PUBLIC WORKS DEPARTMENT
P.O. DRAWER Q
INDEPENDENCE, CA 93526
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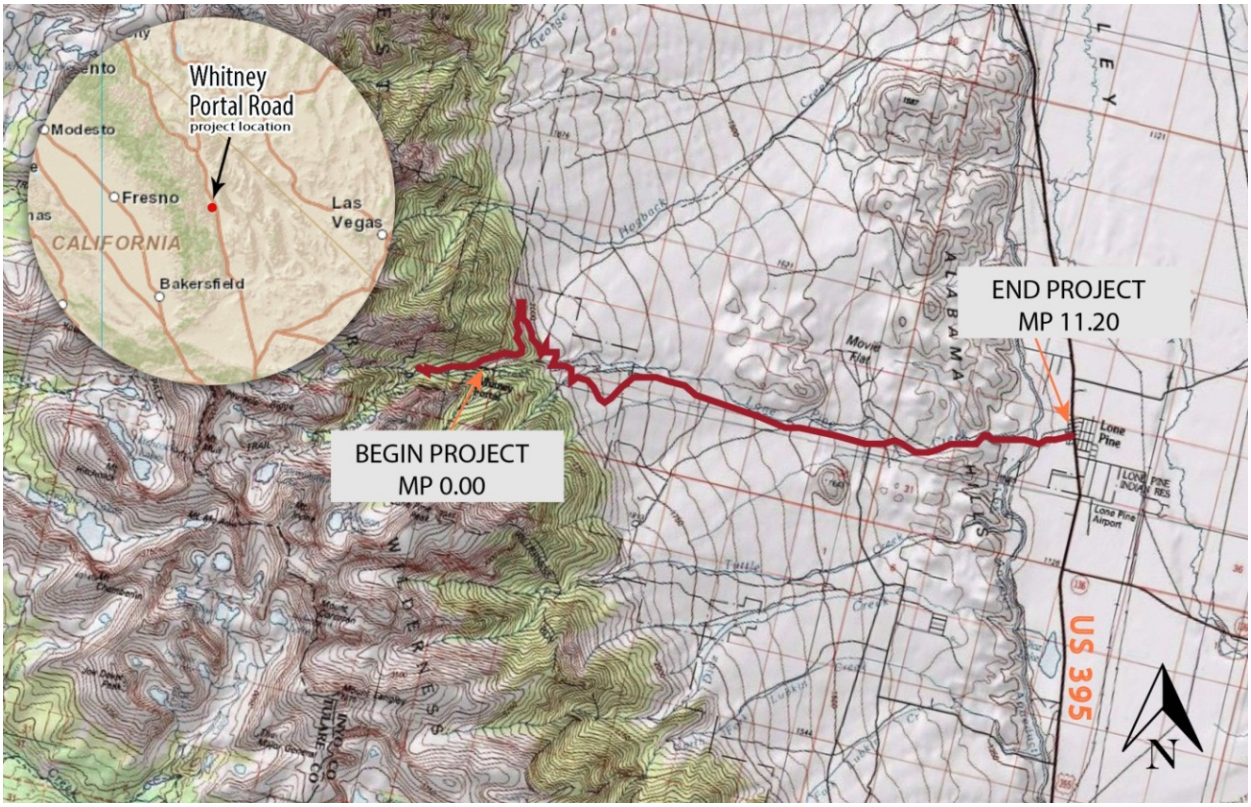
COUNTY OF INYO

Clint Quilter
Public Works Director

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INITIAL STUDY

PROJECT TITLE: Whitney Portal Road Improvement Project

PROJECT LOCATION: The project involves approximately 11.2 miles of road beginning on Whitney Portal Road at the entrance to Whitney Portal Recreation Area and ending at the intersection of Tuttle Creek Road and Whitney Portal Road. The project site is located to the west of the unincorporated community of Lone Pine in Inyo County and on the eastern slope of the Sierra Nevada.



PROJECT DESCRIPTION: The proposed project involves resurfacing, rehabilitation and restoration work for 11.2 miles of Whitney Portal Road within the project limits. Proposed actions within each segment are described below as well as those actions that would occur throughout the project area.
The project elements, which would follow the existing roadway, include the following:

- Segment 1 (upper section):
    - Widen the existing paved width on the existing roadway bench to accommodate two 10-foot travel lanes and 1-foot paved shoulders (a total paved width of 22 feet).
    - Widen pavement at curves where possible.
    - Construct paved ditches and repair embankments.
    - Post the speed limit at 30 mph with advisory signs as needed.
- Segment 2 (middle section):
    - Widen the existing roadway to accommodate two 10-foot travel lanes and 1-foot paved shoulders (a total paved width of 22 feet).
    - Widen pavement at curves where possible.
    - Construct paved ditches and repair embankments.
    - Post the speed limit at 40 mph with advisory signs as needed.
- Segment 3 (lower section):
    - Widen the existing roadway to accommodate two 11-foot travel lanes and 3-foot paved shoulders (a total paved width of 28 feet) to accommodate a Class III bike lane.
    - Grading ditches and clearing for roadway foreslope and clear zone.
    - Replacing the bridge rail to meet current design standards.
    - Post the speed limit at 50 mph with advisory signs as needed.
- Rehabilitation or removal of existing pull-outs. Formalized pullouts will be graded or surfaced with an aggregate base.
- Replacement of old or damaged drainage culverts and extension of culverts to accommodate the wider roadway.
- Upgrading regulatory/warning signs and guardrails to meet MUTCD guidelines.

The Federal Highway Administration (FHWA), as lead agency, and in cooperation with Inyo County, Inyo National Forest (INF), and the Bureau of Land Management (BLM), is proposing to rehabilitate Whitney Portal Road, also designated as County Road S4018 and California Forest Highway 206. The project involves approximately 11.2 miles of road beginning on Whitney Portal Road at the entrance to Whitney Portal Recreation Area and ending at the intersection of Tuttle Creek Road and Whitney Portal Road (see Figure 1). Funding for the project is through the Federal Lands Access Program, in conjunction with a local funding match. Construction would likely occur over one construction season, weather dependent, and is currently scheduled for 2016 construction, funding dependent.

CEQA

Inyo County is completing this environmental evaluation pursuant to the California Environmental Quality Act (CEQA) using the information set forth in the National Environmental Policy Act (NEPA) Categorical Exclusion.

Inyo County will be acquiring Right-of-Way (ROW) from LADWP and BLM (through a highway easement deed) as a result of the project. These actions trigger CEQA review by the County. Additionally, in order to obtain the Section 401 certification (water quality), the state will require CEQA. The County is also required to approve the plans and specifications prior to advertisement for construction, and approve final acceptance of the project at completion of construction. The County is required to complete the CEQA document as a part of the project agreement with Federal Highway Administration.

FINDINGS: An Initial Study and Evaluation of Potential Impacts has been prepared by the Public Works Department (attached). The Initial Study, including an environmental checklist, indicates that the proposed project would not have a significant adverse impact on the environment for the following reasons:

A. The proposed improvements to Whitney Portal Road are relatively small and consistent with existing uses on the roadway. No conflicts exist with goals and policies of the General Plan, and the project is consistent with the Inyo County General Plan. The project will further goals to improve access to recreational facilities, improve safety, and maintain a roadway in a state of good repair,

B. The proposed Whitney Portal Road Improvement project is consistent with the requirements of the Title 18 (Zoning) and other sections of the Inyo County Code (ICC).

C. The proposed Whitney Portal Road Improvement project is relatively small and is not expected to result in potentially significant impacts, except potentially regarding the following environmental issue areas: (1) biological resources and cultural resources. The following mitigation measure is identified:

Mitigation Measure Bio-1 – steps to reduce impacts to birds from the project shall be required during construction.

There is potential for construction-related impacts to birds from the project due to the presence of the vegetation along the roadway. Construction activities are anticipated to result in the removal of limited habitat components of the sagebrush scrub community immediately adjacent to the road to accommodate roadway widening in Segment 3 of the project area. The amount of vegetation removed in comparison to the surrounding area would be minimal. Construction activities in Segments 1 and 2 are confined largely to the roadway bench with very minimal, if any, vegetation removal expected in these areas. Additionally, the construction activities could result in noise and vibration impacts to individuals if the birds are nearby during construction. For these reasons, the project could result in short-term, temporary impacts to individual birds, but no long-term change in habitat availability or any significant change in the existing condition are anticipated. Conservation measures that include preconstruction surveys for nesting birds in portions of Segment 3 on BLM land have been included to avoid or reduce impacts to migratory birds.

Project avoidance and minimization measures incorporated into the project to avoid impacts to the USFWS listed or proposed species, and BLM and USFS sensitive 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.
- In Segment 3, the removal of vegetation within the project limits shall occur between August 1 and March 14 to avoid impacts to breeding birds. If vegetation must be removed during the breeding season (March 15 through July 31), a qualified biologist will conduct a preconstruction survey for active nests (i.e., nest in the process of being constructed or in use) within portions of Segment 3 on BLM land. If an active non-raptor nest is found, a 50 foot avoidance buffer area (e.g., orange fencing) shall be installed around the nest. If an active raptor nest is found, a 250

foot avoidance buffer area shall be installed around the nest. No work shall occur within these buffer areas and they shall be maintained and kept in working order until the nest is no longer active as determined by a qualified biologist. A qualified biologist shall be present during construction to monitor the nest(s) and may stop construction if it is determined that the construction activities are resulting in disturbance to the nest. In the event of the take of a nest, the USFWS shall be notified within 24 hours. The fencing shall be removed after construction has been completed.

- Exclusionary netting shall be installed at the aqueduct bridge prior to nesting season (by Inyo County before April 30th) to prevent the establishment of bird nests and exclude roosting bats.

Mitigation Measure CUL-1 – In the event that unanticipated cultural resources are discovered during construction, construction activities in the immediate vicinity shall cease until a qualified archaeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken, such as avoidance, relocation, and/or curation. If human remains are discovered, the actions described by the CEQA Guidelines Sections 15064.5(3) and in Chapter 9.52 of the Inyo County Code shall be followed.

With mitigation, such potential adverse environmental impacts are not expected to exceed thresholds of significance, either individually or cumulatively.

D. Based upon the Initial Study and environmental evaluation of the proposed project, it has been found the project with mitigation does not have the potential to create a significant impact on flora or fauna; natural, scenic and historic resources; the local economy; or, public health and welfare. This constitutes a negative finding for each of the Mandatory findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

The review period (30 day review) for this Mitigated Negative Declaration expires on April 24, 2015. Inyo County is not required to respond to any comments received after this date. Additional information is available from the Inyo County Public Works Department. Please contact Courtney Smith, Transportation Planner, at (760) 878-0207 or csmith@inyocounty.us if you have any questions regarding this project.

_____ _____

Joshua Hart, AICP
Director, Inyo County Planning Department

Date

INYO COUNTY

CEQA APPENDIX G: INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside

document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.

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COUNTY OF INYO

Clint Quilter
Public Works Director

Inyo County

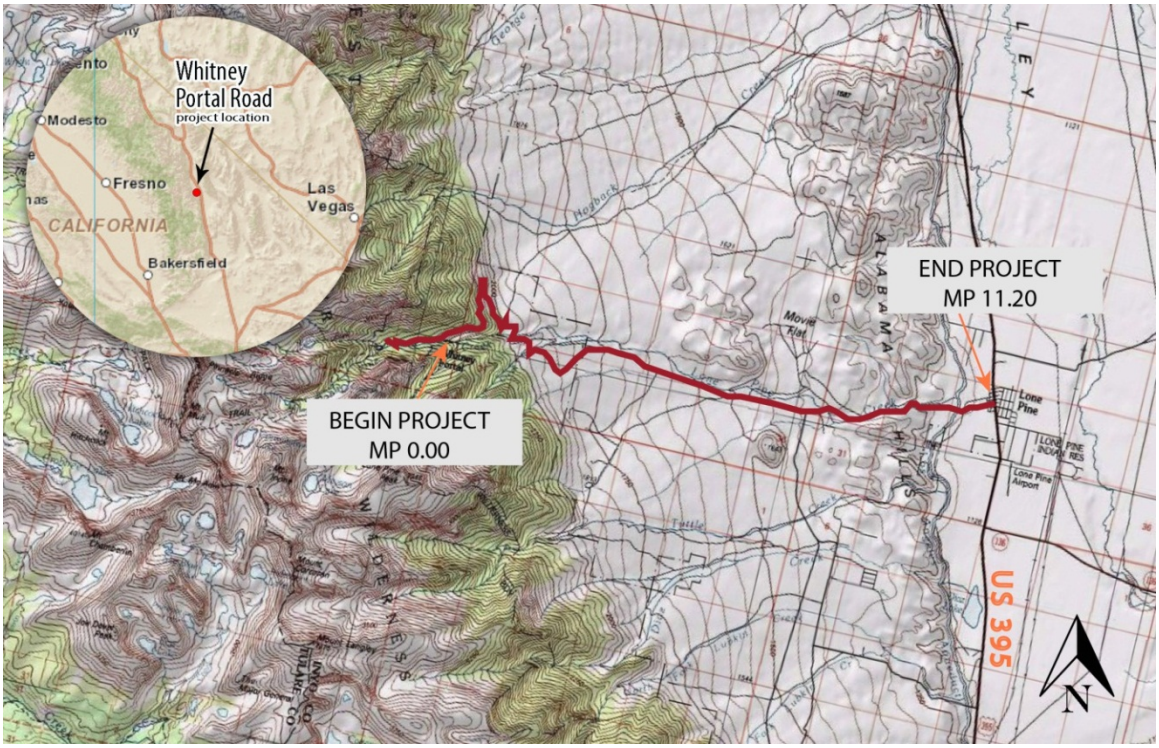
APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

1. Project title: Whitney Portal Road Improvement Project

2. Lead agency name and address: Inyo County, P.O. Drawer Q, Independence, CA 93526.

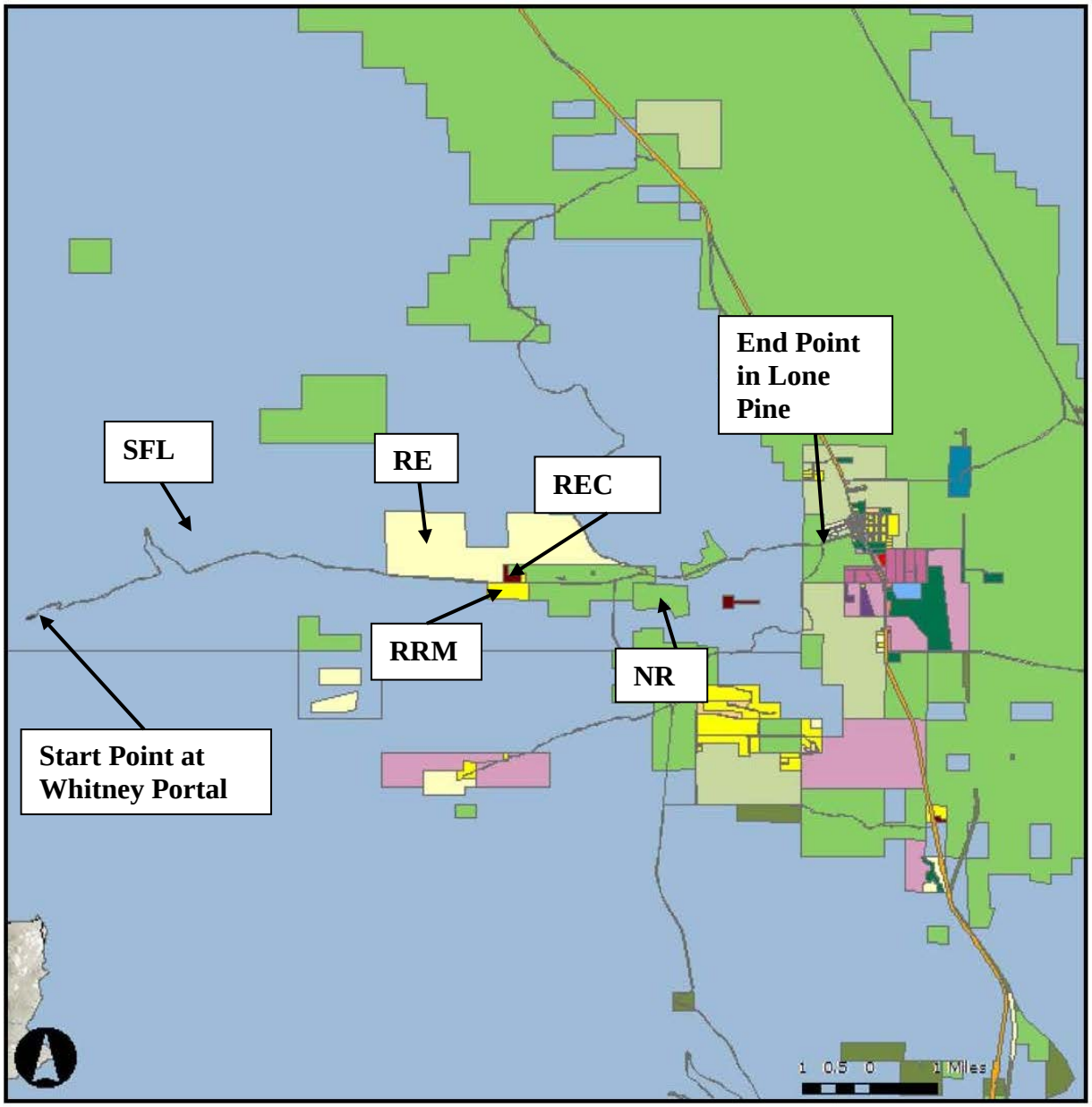
3. Contact person and phone number: Courtney Smith, Transportation Planner, (760) 878-0207.

4. Project location: The project involves approximately 11.2 miles of road beginning on Whitney Portal Road at the entrance to Whitney Portal Recreation Area and ending at the intersection of Tuttle Creek Road and Whitney Portal Road. The project site is located to the west of the unincorporated community of Lone Pine in Inyo County and on the eastern slope of the Sierra Nevada.



5. <u>Project sponsor's name and address</u>: Inyo County Public Works Department, PO Drawer Q, Independence, CA 93526.

6. <u>General Plan designation</u>: Various, primarily State and Federal Lands (SFL), with some Natural Resources (NR), a small amount of Resort/Recreational (REC), Residential Rural Medium density (RRM), and RE (Residential Estate)



7. <u>Zoning</u>: Various, primarily Open Space with a 40-acre minimum (OS-40), with a small area of Commercial Recreation with a 10-acre minimum (C-5-10.0) and Rural Residential with a 2.5-acre minimum (RR-2.5).

8. <u>Description of project</u> (*Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):* The proposed project involves resurfacing, rehabilitation and restoration work for 11.2 miles of Whitney Portal Road within the project limits. Proposed actions within each segment are described below as well as those actions that would occur throughout the project area. The project is tentatively going to construction in 2016. The project elements, which would follow the existing roadway, include the following:

- Segment 1 (upper section):
  - Widen the existing paved width on the existing roadway bench to accommodate two 10-foot travel lanes and 1-foot paved shoulders (a total paved width of 22 feet).
  - Widen pavement at curves where possible.
  - Construct paved ditches and repair embankments.
  - Post the speed limit at 30 mph with advisory signs as needed.
- Segment 2 (middle section):
  - Widen the existing roadway to accommodate two 10-foot travel lanes and 1-foot paved shoulders (a total paved width of 22 feet).
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- Segment 3 (lower section):
  - Widen the existing roadway to accommodate two 11-foot travel lanes and 3-foot paved shoulders (a total paved width of 28 feet) to accommodate a Class III bike lane.
  - Grading ditches and clearing for roadway foreslope and clear zone.
  - Replacing the bridge rail to meet current design standards.
  - Post the speed limit at 50 mph with advisory signs as needed.
- Rehabilitation or removal of existing pull-outs. Formalized pullouts will be graded or surfaced with an aggregate base.
- Replacement of old or damaged drainage culverts and extension of culverts to accommodate the wider roadway.
- Upgrading regulatory/warning signs and guardrails to meet MUTCD guidelines.

The Federal Highway Administration (FHWA), as lead agency, and in cooperation with Inyo County, Inyo National Forest (INF), and the Bureau of Land Management (BLM), is proposing to rehabilitate Whitney Portal Road, also designated as County Road S4018 and California Forest Highway 206. The project involves approximately 11.2 miles of road beginning on Whitney Portal Road at the entrance to Whitney Portal Recreation Area and ending at the intersection of Tuttle Creek Road and Whitney Portal Road (see Figure 1). Funding for the project is through the Federal Lands Access Program, in conjunction with a local funding match. Construction would likely occur over one construction season, weather dependent, and is currently scheduled for 2016 construction, funding dependent.

Inyo County is completing this environmental evaluation pursuant to the California Environmental Quality Act (CEQA) on the heels of the National Environmental Policy Act (NEPA) Categorical Exclusion and is incorporating the NEPA document and referencing the studies found therein.

Inyo County will be acquiring Right-of-Way (ROW) from LADWP and BLM (through a highway easement deed) as a result of the project. These actions trigger CEQA review by the County. Additionally, in order to

obtain the Section 401 certification (water quality), the state will require CEQA. The County is also required to approve the plans and specifications prior to advertisement for construction, and approve final acceptance of the project at completion of construction. The County is required to complete the CEQA document as a part of the project agreement with Federal Highway Administration.

9. Surrounding land uses and setting: (*Briefly describe the project's surroundings*): The project starts at 8,300 feet at the Whitney Portal, a popular recreational area, and travels steeply downhill through open space Inyo National Forest and Bureau of Land Management land before the project stops just west of the community of Lone Pine at the intersection with Tuttle Creek Road.

10. Other public agencies whose approval is required (*e.g., permits, financing approval, or participation agreement*): The following list summarizes the anticipated actions 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 (Section 401, Section 402, and Section 404) would be the responsibility of the FHWA.

- Lahontan Regional Water Quality Control Board
  - Section 401 Water Quality Certification.
  - Section 402 National Pollutant Discharge Elimination System (NPDES) permit.
- U.S. Army Corps of Engineers –
  - Section 404 Nationwide Permit.
- Bureau of Land Management
  - Right of Way Acquisition
- Inyo National Forest
  - Public notification of construction and road delays to permit holders and prospective recreational users.
- City of Los Angeles, Department of Water and Power
  - Right of Way Acquisition
- Others, as necessary

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

☐ Aesthetics Resources	☐ Agriculture and Forestry	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Haz. Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Sig.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Courtney Smith — Date
Transportation Planner
Inyo County Public Works Department

INYO COUNTY
ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

***Discussion**: Whitney Portal Road traverses a landscape that changes from sagebrush scrub to Jeffrey pine and ranges in elevation between 3,700 feet amsl and 8,300 feet amsl through the Sierra Nevada Mountains. Whitney Portal Road provides access to internationally known destinations on both BLM and National Forest Service land. On BLM land, Whitney Portal Road provides access to Alabama Hills. The Alabama Hills are internationally known for its scenic multi-shaped rock outcrops that frame the dramatic eastern escarpment of the Sierra Nevada. Hundreds of movies and commercials have taken advantage of the scenic backdrop and have been filmed along Movie Road and Whitney Portal Road. Whitney Portal Road continues from there up to the Whitney Portal recreation area providing dramatic views of Mt. Whitney.*

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. The VQO for the project area is Retention which indicates that modifications must not be visually evident. The proposed maintenance activities on the existing road would be consistent with this objective. The BLM Bishop Resource Management Plan Record of Decision (BLM 1993) identifies Visual Resource Management Standards (VRM). The project area is within an area designated as VRM II. This classification requires that changes in any basic elements caused by a management activity should not be evident in the characteristic landscape. A contrast may be seen but should not attract attention. The proposed project involves rebuilding an existing asphalt paved road with dirt shoulders. Although pavement might be slightly wider and shoulders more uniform in width, it is not expected that the changes to the characteristic landscape would be evident and would not attract attention. The proposed action meets Class II standards.

Widening the existing roadway would require minor cuts and fills and be largely within the existing road alignment. None of the proposed improvements would block or impede the existing scenic views. Guardrails will be treated with a coloring agent such as Natina so that they are not obtrusive in the existing landscape. Direct visual effects are anticipated to be minor.

II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California

Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

***Discussion**: No Williamson Act Contracts exist in the County. The project site location is on an area that transitions from Jeffrey Pine woodland down through the Pinyon-Juniper woodland to primarily Sagebrush and Rabbit brush on the alluvial fan and down through the Alabama Hills. No commercially viable forest land or timberland exists on the site. The project includes a minor widening of an existing facility. No impacts to agricultural resources are anticipated. The roadway crosses over several water conveyance systems (Los Angeles Aqueduct and Lone Pine Water Divergence System). However these will not be impacted by the project.*

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

***Discussion**: 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 (NO2), ozone (O3), particulate matter (PM10 and PM2.5), and sulfur dioxide (SO2). The project occurs in Inyo County which is designated which is designated as a non-attainment area for PM_{10} (CA EPA 2013).*

The proposed project addresses safety concerns on Whitney Portal Road that include roadway 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 A) Standard Environmental Commitments Table). These are:

> *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.*
>
> *Control dust on active haul roads, in pits and staging areas. For additional information regarding federally listed species or Forest Service sensitive species see the Biological Assessment/Biological Evaluation (August 2014).*

No long-term impacts to air quality are anticipated as a result of the proposed project.

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

***Discussion**: A Biological Assessment/Biological Evaluation (August 2014) has been completed to evaluate the extent to which the proposed action may affect threatened, endangered, or candidate species pursuant to the Federal Endangered Species Act and if the proposed project may affect any USFS or BLM sensitive species to an extent that would result in a trend toward federal listing of those species, as specified in Forest Service Manual 2670 and BLM Manual 6840. The methodology and findings of the BA/BE are summarized below.*

The project area was evaluated for the presence of, and potential to support, Federal Endangered Species Act listed, State of California listed, and USFS and BLM sensitive plant and wildlife species. Data from the 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 1 and 3, 2014. This survey was conducted within a 25-foot buffer from the edge of existing pavement on both sides of the roadway and a 50-foot buffer along the roadway from the edge of existing pavement at culvert locations and areas where potential staging and stockpiling may occur.

As a result of the data searches, there were a total of 50 wildlife species and 85 plant species considered. Of the wildlife species, 15 were USFWS listed, 26 were USFS Sensitive Species, 27 were BLM Sensitive Species, 20 were State of California listed, and 23 were CDFW Wildlife Species of Concern. Of the plant species, one was USFWS listed, 68 were USFS Sensitive Species, 27 were BLM Sensitive Species, one was State of California listed, and 84 were listed by the CNPS. These 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 and the rationale for their inclusion or exclusion for detailed analysis (Appendix C in Jacobs 2014).

Based on a desktop review, which included a review of recorded occurrences, known range, and habitat requirements of each species, it was determined that 10 sensitive wildlife species and 5 sensitive plant species have potential to occur or have historic occurrences in the project area. These species are detailed in Table 1.

The USFWS in a response letter dated April 14, 2014, indicated that the project area does not contain any USFWS, threatened, endangered, proposed, or candidate species, or proposed or designated critical habitat (i.e., fisher, Sierra Nevada bighorn sheep, mountain yellow-legged frog, Sierra Nevada yellow-legged frog, and least Bell's vireo).

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).

BLM Manual Section 6840 authorizes each BLM State Director to designate and protect sensitive species on land managed by the BLM. The same level of protection is given to USFWS species and designated critical habitat, federally proposed candidate species and proposed critical habitats, State listed species, and sensitive species designated by BLM State Directors. The BLM's policy is "to conserve and/or recover Federal Endangered Species Act -listed species and the ecosystems on which they depend so that Federal Endangered Species Act provisions are no longer needed for these

species, and to initiate proactive conservation measures that reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing of these species under the Federal Endangered Species Act."

Ninety-four Forest Service sensitive species (26 wildlife species and 68 plant species) and 54 (27 wildlife and 27 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 and BLM 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 would not impact INF, BLM, or State listed sensitive species.

Table1. 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	BLM	Habitat	Finding
Animals								
Fisher	Martes pennanti	FC	SC	FSS	SSC	S	Prefer continuous, mature conifer forests as well as mixed hardwood and conifer forests.	No effect
Sierra Nevada bighorn sheep	Ovis canadensis ssp. Sierrae	FE	SE	-	FP	S	Rocky, steep slopes and canyons with adjacent open areas; forages in meadows and brushlands.	No effect
Mountain yellow-legged frog	Rana muscosa	FT	SC	FSS	-	-	Montane lakes and ponds, riparian and other habitats; eggs laid in shallow water attached to gravel or rocks.	No effect
Sierra Nevada yellow-legged frog	Rana sierrae	FT	SC	FSS	SSC	-	Lakes, ponds, meadow streams, isolated pools, and sunny riverbanks in the Sierra Nevada Mountains	No effect
Least Bell's vireo	Vireo bellii pusillus	FE	SE	-	-	-	Dense, low brush near water. Riparian thickets	No effect
Townsend's big-eared bat	Corynorhinus townsendii	-	-	FSS	SSC	S	Restricted to caves and mines with suitable microclimates	No impact.
Pallid bat	Antrozous pallidus	-	-	FSS	SSC	S	Rock crevices, tree hollows, mines, caves	No impact.
Sierra marten	Martes caurina	-	-	FSS	-	-	Found in coniferous forests. They den in hollow trees, crevices, or vacant ground burrows.	No impact.

Common Name	Scientific Name	Federal	State	USFS	CDFG/ CNPS	BLM	Habitat	Finding
Owens Valley vole	*Microtus californicus vallicola*	-	-	-	-	-	*Wide variety of habitats from grasslands and conifer forests to coastal and montane forests*	*No impact.*
Spotted bat	*Euderma maculatum*	-	-	-	*SSC*	*S*	*Roosts on cliffs as well as open and dense deciduous and coniferous forests, hay fields, deserts, marshes, riparian areas and dry grasslands.*	*No impact.*
Plants								
Inyo County star-tulip	*Calochortus excavatus*	-	-	*FSS*	*1B.1*	*S*	*Chenopod scrub, meadows (alkaline). Mostly on fine, sandy loam soils with alkaline salts, grassy meadows in shadscale scrub.*	*No impact.*
Pygmy pussypaws	*Calyptridium pygmaeum*	-	-	*FSS*	*1B.2*	-	*Upper montane coniferous forest, subalpine coniferous forest. Sandy or gravelly sites.*	*No impact.*

Common Name	Scientific Name	Federal	State	USFS	CDFG/ CNPS	BLM	Habitat	Finding
Sweet-smelling monardella	*Monardella beneolens*	-	-	FSS	1B.3	-	*Alpine boulder and rock field, subalpine coniferous forest, upper montane coniferous forest on granitic soil*	*No impact.*
Inyo phacelia	*Phacelia inyoensis*	-	-	FSS	1B.2	S	*Meadows and seeps. Alkaline meadows.*	*No impact.*
Parish's popcornflower	*Plagiobothrys parishii*	-	-	FSS	1B.1	-	*Great Basin scrub, Joshua tree woodland. Wet, alkaline soil around desert springs, mud flats*	*No impact.*

***USFWS Status**: FE = Federally endangered; FT = Federally Threatened; PT = Proposed Threatened*
***State Status**: SE = State endangered; ST = State Threatened; SC = State Candidate*
***USFS Status**: FSS = Forest Service Sensitive*
***BLM Status**: S = 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.*

Migratory Birds

The project is located within the Pacific Flyway, the bi-annual migration route. Naturally occurring habitats, including trees, shrubs, and groundcover, are located within the project area that provide foraging and nesting habitat for migratory birds; especially in the riparian zone along Lone Pine Creek. Additionally, there are man-made structures such as culverts and a bridge that may provide nesting habitat for some species. There are no operational impacts anticipated to migratory birds from the project. Rehabilitation of the roadway would not increase vehicle capacity or traffic in the area that could result in direct or indirect impacts, such as vehicle mortality or noise disturbance. The addition of a widened shoulder to the roadway could encourage more bicycle use; however, no impacts are anticipated as a result because bicycle traffic does not pose a threat to migratory birds.

There is potential for construction-related impacts to birds from the project due to the presence of the vegetation along the roadway. Construction activities are anticipated to result in the removal of limited habitat components of the sagebrush scrub community immediately adjacent to the road to accommodate roadway widening in Segment 3 of the project area. The amount of vegetation removed in comparison to the surrounding area would be minimal. Construction activities in Segments 1 and 2 are confined largely to the roadway bench with very minimal, if any, vegetation removal expected in these areas. Additionally, the construction activities could result in noise and vibration impacts to individuals if the birds are nearby during construction. For these reasons, the project could result in short-term, temporary impacts to individual birds, but no long-term change in habitat availability or any significant change in the existing condition are anticipated. Conservation measures that include preconstruction surveys for nesting birds in portions of Segment 3 on BLM land have been included to avoid or reduce impacts to migratory birds.

Project avoidance and minimization measures incorporated into the project to avoid impacts to the USFWS listed or proposed species, and BLM and USFS sensitive 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.*
- *In Segment 3, the removal of vegetation within the project limits shall occur between August 1 and March 14 to avoid impacts to breeding birds. If vegetation must be removed during the breeding season (March 15 through July 31), a qualified biologist will conduct a preconstruction survey for active nests (i.e., nest in the process of being constructed or in use) within portions of Segment 3 on BLM land. If an active non-raptor nest is found, a 50 foot avoidance buffer area (e.g., orange fencing) shall be installed around the nest. If an active raptor nest is found, a 250 foot avoidance buffer area shall be installed around the nest. No work shall occur within these buffer areas and they shall be maintained and kept in working order until the nest is no longer active as determined by a qualified biologist. A qualified biologist shall be present during construction to monitor the nest(s) and may stop construction if it is determined that the construction activities are resulting in disturbance to the nest. In the event of the take of a nest, the USFWS shall be notified within 24 hours. The fencing shall be removed after construction has been completed.*
- *Exclusionary netting shall be installed at the aqueduct bridge prior to nesting season (by Inyo County before April 30th) to prevent the establishment of bird nests and exclude roosting bats.*

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 and read:

Mule Deer

Mule deer (Odocoileus hemionus) that occur in the project area belong to the Goodale and Monache herds. These herds generally spend their summers in the high Sierra Mountains 2,440–4,270 meters (8,000–14,000 feet) above mean seal

level (amsl) and winters at lower elevations 1,370–2,280 meters (4,500-7,500 feet) amsl in Inyo County. Their migration route typically occurs north of the project area, but they may pass through the project area in route to either their summer or wintering grounds. Winter migration generally occurs in October or November and is dependent on the first winter storm in the area. Whitney Portal Road bisects a portion of the herd's winter range.

There are no operational impacts anticipated to this species from the project. Rehabilitation of the roadway would not increase vehicle capacity or traffic in the area that could result in direct or indirect impacts to this species. The addition of a widened shoulder to the roadway could encourage more bicycle use; however, no impacts to this species are anticipated as a result because bicycle traffic does not pose a threat to this species.

Construction is expected to largely take place outside of the period when deer are on the winter range (November 1 through April 30). If construction activities take place within this period, a Central Federal Lands Highway Division CFLHD on-site construction staff will monitor the area one day prior to construction to determine if a large concentration of deer (greater than 25 individuals) are within one-quarter mile of the project area. If a large concentration of deer is detected, a BLM biologist will be notified and determine if the construction will interfere with the deer's use of the winter range or impede their movements on the winter range. Work will be stopped and will resume at the discretion of the biologist. The entire length of the road will not be under construction at one time. There will be areas for deer to move around the construction activity during the day and no nighttime work will be conducted. Impacts to mule deer will be minimal.

Vegetation

Habitat within the project area is characterized by a series of vegetation communities that change with elevation from approximately 1,200 to 2,500 amsl. The eastern portion of the project area, which occurs at the lowest elevation (1,200–1,900 meters amsl), is generally described as Sagebrush Scrub. This zone is dominated by sagebrush (Artemisia tridentata), rabbitbrush (Chrysothamnus [Ericameria] nauseosa), saltbush (Atriplex spp.), and Bromus spp. The vegetation in this zone is moderately dense and diverse in the open, flat areas. In this range, the landscape includes both steep hillsides and gently rolling hills with talus deposits and boulders. As the elevation rises, the habitat generally transitions to pinyon (Pinus monophylla) (1,900–2,300 meters) with steep slopes at the base of the foothills (i.e., Transitional Pinyon Zone). The vegetation in this zone is considerably more sparse in this area and is less diverse than at the lower elevations. At the highest elevation (2,300–2,500 meters amsl) the project area is described as a Subalpine Zone and is dominated by large conifers including ponderosa pine (Pinus ponderosa) and white silver fir (Abies concolor). The vegetation in this zone is denser than the transition zone, but sparser than the lowest elevation zone. Non-native species including cheatgrass (Bromus tectorum) and Russian thistle (Salsola kali) are found at the lower elevations in the sagebrush and pinyon habitats (Segments 2 and 3), while very little infestation occurs at the higher elevations in Segment 1.

Most of the drainages are lined with large rocks to boulders with vegetation growing in and around them. Lone Pine Creek ephemeral drainages that extend parallel to the roadway, as well as perpendicular through culverts are common in this area. A riparian zone is intermittently present along the banks of the creek and is dominated by cottonwoods and willows. However, most of this zone is located outside of the project area, with the exception of where the creek crossed the roadway. The riparian zone is well-developed in some areas and contains large cottonwoods that form the overstory canopy and large thickets of willow that form the midstory canopy. The herbaceous understory layer is moderately developed in some areas and is mixed with rocky terrain.

The proposed project may result in minor vegetation removal and require soil stabilization post construction. Construction activities would have the potential to spread or introduce unwanted vegetation; however, standard best management practices will be implemented to prevent introduction of noxious weeds (see Appendix A: Project Specific and Standard Environmental Commitments Summary Tables). To prevent the introduction and establishment of non-native plant species into the project area, construction equipment will be washed thoroughly to remove dirt, plant, and other foreign material prior to entering the project area. There is concern of the spread of noxious weeds between project segments, in particular the spread of weeds from Segments 2 and 3 into Segment 1. To mitigate this potential spread, construction equipment that has operated off of the paved road surface in Segments 2 and 3 will be cleaned using an air compressor at a predefined staging area prior to entering segment 1. Particular attention will be shown to the under carriage and surfaces where soil containing noxious and invasive seeds may exist. FHWA will inspect each piece of equipment before entering the project area and prior to use in Segment 1. Equipment found operating on the project that has not been inspected, or has oil leaks will be shut down and subject to citation. Permanent and temporary erosion control measures

will be certified weed free. Disturbed areas will be re-seeded with a seed mix recommended by INF and the BLM. Best Management practices will be implemented to minimize soil erosion.

Wetlands and Waters of the U.S.

As documented in the Wetlands and Other Waters of the U.S. (WoUS) Delineation Report (May 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 existing 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). In this instance, the WoUS corresponds with the Waters of the State.

Within the survey area, approximately 0.65 acres of WoUS were identified. WoUS includes intermittent and ephemeral streams and ditches. Acreages of WoUS identified in the project area are summarized in Table 2. No wetlands were identified within the survey area.

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

Feature	Acreage within Survey Area (acres)	Approximate Impact to Wetlands/Other Waters of the U.S. (acres)*	
		Permanent**	Temporary**
Wetlands	0.00	0.00	0.00
Waters of the U.S.	0.65	0.05	0.00
Riparian	0.92	0.00	0.074

** These impacts reflect the current design. Impacts may change slightly as the design is finalized.*

*** Acreage of impacts has been rounded to the nearest hundredth.*

As identified in Table 2, the proposed action would result in the placement of permanent and/or temporary fill below the ordinary high water marks (OHWM) of WoUS. As the project design progresses, FHWA-CFLHD will ensure that the proposed action be designed to first avoid then minimize the amount of fill material to the greatest extent practicable to complete the proposed action. The FHWA-CFLHD submitted a request for a preliminary jurisdictional determination to the U.S. Army Corps of Engineers (USACE), and the USACE is currently reviewing this request. The project would result in the permanent "loss" (as defined in 40 CFR 230.40-45) of 0.05 acres of WoUS. For authorization on this project, FHWA will pursue a USACE Section 404 Nationwide Permit and the California Regional Water Quality Control Board Section 401 Water Quality Certification. All proposed work will be subject to conditions stated in the Section 404 permit and 401certification issued for this project.

Temporary impacts to 0.074 acres of riparian vegetation on BLM property will result from trimming of vegetation related to roadway improvements. As there are no permanent impacts to riparian vegetation there is no riparian mitigation is proposed.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

***Discussion**: On behalf of CFLHD, Jacobs Engineering Group, Inc., contracted with Far Western Anthropological Research Group, Inc., (Far Western) to conduct a cultural resources study of the project area, in compliance with Section 106 of the National Historic Preservation Act 1966 (NHPA; 36 CFR Part 800, revised 2004).*

Far Western conducted a pre-field records search, geoarchaeological sensitivity assessment, and archaeological survey of the proposed project area, which totals 167 acres. The records search identified 26 resources within the records search area; three of these were within or immediately adjacent to the Area of Potential Effects (APE). The pedestrian survey identified two new resources and confirmed that two of the three previously recorded resources were within the APE; the third—a prehistoric milling station—is not situated within the APE.

A buried site sensitivity assessment identified several areas of High or Highest sensitivity for buried resources. Project plans call for the installation of guardrail posts to a depth of seven feet (2.1 meters) below surface at two locations of modeled High sensitivity. However, while these areas are marked by alluvial deposition, often indicative of buried site sensitivity, they are covered by heavy gravels and boulders several feet deep and are therefore unlikely to have buried cultural deposits. As a result, there is Low sensitivity for buried resources in this area and no further work is recommended.

Four resources lie within or partially within the area of potential effect CA-INY-4591H, the Los Angeles Aqueduct; INY-4551H; INY-9418H, Whitney Portal Road; and INY-9417H, the Lone Pine Water Divergence System. The INY-# refers to site record number assigned by the Eastern Information Center as a part of the California Historic Resources Information System (CHRIS).

The Los Angeles Aqueduct passes under Whitney Portal Road at the eastern end of the project area. It has been determined ineligible for the National Register of Historic Places (National Register), and will not be affected by the project; no further action is recommended.

Three resources, INY-4551H, Whitney Portal Road (INY-9418H), and the Lone Pine Water Divergence System (INY-9417H), are within the project APE and have not been evaluated for inclusion on the National Register. As a practical matter, when site eligibility is undetermined, sites are assumed to be Historical Properties under Section 106 of the NHPA, and measures will be taken to avoid or mitigate damage to them. Therefore, all three resources are assumed to be Historical Properties under Section 106 of the NHPA. Adverse effects will be avoided by designating each as an Environmentally Sensitive Area and fencing each resource to avoid inadvertent damage from construction. On October 23, 2014, SHPO concurred with the determination that no historic properties will be adversely affected as a result of the proposed action.

Potential Section 4(f) properties in the project area include recreational and historic resources. Multiple trailheads and campgrounds are present adjacent to the project area. No land from these properties would be acquired for transportation use. Traffic delays during construction could cause inconvenience to recreationalists accessing these properties. However, access would be maintained throughout the duration of the project. As described under Noise, noise levels during construction may exceed the maximum allowable levels identified in county codes and guidance. Noise impacts near campgrounds would be of short duration and would occur during daytime hours when noise-sensitivity at campgrounds is the lowest. These short-term proximity effects would not substantially diminish the activities, features, and attributes of the recreational properties along the project corridor. The project would not result in a use of these properties.

Whitney Portal Road, previously unevaluated, is considered eligible for under the NHPA for the purposes of this project. Because the road will remain on essentially the same original alignment and the road surface has been continually modified and maintained over the past 80 years, FHWA determined that the proposed undertaking will have no adverse effect to the resource since it will not impact potentially character-defining features of the road. In a letter dated October 23, 2014, the California SHPO concurred with the finding of no adverse effect. As the project will not adversely affect the qualities of the historic property, it is exempted from 4(f) approval in accordance with 23 CFR 774.13(a)1-2.

In the event that unanticipated cultural resources are discovered during construction, construction activities in the immediate vicinity shall cease until a qualified archaeologist and/or other appropriate specialist has evaluated the find and appropriate actions are undertaken, such as avoidance, relocation, and/or curation. If human remains are discovered, the

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

actions described by the CEQA Guidelines Sections 15064.5(3) and in Chapter 9.52 of the Inyo County Code shall be followed.

VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

***Discussion**: The project involves the improvement of a previously existing road and does not involve the construction of any habitable buildings. Construction will seek to reduce drainage onto the roadway surface to decrease maintenance frequency and improve culverts under the roadway. In general, this project will improve or upgrade existing facilities. In each instance, the new facility will serve to prevent erosion in a more effective manner than the existing facility. Drivers currently using this roadway are subject to some geologic hazards created in particular by rock fall. The project will not increase any existing geologic hazards.*

Segment 1 includes the upper section of the roadway (mile post [MP] 0.00 to MP 3.40) and is characterized by mountainous terrain, narrow roadway benches and steep slopes. Embankment erosion is notable in areas along the roadway. In some areas surface drainage travels beneath the roadway and has caused subgrade failure. Drainage also crosses the road surface in several locations placing debris in the roadway and causing ice hazards in the winter. Raveling and rockfall from cut slopes also occurs in this section and are addressed through maintenance actions to clear debris from the roadway and ditches. Many of the catchment ditches are of insufficient width to handle the debris.

Segment 2 is the middle portion of the roadway (MP 3.40 to 5.18) within Inyo National Forest. The terrain in this segment is rolling with steep slopes and narrow roadway benches. In areas along this section, runoff undercuts the pavement, erodes the embankment, and debris is deposited on the roadway requiring routine maintenance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Segment 3 is the lower portion (MP 5.18 to MP 11.20) of the roadway. This section is characterized by rolling terrain with adequate roadway bench and flatter side slopes. Where segment 3 enters the Alabama Hills, the road has tight curves and tight slopes that limit sight distance. Minor shoulder erosion exists in this section of the roadway due to surface drainage issues; however, in a few areas, more severe erosion occurs as a result of high flows in Lone Pine Creek. Raveling and rockfall from cut slopes is also an issue in this section and the catchment ditches in some locations are of insufficient width to handle the debris.

VII. GREENHOUSE GAS EMISSIONS:
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion: Operation of the project will not result in a change in greenhouse gas (GHG) emissions created by vehicles driving between Lone Pine and Whitney Portal, and may result in slight long-term reductions in emissions by improving safety. Construction GHG emissions will be minimal and temporary. The project will have a small positive benefit to GHG emissions in that Segment 3 of the project involves the construction of bicycle lanes.

VIII. HAZARDS AND HAZARDOUS MATERIALS:
Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

***Discussion**: 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 presences of hazardous materials of need for additional survey. A National Pollution Discharge Elimination System (NPDES) permit will be completed in accordance with federal requirements.*

There is a possibility of vehicle spills during construction and best management practices will be implemented to minimize the potential impacts created by vehicle spills during construction (see Appendix A) Standard Environmental Commitments Table). These are:

> *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.*
>
> *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.*
>
> *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 soils are not approved absorbent materials.*
>
> *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.*

Emergency response (wildland fire and medical response) service will be allowed to pass through the construction site at all times. Construction activity may briefly block the roadway, though construction will be required to stop to allow emergency personnel to pass. The long-term impact to emergency services will be beneficial through providing an improved road surface and reducing erosion to the roadway creating by storm runoff.

IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

***Discussion**: The project corridor is outside of any FEMA designated flood zone or inundation area. There are no reservoirs in the Lone Pine Creek area. There are several lakes in the Lone Pine Creek drainage that have a remote possibility of seiche, though the occurrence of such an event. Due to the steep nature of the terrain traversed by Whitney Portal Road, there are minor flood events that leave debris on the road almost every season. The proposed improvements do not involve the construction of any dwellings. The project is involved around the infrastructure of an existing roadway. In general the design of the roadway will improve stormwater drainage under the roadway.*

The project corridor is located in the greater Owens Lake Watershed (hydrologic unit -HUC8 18090103) and spans three subwatersheds: Lone Pine Creek (HUC12 180901030206), Hogback Creek (HUC12 180901030204), and Long John Canyon-Owens River (HUC12 180901030407) (Figure 3). The Owens Lake watershed is 877,208 acres in size. The subwatersheds are tributary to the Owens River, which is tributary to Owens Lake. The eastern terminus of the project area is approximately 2 miles west of the Owens River.

The watershed is designated as a non-priority Class 1, properly functioning watershed by the Forest Service Watershed Condition Framework. 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 Lone Pine Creek. Lone Pine Creek is not included in the 2010 303(d) listed of impaired waters.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

Total impervious surface area would increase due to the roadway widening. The project would provide a 22 to 28 foot wide paved surface, compared to the existing 22 to 24 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 INF Management Area and BLM direction for water quality (USFS 1988, BLM 1993), and the Water Quality Control Plan for the Lahontan Region (State of California 2005). The BMPs for erosion and sediment control focus primarily on protecting receiving waters and water sources in areas of construction activity. BMPs include, but are not limited to, silt fencing, inlet protection, and riprap outlet protection at culverts. Roadside ditches will be protected during construction.

The FHWA Standard Environmental Commitment table includes the following Best Management Practices:

> *For projects disturbing more than one acre of land (the majority of FHWA projects – including the Whitney Portal Road project), Clean Water Act Section 402 (NPDES) requires additional measures (including a storm water pollution prevention plan, SWPP) that are routinely included in FHWA projects.*
>
> *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.*
>
> *Before grubbing and grading, construct all erosion controls around the perimeter of the project including filter barriers, diversion, and settling structures.*
>
> *Limit the combined grubbing and grading operations to 350,000 square feet of exposed soil at one time.*
>
> *Maintain temporary erosion control measures in working condition until the project is complete or the measures are no longer needed.*
>
> *Apply turf establishment to finished slopes and ditches within 14 days after completion of construction on a portion of the site.*

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

***Discussion**: Whitney Portal Road provides access to internationally known destinations on both BLM and USFS lands. The road provides access to the Alabama Hills area on BLM managed lands, which is known for its scenic multi-shaped rock outcrops. Traveling west, the road gains elevation into mountainous terrain to the Whitney Portal Recreation Area and the popular Mount Whitney trailhead. The road provides access to numerous private properties including lands owned by the Los Angeles Department of Water and Power.*

The project is generally consistent with and will further the goals and policies set forth in the Inyo County General Plan. From the General Plan Circulation Element, the project is consistent with and furthers the following policies:

> ***Policy RH-1.1 Prioritize Maintenance, Rehabilitation, and Reconstruction***
> *Prioritize improvements based on the premise that maintenance, rehabilitation, and reconstruction of the existing highway and roadway system to protect public safety has the highest consideration on available funds.*
>
> ***Policy RH-1.7 Maximize State and Federal Funds***
> *Pursue all means to maximize state and federal funds for roadway and highway improvements and maintenance.*

The Whitney Portal Road project focuses on the "maintenance, rehabilitation, and reconstruction" of a significant County roadway and the project is being funded through a Federally funded grant opportunity with a State funded match.

From the Government Element of the General Plan, Policy Gov-7.1(e) states "The County strongly supports and requests continuing maintenance of roads and expansion of motorized access to public lands." This project clearly furthers the maintenance of this roadway.

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 the Concentrated Recreation Area prescription within the Owens Valley Escarpment 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 management purpose of the Concentrated Recreation Area prescription includes provisions that either emphasize or permit the type of road maintenance activities proposed under this project.

The upper section of Whitney Portal Road is bounded by, and in some cases bisects, an Inventoried Roadless Area (IRA). The existing roadway bisects the IRA for approximately 0.3 miles out of the total 11.2 miles proposed for rehabilitation. The 2001 Roadless Rule (36 CFR Part 294) establishes prohibitions on road construction, road reconstruction, and timber harvesting in IRAs on National Forest System lands. Although road construction and reconstruction are prohibited, road maintenance is permitted and is defined as "The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective." The management objectives for Forest Highway access roads, such as Whitney Portal 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 of the USFS to provide a safe and adequate facility. Adding a widened shoulder to the roadway supports the objective of providing visitor safety. The project does not include improvements or realignments in this portion of the project area that would constitute reconstruction. Nor does the project include the addition of classified roadway miles. For these reasons, the proposed project meets the definition of road maintenance as defined in the 2001 Roadless Rule and is therefore permissible.

Lands managed by BLM are guided by the management prescriptions in the Bishops Resource Management Plan and Environmental Impact Statement (1991). The road is within the Owens Valley Management Area. The management theme for this unit is to manage the lands for the full spectrum of uses with an emphasis on recreation. Other uses include agriculture, recreation, wildlife habitat, and semi-primitive motorized and roaded natural opportunities. The proposed project is consistent with the management direction for this unit and will not interfere with any designated uses. The proposed project will support the management direction to enhance non-motorized uses through the addition of a bicycle lane. As noted in the Recreation section of this document, the addition of a widened shoulder is expected to increase cycling in the project area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

***Discussion**: No significant mineral resources are known to be accommodated on the site. No impact is expected. The project involves the minor widening of an existing roadway.*

XII. NOISE: Would the project result in the:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

***Discussion**: The noise environment in the vicinity of the project is typical of undeveloped forest and rural lands. The predominant existing noise source in the corridor is vehicular traffic on the road. Noise sensitive receptors in the project area include the Whitney Portal Campground and the Portagee Joe Campground. The receptors are located approximately 100 to 500 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

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

A sound level measured from a point source decreases at a rate of 6 dBA per doubling of distance (FHWA 2011). Based on the maximum noise levels from construction activities and the distance of noise sensitive receptors from the road, temporary noise levels associated with construction activities are anticipated to exceed levels that would be expected in a rural setting such as campgrounds. These impacts would be of short duration and would occur during daytime hours when noise-sensitivity at the campground is the lowest. Therefore, these temporary noise impacts are anticipated to be minor.

The FHWA Standard Environmental Commitment table includes the following Best Management Practices:

Construction equipment is required to be maintained in proper working condition to minimize construction noise

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

***Discussion**: The project will not induce substantial population growth. No housing or people will be displaced. No significant impact is anticipated. There will be an influx into the area of construction workers. However that will be temporary and existing motels and residential buildings in Lone Pine and within a 20-mile area of the project site.*

XIV. PUBLIC SERVICES: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Other public facilities?	☐	☐	☒	☐

***Discussion**: The project will provide a roadway facility consistent with that which already occurs at the project site. Potential impacts from the reconstruction and widening of the roadway is evaluated herein. The easterly portion of the project is inside of the Lone Pine Fire Protection District service boundaries. The project will not increase the demand for schools or parks, and will provide a more a safer road facility to access Whitney Portal. Recreation use at Whitney Portal is currently very busy during the summer between early July and Mid-September and will continue to be so during construction and afterwards. Impacts are expected to be less than significant, and in some cases beneficial.*

XV. RECREATION: Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

***Discussion**: Approximately 200,000 people visit the project area. Whitney Portal Road provides access to internationally known destinations on both BLM and Forest Service lands. On BLM land, Whitney Portal Road provides access to recreational destinations within the Alabama Hills. The Alabama Hills are internationally known for its scenic multi-shaped rock outcrops that frame the dramatic eastern escarpment of the Sierra Nevada. Hundreds of movies and commercials have taken advantage of the scenic backdrop and have been filmed along Movie Road and Whitney Portal Road. Whitney Portal Road continues up to the Whitney Portal recreation area and the popular Mount Whitney trailhead, an important internationally known tourist destination. The trail provides access to the backcountry of the Sierra Nevada.*

The project will improve the visitor experiences by enhancing opportunities for alternative modes of transportation through improved bicycle facilities for accessing recreational sites particularly within BLM lands. By providing non-motorized transportation opportunities, visitors are more inclined to leave their vehicles and have a more direct experience with the natural amenities. Providing a consistent paved width of roadway and designated pull offs in Segment 1 and 2 of the project area within mountainous and rolling terrain will improve safety for recreationist and in some locations provide opportunities for viewing the dramatic scenery of the area.

Recreation resources within the project area would not be permanently impacted by the project. There will be minor temporary construction impacts to recreation taking place within and adjacent to the project area related to traffic delays and noise.

Typical traffic delays during construction on the weekdays and weekends are anticipated to be up to 30 minutes. Weekend work will be allowed throughout the construction season in all Segments. Road closures will be allowed in Segments 1 and 2 on weekends and weekdays from 8-11 am and from 1-4 pm. These traffic-related impacts would be temporary and last the duration of the construction period. Night time work will be allowed in certain locations, located away from the campgrounds. Construction would take approximately seven to nine months and is weather dependent. 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 and the BLM will also provide information regarding construction on their websites and to permit holders and coordinate with the Chamber of Commerce to disseminate construction information to visitors. The contractor will also be required to develop and maintain a toll-free number to keep the public informed of upcoming construction operations and traffic delays and closures.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

***Discussion**: The project will be constructed per the safety standards set forth by the FHWA. The completion of the project will provide some additional recreation opportunities for bicyclists on Segment 3 of the project. The most significant impact to recreation will be during the construction phase. When the roadway in Segment 1 is being completed, road closures will be required to facilitate the operation of the asphalt grinder tearing up the existing road and reconstructing the road bed. Closures are tentatively planned twice daily from 9:00 a.m. until 12:00 noon and then from 1:00 p.m. to 4:00 p.m. FHWA, Inyo National Forest, and Inyo County staff are making sure that all visitors to the Whitney Portal area will be notified of the potential closures and will be able to plan their visit to avoid the closures. Additionally, when feasible, construction crews will open the closed portion of the road to platoons of vehicles. The closures will create some inconveniences. Since the Inyo National Forest requires day hikers and backpackers in the Whitney zone to obtain wilderness permits, there is an opportunity to notify the public ahead of time of the closures. In addition there will be a substantial media campaign to notify the public of the periodic closures during construction.*

In addition, a requirement will be placed on the construction contract to require that emergency vehicles be allowed access at all times in response to actual emergencies.

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

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

***Discussion**: The project is the rehabilitation of Whitney Portal Road between Whitney Portal Recreation Area and Tuttle Creek Road just west of the community of Lone Pine. It will not require wastewater treatment. There are no stormwater drainage facilities in the project area; drainage from the roadway currently flows through roadside ditches and culverts. The only changes from the project will be to facilitate this flow so as to not further damage the roadway. The project has been designed to ensure that any concentration of runoff will not cause erosion or other environmental effects. The Project Specific and Standard Environmental Commitments included in the Categorical Exclusion prepared for the project include BMPs for erosion and sediment control to avoid or minimize short term erosion and sediment impacts from construction activities. A Storm water Pollution Prevention Plan will be developed for the project in compliance with NPDES requirements; that plan will include BMPs, including permanent measures, to reduce water quality impacts to Lone Pine Creek in compliance with the Owens River Management Area direction for water quality (Inyo National Forest Land and Resource Management Plan, 1988). Water for both dust control and landscape irrigation will be provided from Lone Pine Creek through water drafting; irrigation water for landscaping will only be required only until the landscaping is established.*

Inyo County landfill facilities are closest to the project site and are not expected to be impacted by the proposed project. Lone Pine Landfill has sufficient capacity to serve this project and local community need until approximately the year 2059. In addition, green waste from land clearing activities is turned into mulch or the daily cover at the landfill site instead of being placed in the landfill. The contractor will be pulverizing the existing pavement for re-use as new base material. Any other construction waste (e.g. rebar, wood, etc.) will be recycled to the greatest extent possible in compliance with Inyo County standard procedures. The project will comply with all solid waste regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

***Discussion**: Reasonably foreseeable actions occurring along the course of Whitney Portal Road are limited and will not be changed by the proposed project. The purpose of the project is to increase the safety of an existing road facility and to lower future road maintenance costs. The proposed action does not have impacts that would result in significant adverse effects when added to impacts from other actions because construction activities would be short-term and temporary. No increased or changed use of the adjoining lands would result from the proposed action.*

Attachments

Vicinity Map

Appendix A

FHWA Standard Environmental Commitments

References

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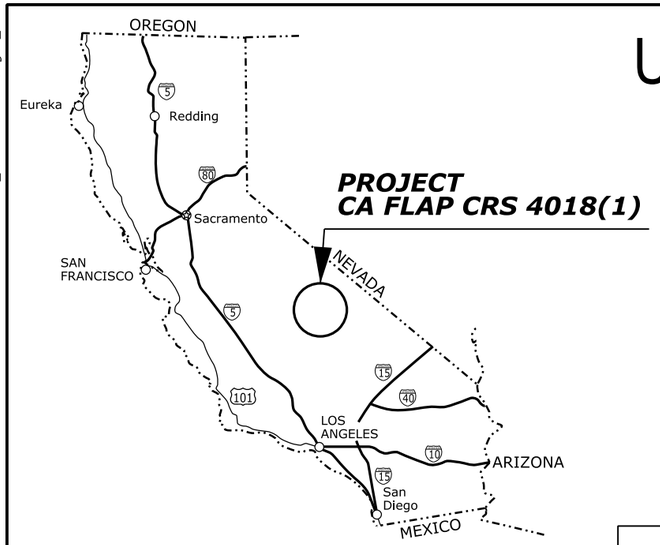
REG	STATE	PROJECT	SHEET NO.	TOTAL SHEETS
R5	CA	CA FLAP CRS4018(1) Whitney Portal Road	A1	A12

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



PROJECT CA FLAP CRS 4018(1)

KEY MAP OF CALIFORNIA

PLANS FOR PROPOSED

CA FLAP CRS 4018(1)

WHITNEY PORTAL ROAD

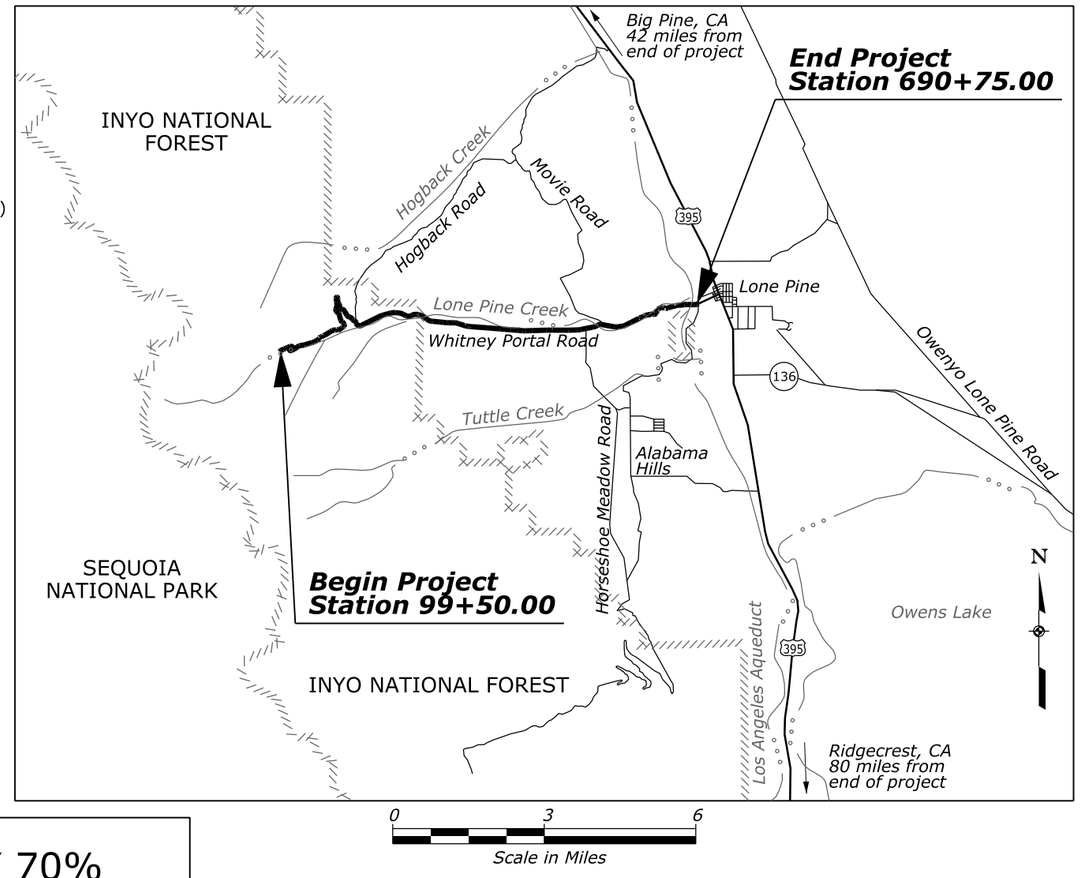
INYO NATIONAL FOREST
BUREAU OF LAND MANAGEMENT
INYO COUNTY
LENGTH 11.20 miles

TYPE OF CONSTRUCTION:
3R(Restoration, Resurfacing, and Rehabilitation)
Pulverization, Hot Asphalt Concrete Paving,
Widening, Grading and Drainage.

DESIGN DESIGNATIONS:	SEGMENTS 1 & 2 (Sta. 99+50-373+00)	SEGMENT 3 (Sta. 373+00-690+75)
SADT (2015) ----------	372	1726
SADT (2035) ----------	521	2416
DHV ----------	18	Unknown
D ----------	50%	50%
T ----------	1%	1%
V ----------	30 mph	50 mph
e(max) ----------	8%	6%

U.S. CUSTOMARY DIMENSIONS:
Slopes are expressed as RISE:RUN

SPECIFICATIONS:
"STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES ON FEDERAL HIGHWAY PROJECTS, FP-03, U.S. CUSTOMARY UNITS"



INDEX TO SHEETS

CONTINUED ON NEXT SHEET

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PRELIMINARY 70%
SEPTEMBER 2014
NOT FOR CONSTRUCTION
PEER REVIEWER: Sebastian Guzman

PROJECT MANAGER	LEAD DESIGNER
Wendy Longley	Mike Daigler

PLANS PREPARED BY

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CENTRAL FEDERAL LANDS HIGHWAY DIVISION
DENVER, COLORADO

APPROVED:

_____ DATE: _____

DIRECTOR, PROJECT DELIVERY
CENTRAL FEDERAL LANDS HIGHWAY DIVISION

Appendix A: Environmental Commitments

Project Specific Environmental Commitments Summary Table, – CRS4018(1), Whitney Portal Road

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
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. USFS and BLM will notify permit holders of construction activities.	Socioeconomic	FHWA/USFS/BLM	SCR 108.01 SCR 156.06
Five cultural sites (CA-INY-4551H, -9417H, and 3 areas associated with -9418H) will be designated as Environmentally Protected Areas and fenced to avoid construction-related disturbances.	Cultural	FHWA	SCR 108.01
FHWA will coordinate with event coordinators to minimize impacts to annual events. • Lone Pine Chamber of Commerce - the organizers of the Wild Wild West Marathon. • Summit Adventure (Jeremy Drooger) – Whitney Classic Fundraiser road bike race.	Recreation	FHWA	SCR 108.01
The removal of vegetation within the project limits on BLM property shall occur outside of the bird breeding season (August 1 through March 14). If vegetation must be removed during the breeding season (March 15 through July 31), a preconstruction survey for active nests (i.e., nest in the process of being constructed or in use) within the project limits shall be conducted. If migratory bird nests are discovered, a no-disturbance buffer shall be established around the nests. The extent of the no-disturbance buffers shall be determined by a wildlife biologist in consultation with CDFW or BLM	Migratory Birds/ BLM sensitive species	BLM/FHWA	TBD

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
staff and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographic or artificial barriers. The purpose of the buffer is to avoid disturbance or destruction of the nest until after the breeding season, or until a wildlife biologist determines that the young have fledged. Within this buffer, construction activities shall be avoided during the identified species nesting season. However, construction activities can proceed if the biological monitor determines that the individual is not likely to abandon the nest during construction.			
If construction activities take place between November 1 and April 30, a qualified biologist will survey the project area one day prior to construction to determine if a large concentration of deer (greater than 25) are within one-quarter mile of the project area. If the biologist determines that the construction will interfere with the deer's use of the winter range or impede their movements on the winter range, work will be stopped and will resume at the discretion of the biologist.	USFS and BLM sensitive species	BLM/FHWA	TBD
Exclusionary netting shall be installed at the bridge (approximate PM 8.5) prior to nesting season (before April 30th) or the bridge under decking will be pressure washed weekly to prevent the establishment of bird nests and exclude roosting bats.	Migratory birds/USFS and BLM sensitive species	FHWA/Inyo County	TBD
During construction, garbage or trash produced from construction activities will be removed promptly and properly to avoid creating attractive wildlife nuisances.	USFS and BLM sensitive species	FHWA	SCR 107.08

Commitment	Resources	Agency/Person Responsible	FR/SCR/Plan Sheet #/Comp Date
All disturbed areas will be revegetated using a seed mix approved by INF and BLM.	Vegetation	FHWA	SCR 713.04

Standard Environmental Commitments Summary Table, – CRS4018(1), Whitney Portal Road

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.	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. 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. 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.	Hazardous Materials	SCR 107.10
7.	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.	Water Quality, Vegetation	FP 157.03
8.	Before grubbing and grading, construct all erosion controls around the perimeter of the project including filter barriers, diversion, and settling structures. Limit the combined grubbing and grading operations to 350,000 square feet of exposed soil at one time.	Water Quality, Vegetation	FP 157.04
9.	Maintain temporary erosion control measures in working condition until the project is complete or the measures are no longer needed.	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.	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. Control dust on active haul roads, in pits and staging areas.	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