose of according to state and/or federal regulations.</p>	Hazardous Materials	SCR 107.10
7.	<p>Provide certified weed free permanent and temporary erosion control measures to minimize erosion and sedimentation during and after construction according to the contract erosion control plan, contract permits, FP Section 107, FP Section 157, and SCR Section 157.</p>	Water Quality, Vegetation	FP 157.03
8.	<p>Before grubbing and grading, construct all erosion controls around the perimeter of the project including filter barriers, diversion, and settling structures.</p> <p>Limit the combined grubbing and grading operations to 350,000 square feet of exposed soil at one time.</p>	Water Quality, Vegetation	FP 157.04
9.	<p>Maintain temporary erosion control measures in working condition until the project is complete or the measures are no longer needed.</p>	Water Quality, Vegetation	FP 157.13



No.	Standard Environmental Commitment contained within the Standard Specifications (FP-03) or Special Contract Requirements (SCR)	Resources	FR/SCR
10.	<p>Control dust within the construction limits at all hours when the project is open to public traffic. When the project is not open to public traffic, control dust in areas of the project with neighbor inhabited residences or places of business. Control dust on approved, active detours established for the project.</p> <p>Control dust on active haul roads, in pits and staging areas.</p>	Air Quality	FP 158.03
11.	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
12.	Protect and care for seeded areas including watering when needed until final acceptance. Repair all damage to seeded areas by reseeding, refertilizing, and remulching.	Vegetation	FP 625.09
13.	Conform to the Federal Seed Act, the Federal Noxious Weed Act, and applicable State and local seed and noxious weed laws.	Vegetation and Noxious Weeds	FP 713.04
14	Construction equipment is required to be maintained in proper working condition to minimize construction noise.	Noise	SCR 107.10(c)

#### 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, Hazardous 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

## **Appendix B: Cultural Resources Information**

### **Section 106 Coordination with the State Historic Preservation Officer (SHPO)**

- Letter to SHPO seeking concurrence on the determination of effects – September 3, 2014
- SHPO response of non-concurrence and recommending further consultation – October 2, 2014
- Letter to SHPO re-initiating consultation on the revised determination of effects – October 24, 2014
- SHPO concurrence with determination of effects – October 29, 2014

### **Native American Consultation**

- Scoping letter to Native American Heritage – March 10, 2014
- Response from Native American Heritage Commission – March 18, 2014
- Tribal Scoping Letters – March 10, 2014







U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

September 3, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Subject: Request for Concurrence on the Area of Potential Effects, Eligibility Determinations, and Finding of No Historic Properties Affected for Convict Lake Road Improvement Project CA (County Road 2018 and Forest Highway 199)

Dear Dr. Roland-Nawi:

This letter and attached report constitute a request for concurrence (1) on the Area of Potential Effect (APE) established for the Convict Lake Road Improvement Project; (2) on the eligibility determinations; (3) that the proposed undertaking will have no effect on any historic properties; and (4) that the Federal Highway Administration (FHWA) has no further Section 106 (36 CFR Part 800) obligations for the project referenced above. This is our initial consultation.

The FHWA, in cooperation with Mono County and Inyo National Forest, is proposing to improve 2.75 miles of Convict Lake Road, also designated as County Road 2018 and Forest Highway 199. The project consists of rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road in Inyo National Forest within Mono County. The north end of the project area begins at the intersection of Convict Lake Road and US Highway 395 and extends southward to a turnaround at Convict Lake. The project area is situated on only Inyo National Forest lands, no private lands are included (see Figure 1 in Attachment 1). In addition, FHWA and the USFS propose to perform maintenance and minor realignments, as needed to comply with Americans with Disabilities Act standards, on the existing Forest Service trail (approximately 0.3 miles [0.48 kilometers]) along the east side of Convict Lake. The attached archaeological report was submitted to, and has been reviewed by Inyo National Forest, which concurs with the report findings and recommendations.

An historical architectural APE was not delineated because no potentially historic buildings or structures exist within the APE and this project will not have any effects on the built environment.

The archaeological APE was defined to encompass the horizontal and vertical extent of all project construction activities, and was redefined for site avoidance and inclusion of adjacent site areas, for a total of 4.38 acres (Attachment 2). The horizontal archaeological APE consists of a corridor that ranges between 25 to 140 feet (7.6 to 42.7 meters) wide centered on the middle of the existing roadway. The APE width varies to address archaeological sites and accommodate parking improvements, staging areas, culvert and creek crossings, and removal of retaining walls. The majority of the outer boundary of the APE is located 25 feet (7.6 meters) from the edge of pavement on both sides of the road where most direct impacts would occur. The vertical APE ranges between seven inches (0.2 meters) to construct curbs and up to four feet (1.2 meters) to install guardrails. A detailed description of the APE is on page 10 of the Archaeological Survey Report (Attachment 1).

As documented in the attached report, archival research, Native American consultation, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the APE, and documentation of findings and recommendations have been completed.

Consultation and identification efforts found three previously recorded and one newly recorded resource (see Figures 8 and 9 in Attachment 1). The following table summarizes these resources, their National Register of Historic Places (NRHP) status, and management recommendations.

Site Number	Description	NRHP Status	Management Recommendations
<b>Prehistoric Resources</b>			
P-26-00-1662 CA-MNO-1662	Prehistoric flaked and ground stone site with minor subsurface presence previously recorded in 1981 as a widely dispersed obsidian debitage scatter with a few tools in several concentrations. Western portion of site extends into the APE; no site deposits were found within the area of direct impacts. Three flakes were retrieved from soil probes from 10-30 cm below the surface at the edge of the area of direct impacts.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
P-26-00-1677 CA-MNO-1677	Prehistoric surface site of flaked stone and ground stone originally recorded in 1982 as a small scatter of obsidian flakes on the north side of the road. Site is bisected by Convict Lake Road. No surface deposits were observed within the area of direct impacts. Soil probes on each side of the road revealed that potential subsurface site deposits do not extend into the APE. Project activities will be restricted to previously disturbed sediments within the roadway bench and will not affect the undisturbed portion of site.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
P-26-00-4261 CA-MNO-4261	Prehistoric surface site of flaked and ground stone originally recorded in 2005 as a lithic scatter with a bedrock milling feature and a biface. Southeastern edge of the site extends into the APE. One obsidian biface was observed within the APE. A soil probe within the area of direct impacts was culturally sterile.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
<b>Built-Environment Resources</b>			
FS 05-04-52-2391	Convict Lake Road; Its development began prior to 1920, by 1934 the alignment was extended to the present-day end point, and in the 1960s and 1980s the road was improved. History of the road reflects the ongoing trend of recreational activity within the Convict Lake area. Recorded portion of the road has been significantly altered by modern construction and maintenance and does not retain any physical features that represent a historic-era character, and thus lacks integrity.	Not eligible.	No further management.

We are recommending that no historic properties will be affected for the following reasons:

- Assessment of landform age and the potential for buried sites found that 65% of the project corridor has high to very high potential to contain buried sites. However most project-related subsurface impacts are limited in vertical and horizontal extent and will not affect these resources. Three project elements will have impacts to greater depths but are within areas of low potential for buried resources (see report pages 23-26).

The replacement of guardrail at the bridge over Convict Creek will require support posts be placed to a depth of an estimated four feet. Examination of the physical location indicates that the soils in the area consist of a glacial moraine that has long acted as a natural dam for Convict Lake and is therefore much older than the mapped soil age, and has no potential for buried resources. No additional identification effort is recommended in this location.

Signs posts measuring 4 x 4 inches will be installed to a depth of approximately four feet. Signs could be installed in areas of high or very high sensitivity for buried resources. However, the subsurface impacts will be extremely localized and minimally invasive resulting in each sign disturbing an estimated 0.35 cubic feet of soil. For this reason, no additional identification effort is recommended associated with this activity.

Retaining walls placed at the parking lots at Convict Lake near the west end of the road will be replaced with rockery walls. The rockery walls will result in sub-surface impacts of up to three feet below the existing walls. The location of the walls is within an area of low sensitivity for buried resources and therefore no additional identification effort is recommended in this location.

- CA-MNO-1662 is a large prehistoric flaked and ground stone site with minor subsurface presence situated east of Convict Lake Road (see report pages 28 and 33). The western edge of the site lies along the APE. No site deposits were found within the area of direct impacts. The site will be considered eligible for purposes of this project and construction plans have been revised for avoidance. The western edge of the site boundary that approaches the area of direct impacts will be considered an Environmentally Sensitive Area and fenced.
- CA-MNO-1677 is a small limited habitation site located on Convict Creek just east of the lake outlet at Station 110+00, and is bisected by Convict Lake Road (see report pages 28 and 34). No surface deposits were found within the area of direct impacts and the field investigation revealed that potential subsurface site deposits do not extend into the APE on either side of the road. For the purposes of this project the site will be considered eligible for listing in the National Register and will be avoided. Construction activities will be restricted within the disturbed roadway bench and pull out area. Vertical extent of construction activities within the roadway will be limited to pulverizing existing asphalt and aggregate base (see report page 34). The site will be considered an Environmentally Sensitive Area and a fence will be erected on the north and south sides of the road for avoidance.
- CA-MNO-4261 is a prehistoric surface site of flaked stone and ground stone that extends into the APE on the west side of Convict Lake Road (see report pages 31 and 34). A probe within the area of direct impacts was culturally sterile and only one artifact, a biface, was identified with the APE. The site will be considered eligible for purposes of this project and construction plans have been revised for avoidance. The site will be considered an Environmentally Sensitive Area and the site boundary within the APE will be fenced for avoidance.



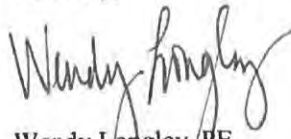
- Convict Lake Road (05-04-52-2391), newly recorded and unevaluated, was built in the late 1920s and improved starting in 1934 (see report pages 31 and 34). It has been significantly altered by modern construction and maintenance and does not retain any physical features that represent an historic-era character. As such, it lacks integrity and is not considered eligible for the National Register and requires no further management.

The conditions described here will be included in the construction contract. Based on these findings, FHWA has determined that the project will not affect properties or contributing elements of properties listed on or eligible to the NRHP. We request your concurrence with the APE and these findings within 30 days of receipt of this letter. If the SHPO does not respond within 30 calendar days, the agency, in accordance with 36 CFR 800.4(d)(1), will assume that the SHPO is in agreement with the above findings.

If you have project questions, please feel free to contact me at [Timberley.Belish@dot.gov](mailto:Timberley.Belish@dot.gov) or at (720) 963-3683 or the project manager, [Wendy.Longley@dot.gov](mailto:Wendy.Longley@dot.gov) or at 720-963-3394

Thank you for your cooperation and assistance.

Sincerely,



Wendy Longley, PE  
Project Manager

Enclosure: Attachment 1 - Archaeological Survey Report  
Attachment 2 - APE maps  
Attachment 3 - Site Records

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



October 2, 2014

Reply in Reference To: FHWA\_2014\_0905\_001

Wendy Longley, Project Manager  
Federal Highway Administration  
Central Federal Lands Highway Division  
123000 West Dakota Ave, Suite 380  
Lakewood, Co 80228-2583

Dear Ms. Longley:

**Re:** Requesting Consultation from the State Historic Preservation Officer (SHPO) on the Convict Lake Road Improvement Undertaking (County Road 2018 and Forest Highway 199)

Thank you for your September 3, 2014 letter in which the Federal Highway Administration (FHWA) in cooperation with the Mono County and Inyo National Forest is initiating SHPO consultation on the above undertaking in Inyo National Forest located in Mono County, California. The FHWA is initiating consultation with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and it's implementing regulations 36 CFR 800. You are currently requesting SHPO concurrence on the following:

1. The determination and documentation of the area of potential effect (APE) for this undertaking per 36 CFR §800.4(a);
2. The determination of eligibility of resources located within the APE per 36 CFR §800.4(c)(2);
3. The finding of no historic properties affected as a result of this undertaking per 36 CFR §800.4(d)(1); and
4. That the FHWA has no further Section 106 obligations for this undertaking.

The proposed undertaking includes the improvement of 2.75 miles of Convict Lake Road and consists of the rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road in Inyo National Forest located within Mono County, California. The FHWA has determined and documented the APE as encompassing the horizontal and vertical extent of all project construction activities. The APE comprises of 4.38 acres and includes a horizontal APE that ranges between 25 to 140 feet wide and a vertical APE that ranges between 7 inches to 4 feet deep. I have reviewed the APE and find it sufficient.

Supporting documentation (36 CFR §800.11(a)) submitted with your letter includes:

1. *The Archaeological Survey Report for the Convict Lake Road (Forest Highway 199/County Road 2018) Improvement Project, Inyo National Forest, Mono County, California* report (Whitaker et al. 2014)
2. APE Maps; and
3. Archaeological Site Records



The FHWA's efforts to identify historic properties within the APE (36 CFR §800.4(b)(1)) included a record search of the APE, including a ¼-mile buffer around the APE, and a pedestrian survey of the APE. The pedestrian survey did not include approximately 1/3 of the APE as this portion of the APE was added after the completion of the pedestrian survey.

The record search results identified four previously recorded prehistoric habitation sites (CA-MNO-1662, MNO-4261, MNO-1677) within the APE.

Archaeologists with Far Western Anthropological Research Group, Inc. (Far Western) conducted the pedestrian survey and relocated CA-MNO-1662, MNO-4261, and MNO-1677, and recorded one newly identified cultural resource, Convict Lake Road (05-04-52-2391). Additional archaeological identification conducted on behalf of Far Western included a buried sensitivity assessment and archaeological subsurface testing of CA-MNO-1662, MNO-4261, and MNO-1677 within the area of direct impact (ADI).

The FHWA also sought information from Indian tribes or organizations identified pursuant to 36 CFR §800.3(f) to assist in identifying properties which may be of religious and cultural significance to them and may be eligible for listing in the NRHP (36 CFR §§800.4(a)(4) and 800.4(b)). Documentation and results of Native American consultation for this undertaking is included as Appendix C in Whitaker et al. 2014.

Based on the FHWA's level of effort, they have determined a finding of no historic properties affected as a result of this undertaking. For the purposes of this undertaking, the FHWA is assuming eligibility of CA-MNO-1662, MNO-4261, and MNO-1677 and adverse effects will be avoided by redesigning the APE and implementation of environmentally sensitive areas (ESA).

Based on my review of the submitted documentation, I cannot concur with the FHWA's finding of no historic properties at this time because of the following reasons:

1. 1/3 of the APE has yet to be archaeological surveyed as part of the archaeological identification efforts for this undertaking; and
2. The newly identified resource, Convict Lake Road (05-04-52-2391) has not been formally evaluated using the National Register criteria (36 CFR part 63).

Please also clarify the following:

1. The submittal letter requests SHPO concurrence on the FHWA's determination of eligibility of resources located within the APE. Please clarify which resources the FHWA is requesting SHPO concurrence of determination of eligibility.

I also recommend the following:

1. Given that the FHWA is assuming eligibility of CA-MNO-1662, MNO-4261, and MNO-1677 and adverse effects will be avoided through the redesign of the APE and implementation of environmentally sensitive areas (ESA), I recommend a finding of no adverse effect with conditions 36 CFR §800.5(b) as opposed to finding of no historic properties affected.

Ms. Longley  
October 2, 2014

FHWA\_2014\_0905\_001  
Page 3 of 3

Based upon my above comments, I find that the FHWA has further Section 106 obligations for this undertaking and cannot concur with your finding of no historic properties affected as a result of this undertaking at this time. Please submit the requested information so that I may complete the Section 106 review of this undertaking.

Thank you for seeking my comments and considering historic properties as part of your undertaking. If you require further information, please contact Alicia Perez of my staff at 916-445-7020 or at [Alicia.Perez@parks.ca.gov](mailto:Alicia.Perez@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

October 24, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

**Subject:** Continuation of Section 106 Consultation for Convict Lake Road Improvement Project CA  
(County Road 2018 and Forest Highway 199) – Reference No. FHWA-2014-0905-001

Dear Dr. Roland-Nawi:

The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), initiated consultation on the above-referenced project in a letter dated September 3, 2014. A response letter dated October 2, 2014 was received from SHPO that included several comments on the FHWA submittal. We are writing to continue that consultation under 36 CFR 800.5(a), and seek your concurrence on FHWA-CFLHD's finding of effect under Section 106 of the National Historic Preservation Act.

The FHWA, in cooperation with Mono County and Inyo National Forest, is proposing to improve 2.75 miles of Convict Lake Road, also designated as County Road 2018 and Forest Highway 199. The project consists of rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road in Inyo National Forest within Mono County. The north end of the project area begins at the intersection of Convict Lake Road and US Highway 395 and extends southward to a turnaround at Convict Lake. The project area is situated on only Inyo National Forest lands, no private lands are included (see Figure 1 in Attachment 1).

FHWA discussed the project with Ms. Alicia Perez of your office on October 8, 2014. Based on Ms. Perez's review of the consultation package submitted by FHWA, she recommended changes to our findings of effect for three prehistoric sites and for further evaluation of Convict Lake Road according to the National Register criteria. The following revisions have been made to the archeological survey report (Attachment 1):

1. Improvements to the Convict Lake Trail have been removed from the documentation. Consultation will address only the road improvements.
2. An evaluation of the eligibility of Convict Lake Road (05-04-52-2391) under the National Register criteria has been added to the Discussions and Recommendations section of the report (pages 34 to 35).

As documented in the attached report, archival research, Native American consultation, assessment of the potential for buried archaeological resources, intensive pedestrian survey of the APE, and documentation of findings and recommendations have been completed.

The following table summarizes the three previously recorded resources and newly recorded resource, their National Register of Historic Places (NRHP) status, and management recommendations as were previously presented in the initial consultation.

Site Number	Description	NRIP Status	Management Recommendations
<b>Prehistoric Resources</b>			
P-26-00-1662 CA-MNO-1662	Prehistoric flaked and ground stone site with minor subsurface presence previously recorded in 1981 as a widely dispersed obsidian debitage scatter with a few tools in several concentrations. Western portion of site extends into the APE; no site deposits were found within the area of direct impacts. Three flakes were retrieved from soil probes from 10-30 cm below the surface at the edge of the area of direct impacts.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
P-26-00-1677 CA-MNO-1677	Prehistoric surface site of flaked stone and ground stone originally recorded in 1982 as a small scatter of obsidian flakes on the north side of the road. Site is bisected by Convict Lake Road. No surface deposits were observed within the area of direct impacts. Soil probes on each side of the road revealed that potential subsurface site deposits do not extend into the APE. Project activities will be restricted to previously disturbed sediments within the roadway bench and will not affect the undisturbed portion of site.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
P-26-00-4261 CA-MNO-4261	Prehistoric surface site of flaked and ground stone originally recorded in 2005 as a lithic scatter with a bedrock milling feature and a biface. Southeastern edge of the site extends into the APE. One obsidian biface was observed within the APE. A soil probe within the area of direct impacts was culturally sterile.	Unevaluated but considered eligible for purposes of this project.	Avoided by redesign; identify as Environmentally Sensitive Area; note on construction plans; fence during construction.
<b>Built-Environment Resources</b>			
FS 05-04-52-2391	Convict Lake Road; Its development began prior to 1920, by 1934 the alignment was extended to the present-day end point, and in the 1960s and 1980s the road was improved. History of the road reflects the ongoing trend of recreational activity within the Convict Lake area. Recorded portion of the road has been significantly altered by modern construction and maintenance and does not retain any physical features that represent a historic-era character, and thus lacks integrity.	Lacks significance and integrity and is not considered eligible for the National Register.	No further management.



The following describes the resources and provides FHWA determination of effect for each resource.

CA-MNO-1662 is a large prehistoric flaked and ground stone site with minor subsurface presence situated east of Convict Lake Road (see report pages 27 and 33). The western edge of the site lies along the APE. No site deposits were found within the area of direct impacts. The site will be considered eligible for purposes of this project and construction plans have been revised for avoidance. The western edge of the site boundary that approaches the area of direct impacts will be considered an Environmentally Sensitive Area and fenced. FHWA CFLHD has determined that there would be *no adverse effect* to this historic resource.

CA-MNO-1677 is a small limited habitation site located on Convict Creek just east of the lake outlet at Station 110+00, and is bisected by Convict Lake Road (see report pages 28 and 33). No surface deposits were found within the area of direct impacts and the field investigation revealed that potential subsurface site deposits do not extend into the APE on either side of the road. For the purposes of this project the site will be considered eligible for listing in the National Register and will be avoided. Construction activities will be restricted within the disturbed roadway bench and pull out area. Vertical extent of construction activities within the roadway will be limited to pulverizing existing asphalt and aggregate base (see report page 34). The site will be considered an Environmentally Sensitive Area and a fence will be erected on the north and south sides of the road for avoidance. FHWA CFLHD has determined that there would be *no adverse effect* to this historic resource.

CA-MNO-4261 is a prehistoric surface site of flaked stone and ground stone that extends into the APE on the west side of Convict Lake Road (see report pages 28, 31 and 34). A probe within the area of direct impacts was culturally sterile and only one artifact, a biface, was identified with the APE. The site will be considered eligible for purposes of this project and construction plans have been revised for avoidance. The site will be considered an Environmentally Sensitive Area and the site boundary within the APE will be fenced for avoidance. FHWA CFLHD has determined that there would be *no adverse effect* to this historic resource.

Convict Lake Road (05-04-52-2391), newly recorded and unevaluated, was built in the late 1920s and improved starting in 1934 (see report pages 31 and 34). The road is associated with the region's tourism but does not appear to be significant within the context of Mono County or California as a whole and therefore does not meet National Register Criteria A. The road does not appear to be significant for its association with the lives of persons important to Mono County or natural history; nor does it possess distinctive characteristics of type, period or method of construction and therefore doesn't meet National Register Criteria B or C. Under National Register Criteria D, the roadway is of contemporary design that is well documented in roadway standard design and does not yield important information regarding history of road design or engineering. Convict Lake Road has been significantly altered by modern construction and maintenance and does not retain any physical features that represent an historic-era character. As such, it lacks significance and integrity under the National Register criteria. Therefore, FHWA has determined that Convict Lake Road is not eligible for the NRHP under any criteria and requires no further management.

As part of the environmental process for this undertaking, FHWA must also comply with Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966. The intent of the Section 4(f) Statute, 49 U.S.C. Section 303, and the policy of the FHWA is to strive to avoid transportation use of historic sites and publicly owned recreational areas, parks, wildlife and waterfowl refuges. However, the legislation states that a transportation project may be approved if it results in a *de minimis* impact. As defined in FHWA's implementing regulations (23 CFR 774), "for historic sites, *de minimis* impact means that the FHWA has determined, in accordance with 36 CFR part 800, that no historic property is affected by the project or that the project will have "no adverse effect" on the historic property in question." This project has been determined to have no adverse effect to prehistoric resources CA-MNO-1662, CA-MNO-1677,



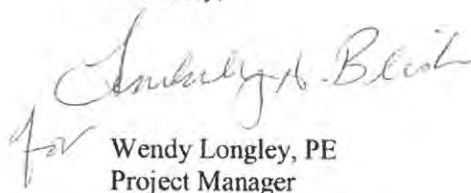
and CA-MNO-4261. Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this particular property.

The conditions described here will be included in the construction contract. FHWA CFLHD has determined that the undertaking would result in "*no adverse effect*" to historic properties pursuant to 36 CFR 800.5 of the NHPA. In addition, FHWA has determined that Convict Lake Road (05-04-52-2391) is ineligible for listing on the NRHP based on the National Register criteria as described above. We respectfully request your concurrence with these findings.

If you have project questions, please feel free to contact me at Timberley.Belish@dot.gov or at (720) 963-3683 or the project manager, Wendy.Longley@dot.gov or at 720-963-3394

Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendy Longley". To the left of the signature, there is a small handwritten mark that looks like "for".

Wendy Longley, PE  
Project Manager

Enclosure: Attachment 1 - Archaeological Survey Report – Revised October 2014 with APE maps  
included  
Attachment 2 - Site Records

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



October 29, 2014

Reply in Reference To: FHWA\_2014\_0905\_001

Wendy Longley, Project Manager  
Federal Highway Administration  
Central Federal Lands Highway Division  
123000 West Dakota Ave, Suite 380  
Lakewood, Co 80228-2583

**Re:** Continuing Consultation with the State Historic Preservation Officer (SHPO) on the Convict Lake Road Improvement Undertaking (County Road 2018 and Forest Highway 199)

Dear Ms. Longley:

Thank you for your October 24, 2014 letter in which the Federal Highway Administration (FHWA) in cooperation with the Mono County and Inyo National Forest is continuing SHPO consultation on the above undertaking in Inyo National Forest located in Mono County, California. In our previous round of consultation our office staff requested the following information to complete the Section 106 review of this undertaking:

1. The remaining 1/3 of the APE be archaeologically surveyed as part of the archaeological identification efforts for this undertaking; and
2. A formal evaluation of the newly identified resource, Convict Lake Road (05-04-52-2391) using the National Register criteria (36 CFR part 63).

Our office staff also recommended a finding of no adverse with conditions 36 CFR §800.5(b) as opposed to a finding of no historic properties affected. This was recommended being that the FHWA is assuming eligibility of CA-MNO-1662, MNO-4261, and MNO-1677 and adverse effects will be avoided through the redesign of the area of potential effect (APE) and implementation of environmentally sensitive areas (ESA).

Supporting documentation (36 CFR §800.11(a)) submitted with your letter includes:

1. A revised *Archaeological Survey Report for the Convict Lake Road (Forest Highway 199/County Road 2018) Improvement Project, Inyo National Forest, Mono County, California* report (Whitaker et al. 2014); and
2. Archaeological Site Records

Thank you for providing the requested information in your letter and revised archaeological survey report. In consultation with our office staff, the FHWA has made the following revisions to the report:

1. Improvements to the Convict Lake Trial, and that included the remaining 1/3 of the APE that had not been archaeologically surveyed, have been removed from the documentation. Consultation will only address the road improvements.

2. An evaluation of the eligibility of Convict Lake Road (05-04-52-2391) using the National Register criteria (36 CFR part 63)

The evaluation of Convict Lake Road (05-04-52-2391) for listing on the National Register of Historic Places (NRHP) concluded the following: the resource is ineligible under Criterion A as it does not appear to be significant within the context of Mono County or California as a whole; is ineligible under Criterion B because it does not appear to be significant for its association with the lives of persons important to Mono County, California or national history; is ineligible under Criterion C as it does not appear to be significant for possessing distinctive characteristics of a type, period or method of construction or engineering, nor does it represent the work of a master and it does not possess high artistic value; and is ineligible under Criterion D because the road does not appear to have any likelihood of yielding important information regarding the history of road design and engineering, related technologies of road construction, or the development of Mono County or the Inyo National Forest. As a result of the evaluation, the FHWA has determined that Convict Lake Road (05-04-52-2391) is ineligible for listing on the NRHP. I have reviewed the supporting documentation and concur that Convict Lake Road (05-04-52-2391) is ineligible for listing on the NRHP.

As presented in your previous round of consultation, for the purposes of this undertaking, the FHWA is assuming eligibility of CA-MNO-1662, MNO-4261, and MNO-1677 and adverse effects will be avoided by redesigning the APE and implementation of environmentally sensitive areas (ESA). Based on the FHWA's level of effort, they have determined a finding of no adverse effect with conditions. I concur with the FHWA's finding of no adverse effect with conditions and find that the FHWA has no further Section 106 obligations for this undertaking.

Thank you for seeking my comments and considering historic properties as part of your undertaking. Please be advised that under certain circumstances, such as post-review discoveries or a change in the undertaking description, you may have future responsibilities for this undertaking under 36 CFR Part 800. If you require further information, please contact Alicia Perez of my staff at 916-445-7020 or at [Alicia.Perez@parks.ca.gov](mailto:Alicia.Perez@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Native American Heritage Commission  
1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691

**Subject: Sacred Lands File & Native American Contacts List Request for the  
Proposed Convict Lake Road Project**

Dear Sir or Ma'am:

We are contacting you at this time to request a sacred lands file search and Native American contact list relevant to the above-referenced project. The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), in cooperation Mono County and Inyo National Forest (INF), is proposing improvements to Convict Lake Road designated as County Road 2018 and Forest Highway 199. The project consists of rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road, in Inyo National Forest within Mono County. Convict Lake Road begins at the intersection of US Highway 395 and proceeds southward to a turnaround at Convict Lake.

The project lies within the Convict Lake quadrangle. The township, range and sections are as follows:

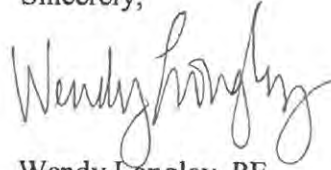
- T4S, R28E, Sections 11, 12, 14, and 23

A project area map has been included for your reference.

The project route provides access to Inyo National Forest system lands including campgrounds and resort services. The route is a two-lane paved roadway with paved widths varying from 22 to 24 feet and variable width unpaved shoulders. The proposed improvements will follow the existing road and will consist of widening the paved section to add a Class III bike lane, pulverizing and paving, extension/replacement of existing culverts, replacing guardrails, repair/replacement of retaining walls and sidewalks/bridge walkways, and upgrading regulatory/warning signs to meet current standards. The rehabilitation efforts will prevent further deterioration of the pavement surface and will be constructed for a 20 year design life.

Please send search results to Ms. Wendy Longley (HFPM-16), Federal Highway Administration, 12300 West Dakota Avenue, Suite 380, Lakewood, CO 80228; or by email to [wendy.longley@dot.gov](mailto:wendy.longley@dot.gov).

Sincerely,

A handwritten signature in black ink that reads "Wendy Longley". The signature is written in a cursive, flowing style.

Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



## NATIVE AMERICAN HERITAGE COMMISSION

1650 Harbor Boulevard, Suite 100  
West Sacramento, CA 95891  
(916) 373-3715  
Fax (916) 373-6471  
www.nahc.ca.gov  
e-mail: ds\_nahc@pacbell.net



Ms. Wendy Longley (HFPM-16)  
**Federal Highway Administration**  
12300 West Dakota Avenue, Suite 380  
Lakewood, CO 80228

Sent by FAX to: 720-963-3596  
No. of Pages: 03

RE: Sacred Lands File Search and Native American Contacts list for the "**Convict Road Improvement Project;**" located near U.S. Highway 395 in the Inyo National Forest in Mono County, California

Dear Ms. Longley:

The Native American Heritage Commission (NAHC) has reviewed the above referenced project. The National Environmental Policy Act (NEPA 42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C 470 et seq.) and 36 CFR Part 800.14(b) require consultation with culturally affiliated Native American tribes to determine if the proposed project may have an adverse impact on cultural resources. To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission notes the following:

Contact has been made to the Native American Heritage Commission (NAHC) for:

- A list of appropriate and culturally affiliated Native American Contacts for consideration as 'consulting parties regarding the project site, pursuant to 36 CFR, Part 800.w(c)(2), has been provided and is attached to this letter.
- A Sacred Lands File search **failed to identify** Native American traditional cultural places or properties in the USGS coordinates provided (e.g. 'area of potential effect' or APE.). However, there are Native American cultural places in close proximity to the APE. Note that lack of additional surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries of human remains comply with California Health & Safety Code 7050.5 and Public Resources Code Section 5097.98 and coordinate with the NAHC. Federal NAGPRA may apply if on federal land. This project site is considered culturally sensitive by local tribes.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Dave Singleton,  
Program Analyst  
(916) 373-3715



**Native American Contacts  
Mono County California  
March 18, 2014**

Benton Paiute Reservation  
Billie (Jake) Saulque, Chairperson  
25669 Highway 6 PMB I Paiute  
Benton , CA 93512  
numic@qnet.com  
(760) 933-2321  
(760)933-2412

Mono Lake Indian Community  
Charlotte Lange, Chairperson  
P.O. Box 117 Mono  
Big Pine , CA 93513 Northern Paiute  
clange2008@hotmail.com  
(760) 938-1190

Big Pine Paiute Tribe of the Owens Valley  
Genevieve Jones, Chairperson  
P. O. Box 700 Owens Valley Paiute  
Big Pine , CA 93513  
G.Jones@BigPinePaiute.org  
760- 938-2003  
760-938-2942-FAX  
(760) 938-2942-FAX

Big Pine Band of Owens Valley THPO  
Bill Helmer, Tribal Historic Preservation Officer  
P.O. Box 700 Paiute  
Big Pine , CA 93513  
b.helmer@bigpinepaiute.org  
(760) 938-2003  
(760) 938-2942 - FAX  
(760) 938-2942 fax

Bishop Paiute Tribe  
Dale Chad Delgado, Chairperson  
50 Tu Su Lane Paiute - Shoshone  
Bishop , CA 93514  
(760) 873-3584  
(760) 873-4143 - FAX  
(760) 873-4143

Walker River Reservation  
Melanie McFalls, Chairperson  
P.O. Box 220 Northern Paiute  
Schurz , NV 89427  
775-773-2306  
775-773-2585 - Fax

Bridgeport Paiute Indian Colony  
John L. Glazier, Chairperson  
P.O. Box 37 Paiute  
Bridgeport , CA 93517  
chair@bridgeportIndiancolon  
(760) 932-7083  
(760) 932-7846 Fax

Bishop Paiute Tribe THPO  
Raymond Andrews, THPO  
50 Tu Su Lane Paiute - Shoshone  
Bishop , CA 93514  
(760) 873-8435 ext 250  
(760) 920-0357 - cell - cell  
gwest@ovcdc.com  
(760) 873-4143 - FAX

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Convict Lake Road Improvements Project, of approximately 2.75-miles in the Inyo National Forest, in Mono County, California for which a Sacred Lands File search and Native American Contacts list were requested.**

**Native American Contacts  
Mono County California  
March 18, 2014**

Bridgeport Indian Colony  
Cultural Resources Coordinator  
P.O. Box 37                      Paiute  
Bridgeport , CA 93517  
culture@bridgeportindiancol  
(760) 932-7083  
(760) 932-7846

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Adora Saulque  
Chairperson  
Benton Utu Utu Gwaiti Paiute  
P.O. Box I  
Benton, CA 93512

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Ms. Saulque:

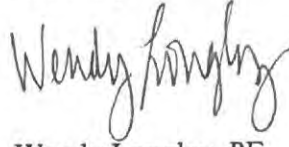
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The project route provides access to Inyo National Forest system lands including campgrounds and resort services. The route is a two-lane paved roadway with paved widths varying from 22 to 24 feet and variable width unpaved shoulders. The proposed improvements will follow the existing road and will consist of widening the paved section to add a Class III bike lane, pulverizing and paving, extension/replacement of existing culverts, replacing guardrails, repair/replacement of retaining walls and sidewalks/bridge walkways, and upgrading regulatory/warning signs to meet current standards. The rehabilitation efforts will prevent further deterioration of the pavement surface and will be constructed for a 20 year design life.

On March 10, 2014, a request for a Sacred Lands File record search was sent to the Native American Heritage Commission regarding this project. To date, the FHWA has not received a response from the Native American Heritage Commission.

Your knowledge of the area is of great value and your feedback is important. We would appreciate any information or concerns you may wish to share, in particular, if there are any resources or places of traditional cultural or religious importance to members of your tribe that might be affected by the proposed project. If you have any comments or questions regarding the proposed project, please send them by April 14, 2014 to Ms. Wendy Longley (HFPM-16), Federal Highway Administration, 12300 West Dakota Avenue, Suite 380, Lakewood, CO 80228; by email at [wendy.longley@dot.gov](mailto:wendy.longley@dot.gov); or by telephone at 720-963-3394.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Longley". The signature is written in a cursive, flowing style.

Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map





U.S. Department  
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**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Charolette Lange  
Chairperson  
Mono Lake Kutzadikaa Tribe  
P.O. Box 591  
Bishop, CA 93515

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Ms. Lange:

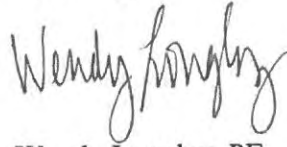
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
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**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

John Glazier  
Chairperson  
Bridgeport Paiute Indian Colony  
P.O. Box 37  
Bridgeport, CA 93517

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Mr. Glazier:

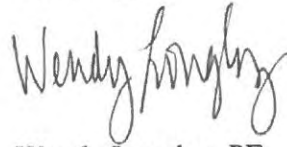
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
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**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Genevieve Jones  
Tribal Chair  
Big Pine Indian Reservation  
Big Pine Band of the Owens Valley  
P. O. Box 700  
Big Pine, CA 93513

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Ms. Jones:

We are contacting you at this time to perform government-to-government consultation relevant to the above-referenced project. The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with Mono County and Inyo National Forest, is proposing improvements to Convict Lake Road designated as County Road 2018 and Forest Highway 199. The project consists of rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road in Inyo National Forest within Mono County. Convict Lake Road begins at the intersection of US Highway 395 and proceeds southward to a turnaround at Convict Lake. A project area map has been included for your reference.

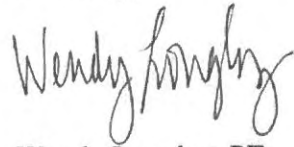
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Bill Helmer  
Tribal Historic Preservation Officer  
Big Pine Indian Reservation  
Big Pine Band of the Owens Valley  
P.O. Box 700  
Big Pine, CA 93513

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Mr. Helmer:

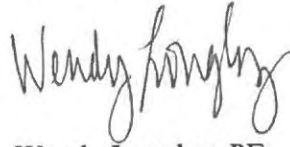
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Chad Delgado  
Chairperson  
Bishop Paiute Tribe  
Paiute - Shoshone  
50 Tu Su Lane  
Bishop, CA 93514

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Mr. Delgado:

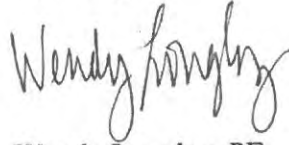
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 10, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Melanie McFalls  
Chairperson  
Walker River Reservation  
Northern Paiute  
P.O. Box 220  
Schurz, NV 89428

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Ms. McFalls:

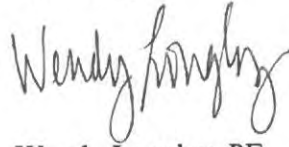
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 20, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Raymond Andrews  
Tribal Historic Preservation Officer  
Bishop Paiute Tribe  
50 Tu Su Lane  
Bishop, CA 93514

**Subject: Government-to-Government Consultation on Proposed Improvements to Convict Lake Road (County Road 2018 and Forest Highway 199)**

Dear Mr. Andrews:

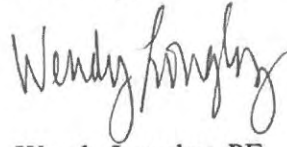
We are contacting you at this time to perform government-to-government consultation relevant to the above-referenced project. The Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFLHD), in cooperation with Mono County and Inyo National Forest, is proposing improvements to Convict Lake Road designated as County Road 2018 and Forest Highway 199. The project consists of rehabilitation, restoration and resurfacing of approximately 2.75 miles of Convict Lake Road in Inyo National Forest within Mono County. Convict Lake Road begins at the intersection of US Highway 395 and proceeds southward to a turnaround at Convict Lake. A project area map has been included for your reference.

The project route provides access to Inyo National Forest system lands including campgrounds and resort services. The route is a two-lane paved roadway with paved widths varying from 22 to 24 feet and variable width unpaved shoulders. The proposed improvements will follow the existing road and will consist of widening the paved section to add a Class III bike lane, pulverizing and paving, extension/replacement of existing culverts, replacing guardrails, repair/replacement of retaining walls and sidewalks/bridge walkways, and upgrading regulatory/warning signs to meet current standards. The rehabilitation efforts will prevent further deterioration of the pavement surface and will be constructed for a 20 year design life.

On March 6, 2014, a request for a Sacred Lands File record search was sent to the Native American Heritage Commission regarding this project. This search did not identify Native American cultural resources in the project area. The NAHC noted that Native American cultural places are in proximity to the area of potential effect for the project.

Your knowledge of the area is of great value and your feedback is important. We would appreciate any information or concerns you may wish to share, in particular, if there are any resources or places of traditional cultural or religious importance to members of your tribe that might be affected by the proposed project. If you have any comments or questions regarding the proposed project, please send them by April 20, 2014 to Ms. Wendy Longley (HFPM-16), Federal Highway Administration, 12300 West Dakota Avenue, Suite 380, Lakewood, CO 80228; by email at [wendy.longley@dot.gov](mailto:wendy.longley@dot.gov); or by telephone at 720-963-3394.

Sincerely,

A handwritten signature in black ink that reads "Wendy Longley". The signature is written in a cursive style with a large, looping "W" and "L".

Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Central Federal Lands Highway Division**

March 20, 2014

12300 West Dakota Avenue  
Suite 380  
Lakewood, CO 80228-2583  
Office: 720-963-3394  
Fax: 720-963-3596  
Wendy.Longley@dot.gov

In Reply Refer To:  
HFPM-16

Cultural Resources Coordinator  
Bridgeport Indian Colony  
PO Box 37  
Bridgeport, CA 93517

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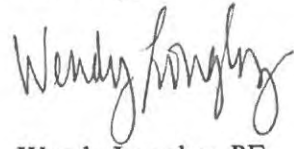
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Wendy Longley, PE  
Project Manager

Enclosure: Project Area Map