

Town of Mammoth Lakes Mammoth Creek Gap Closure Project Final Initial Study/Mitigated Negative Declaration



Town of Mammoth Lakes
Public Works Department
P.O. Box 1609
Mammoth Lakes, CA 93546

Prepared For:
Town of Mammoth Lakes

Prepared By:
NCE
155 Hwy 50, Suite 204
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Date:
July 2016 (Revised October
2016)

NCE Project Number:
220.10.14

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Attachment B: Waters of the US (WOUS) Delineation

Attachment C: Cultural Resources Technical Memo

Attachment D: Mitigation Monitoring and Reporting Plan

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1.0 BACKGROUND

- | | |
|---|--|
| 1. Project Title: | Mammoth Creek Gap Closure Project |
| 2. Lead Agency Name and Address: | Town of Mammoth Lakes
437 Old Mammoth Road, Suite R
Mammoth Lakes, CA 93546 |
| 3. Contact Person & Phone Number: | Jamie Robertson, Assistant Engineer
Town of Mammoth Lakes
Phone: (760)965-3653 |
| 4. Project Location: | Near the intersection of Old Mammoth Road and Minaret Road |
| 5. Project Sponsor's Name and Address: | Town of Mammoth Lakes
Department of Public Works
437 Old Mammoth Road, Suite R
Mammoth lakes, CA 93546 |
| 6. General Plan Designations: | Residential, High Density Residential 2, Open Space (See Table 1) |
| 7. Zoning: | Resort, Multi-family Residential 2, Public and Quasi Public, Open Space Stream Corridor Protection (See Table 1) |
| 8. Description of Project: | Proposed construction of a bicycle path to connect a gap in the town loop bike path system. |
| 9. Surrounding Land Uses and Setting: | Multi-family Residential, Open Space, Resort Land |
| 10. Other Agency whose Approval is Required: | -US Army Corps of Engineers
-Lahontan Regional Water Quality Control Board
-California Department of Fish and Wildlife |

2.0 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 environmental checklist (Section 6.0).

X	Aesthetics		Agricultural and Forestry Resources	X	Air Quality
X	Biological Resources		Cultural Resources		Geology/Soils
	Hazards and Hazardous Materials		Hydrology/ Water Quality		Land Use/ Planning
	Mineral Resources		Noise		Population/ Housing
	Public Services		Recreation		Transportation/ Traffic
	Utilities/Service Systems	X	Greenhouse Gas Emissions		Mandatory Findings of Significance

3.0 DETERMINATION

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.

Grady Dutton, Public Works Director

Date

4.0 PROJECT SUMMARY

4.1 PROJECT LOCATION

The Mammoth Lakes Mammoth Creek Gap Closure Project is a 0.95-acre project located east of Minaret Road and north of Old Mammoth Road in Mammoth Lakes, CA (Figure 1).

The Mammoth Lakes General Plan land use designations for the project area are Open Space and High Density Residential 2. Surrounding land use designations include High Density Residential 2, Open Space, and Resort. The project is located on two private parcels and one public parcel. Table 1 provides the individual ownership, Assessor's Parcel Numbers (APNs), General Plan land use designation and zoning district information for the project parcels.

TABLE 1: Parcel Information

Parcel Ownership	Assessor's Parcel Number	General Plan Land Use Designation	Zoning District
Lizza Tiberio	040-020-001-000	High Density Residential 2 (HDR-2)	Residential Multi-Family 2 (RMF-2) (Open Space / Stream Corridor Protection Overlay)
Mammoth Creek Condominium Association	040-021-000-000	High Density Residential 2 (HDR-2)	Residential Multi-Family 2 (RMF-2) (Open Space / Stream Corridor Protection Overlay)
Inyo National Forest	040-140-003-000	Open Space (OS)	Public and Quasi-Public (P-QP)

Source: Town of Mammoth Lakes

4.2 PROJECT BACKGROUND

The Town of Mammoth Lakes has received state funding for the administration, design, and construction of a multi-use class path. The project would eliminate a gap in the town loop multi-use path system between Minaret Road on the west and an existing MUP to the east. The Mammoth Creek path has been identified in the Town's Bicycle Master Plan and Trails System Master Plan as a priority project. The MUP would provide a route for both commuters and recreational users who travel between the Old Mammoth neighborhood area and the Town's commercial center, schools, and recreational opportunities. The Town is promoting means of access and circulation other than motorized vehicles.

4.3 PROJECT DESCRIPTION

The project consists of an approximately 919 ft. long, 14 ft. wide (10 ft. paved with two, 2 ft. aggregate base shoulders) Class I Multi-use Path (MUP) that will connect two existing paved MUP's in the Town of Mammoth Lakes. The proposed MUP would extend in an east west direction originating on the east side of Minaret Road connecting to an existing paved MUP to the west. The proposed MUP will be constructed outside of the 100-year floodplain

paralleling the south side of Mammoth Creek and north side of Old Mammoth Road. A Caltrans specific crosswalk (Continental) using white paint will be added across Minaret Road to establish a connection to the existing MUP to the west. The project will have informational signage and kiosks in compliance with Town wayfinding standards. In addition, the path will be paved with asphalt of sufficient strength to support snow removal equipment. A minimum horizontal clearance of 2 ft. will be maintained from all obstructions and include a maximum cross slope of 2% to facilitate drainage to maintain ADA accessibility. A plan view is included as **Figure 2**.

A secondary component of the project includes the replacement of an existing pedestrian bridge deck that crosses Mammoth Creek located approximately 300 ft. east of the newly proposed MUP. The pedestrian bridge deck replacement will remove an existing creosote wooden pedestrian bridge (joists, planks, and railing) and be replaced with an equivalent metal prefabricated bridge (joists, planks, and railing). The existing concrete structural abutments will remain in place and will be used for the new bridge deck, thus no excavation or material disturbance will be required for this work. A truck mounted crane would be used for removal of the old bridge deck and installation of the new deck. Construction access for the bridge replacement will be via existing paved MUP and encroachment onto Old Mammoth Road.

Construction staging for the entire project will be located on previously disturbed ground within the project footprint and the Town's ROW near the project. Construction access to the new MUP will be from the east side of Minaret Road. The total land area required for the project, including staging, encroachment and construction area is 0.95 of an acre. An Area of Potential Effect (APE) map is included as **Figure 3**.

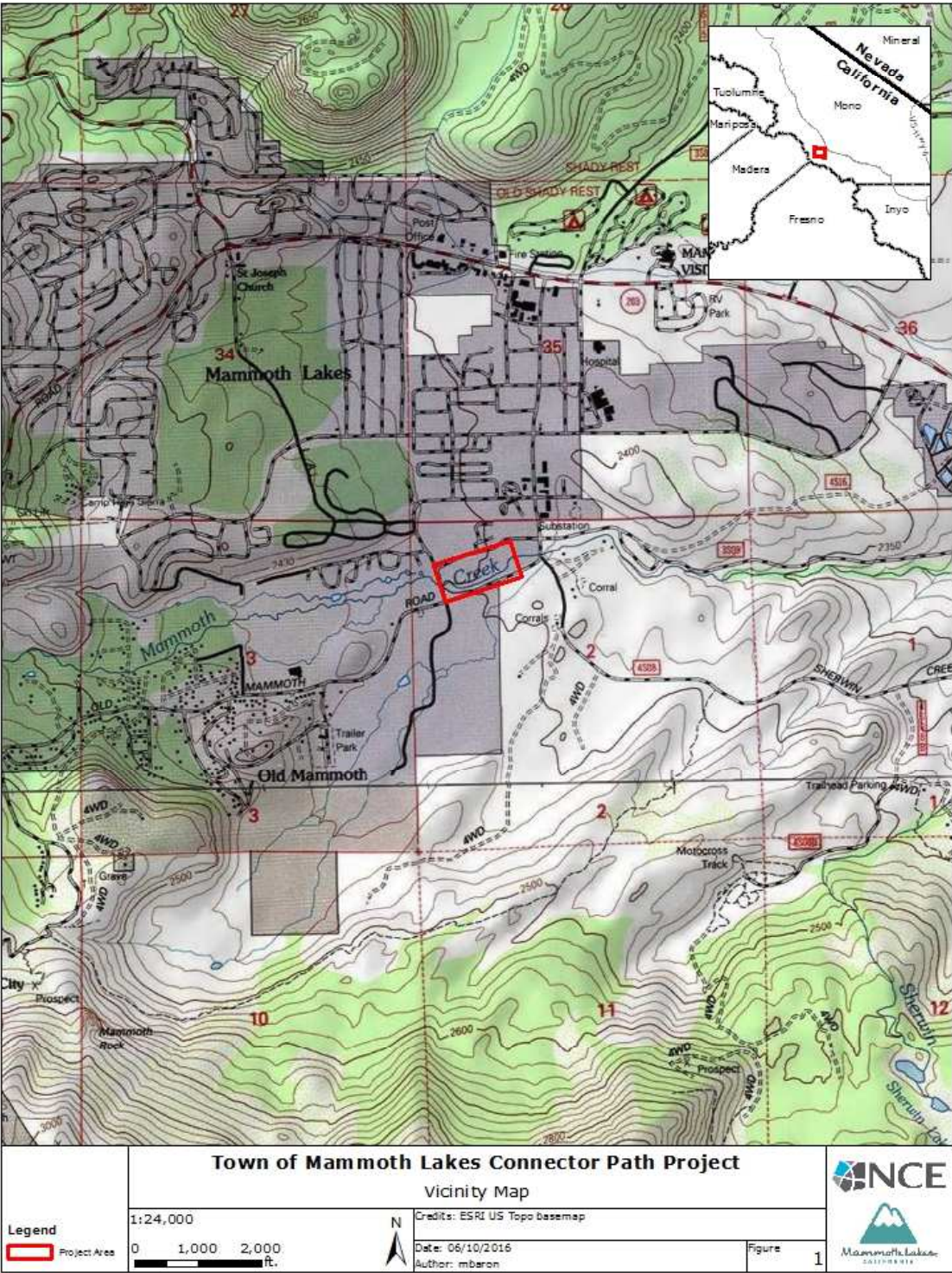


FIGURE 1: Vicinity Map

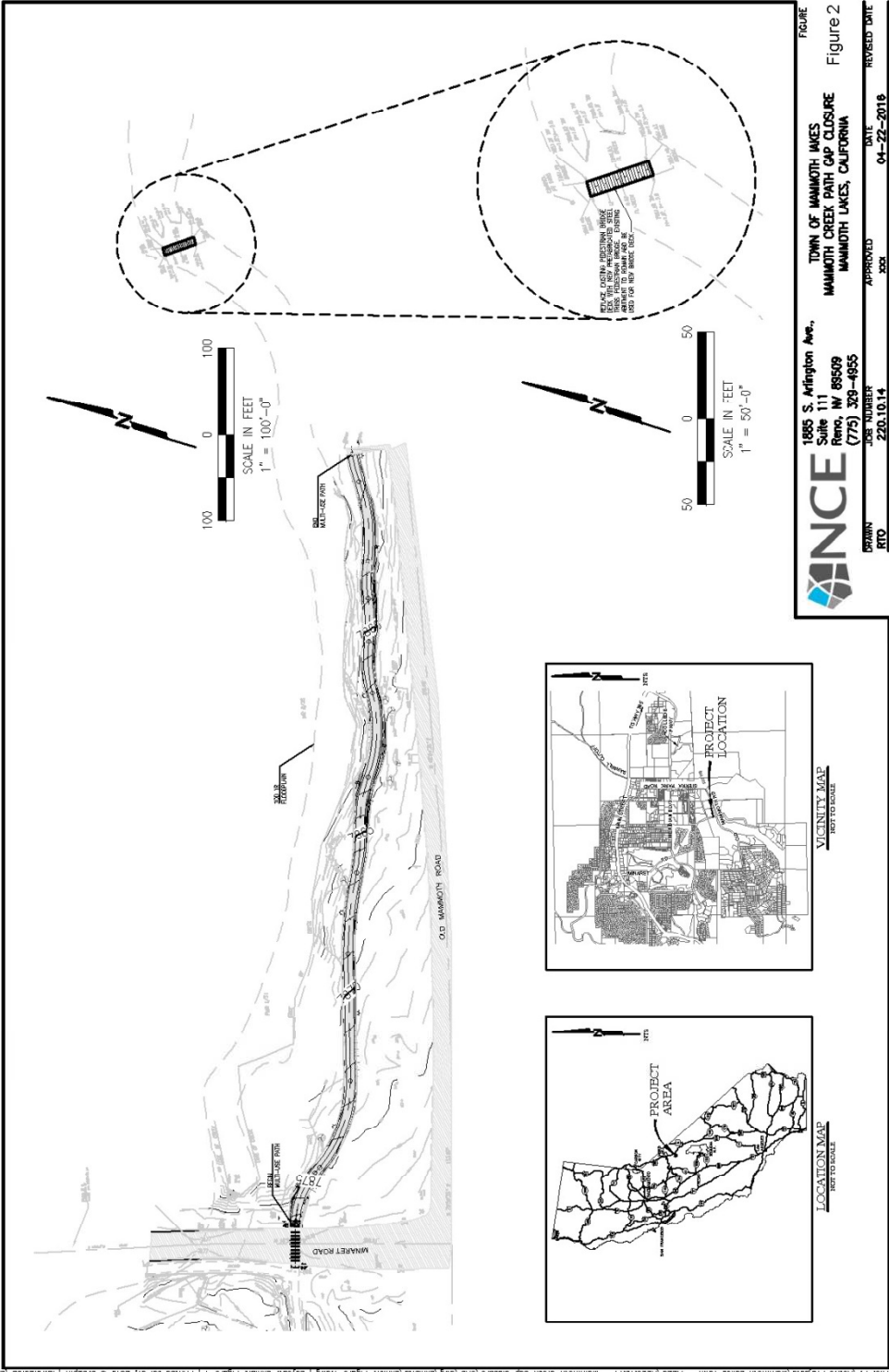
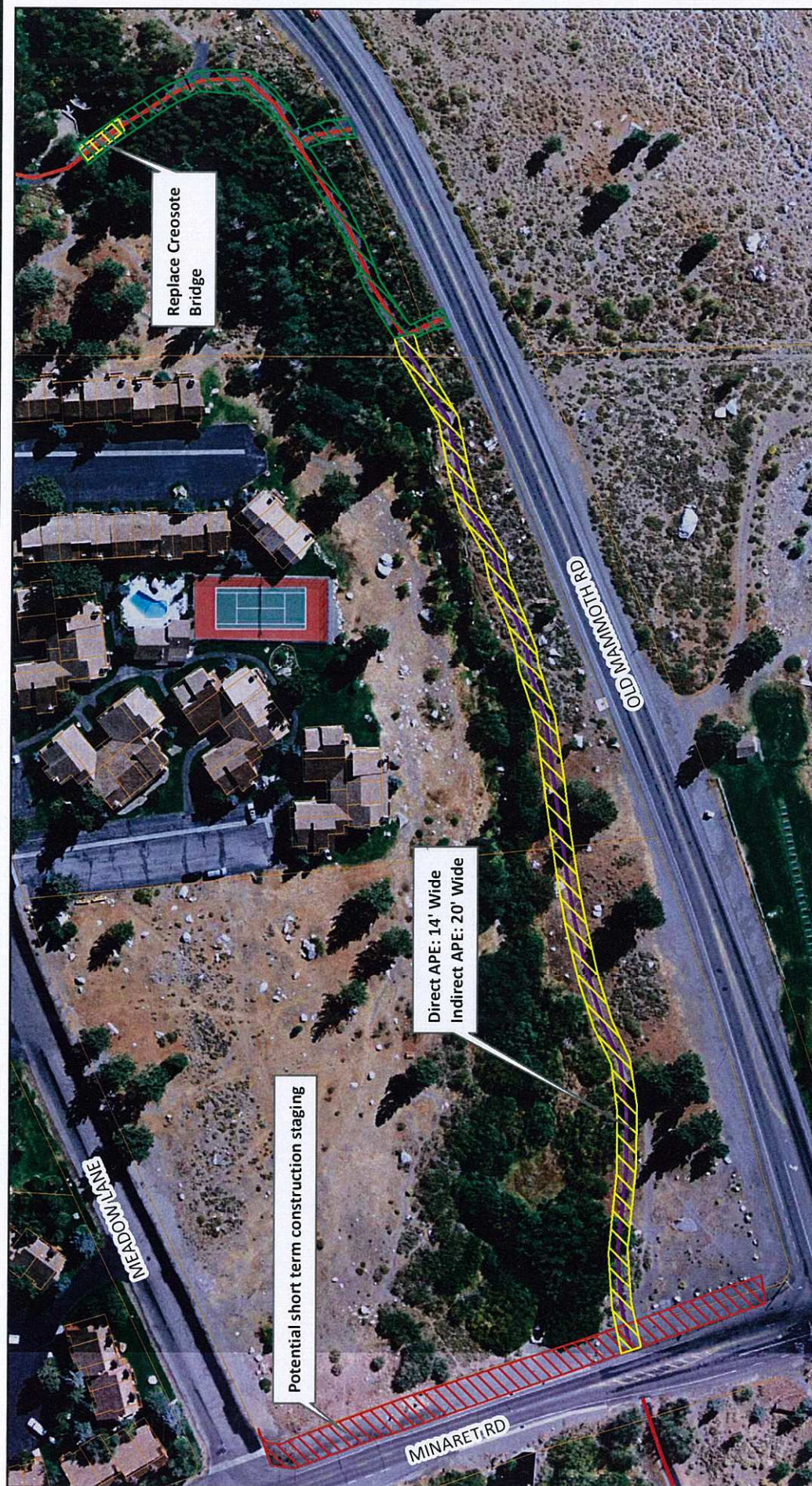


FIGURE 2: Plan View



LEGEND

-  **PROPOSED MULTI-USE PATH**
Proposed Multi-Use Path Alignment (White Line)
-  **EXISTING MULTI-USE PATH**
Existing asphalt multi-use path.
-  **INDIRECT AREA OF POTENTIAL EFFECT**
-  **DIRECT AREA OF POTENTIAL EFFECT**
-  **CONSTRUCTION STAGING AREA**

MAMMOTH CREEK GAP CLOSURE

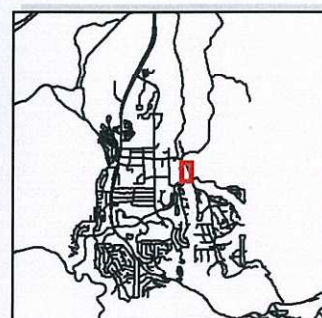
APE - Area of Potential Effect

Exhibit A


Project Engineer

10-21-16
Date

0 55 110 220
Feet



Town of Mammoth Lakes
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The information contained on this map is for reference purposes only and is in no way intended to serve as a legal description of property or other boundaries. The information on this map is subject to change without notice. This map is not to be reproduced or re-used without the prior permission of the Town of Mammoth Lakes.

5.0 SITE PHOTOGRAPHS

The following photographs depict the existing project area. Photograph 1 presents the existing site with an informal path that has been created by pedestrians. The proposed path follows this alignment. Minaret Road at the proposed pedestrian crosswalk area is depicted in Photograph 2.



Photograph 1: Existing site with informal path alignment



Photograph 2: Minaret Road at proposed crosswalk location

6.0 ENVIRONMENTAL CHECKLIST

The following Environmental Checklist describes the impacts of the proposed project, as detailed in the Project Description. Potential environmental impacts are described as follows:

Potentially Significant Impact: An environmental impact that could be significant and for which no feasible mitigation is known. If any potentially significant impacts are identified in this Checklist, an Environmental Impact Report (EIR) must be prepared.

Potentially Significant Unless Mitigated: An environmental impact that requires the incorporation of mitigation measures to reduce that impact to less-than-significant level.

Less Than Significant Impact: An environmental impact may occur, however, the impact would not be considered significant based on CEQA environmental standards.

No Impact: No environmental impacts would result from implementation of the project.

INITIAL STUDY CHECKLIST

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		

Discussion:

A substantial adverse effect to Aesthetics/Visual Resources would result if a project:

- Introduced physical features that are not characteristic of the surrounding development;
- Substantially changes the natural landscape; or
- Obstructs an identified public scenic vista.

- a. The project site is located in a neighborhood with a mix of residential and open space uses. The Mammoth Lakes General Plan (Figure 2) describes a number of major view corridors and vistas within the project vicinity. These view corridors and vistas provide views of both the Mammoth and Sherwin ranges. Examples of scenic resources include areas of wildlife or open space, parks, trails, landmarks, rock outcroppings, etc. The Town relies on the General Plan and Zoning Ordinance to initiate design standards that affect the scenic vistas within the Town.

No Impact. The proposed MUP connection would increase the aesthetic quality for the users, allowing them to use the path adjacent to the creek and provide additional scenic vista area. No impact to scenic resources would occur as a result of this project.

- b. According to Caltrans's *Guidelines for the Official Designation of Scenic Highways*, a Scenic Corridor is an area of land generally adjacent to and visible from the highway. The only designated scenic highway within Mammoth Lakes is Highway 395 from Benton Crossing Road to Highway 203, which is not in the vicinity of the proposed project.

No Impact. The project is not located within a state scenic highway or near scenic resources; therefore the proposed project has no impact.

- c. The project is a connection between two segments of an existing class I bike path and would be similar in scale and visual character of existing development in the area.

Less than Significant. The project would not result in substantial changes to the visual character of the site and its surroundings. This impact would be considered less than significant.

- d. Installation of new lighting along the bike path would be necessary for security and safety purposes. While there are existing light sources along Old Mammoth Road that characterize lighting levels in the area, the new light source from the MUP has the potential to increase nighttime lighting and adversely affect nearby residences that have windows facing the bike path. Mitigation measure **AES-1** shall require that any new light sources be provided at minimum levels to meet security and safety purposes; be directed downward and away from adjacent residential areas; and be shielded, diffused, or indirect to prevent spillover into adjacent residential properties. The design engineer shall provide data sheets to support compliance with this mitigation measure, which would be verified by the Town of Mammoth Lakes' Building Official or equivalent in the design phase.

Less Than Significant Impact with Mitigation. With implementation of Mitigation Measure **AES-1**, any impacts associated with the installation of security and safety lighting would be minimized to less than significant.

Mitigation Measure AES-1

New light sources installed as part of the project shall provide the minimum lighting levels to meet the performance standards of Zoning Code Section 17.36.030 – Exterior Lighting for security and safety purposes. Newly installed lighting shall be directed downward and away from adjacent residential areas; and shall be shielded, diffused, or indirect to prevent spillover into adjacent residential properties. The design engineer shall provide data to the Mammoth Lakes' Public Works Staff or equivalent that shows the proposed lighting and resulting lighting levels to determine if light spillover would extend into adjacent residential properties during the design phase of the project.

Findings: It has been determined that with the incorporation of Mitigation Measure **AES-1**, there would be no significant impacts to aesthetic or visual resources. Identified thresholds of significance for the aesthetics category have not been exceeded and no significant adverse environmental effects would result from the project.

II. AGRICULTURAL AND FORESTRY RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use?				X

Discussion:

A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
 - The amount of agricultural land in the Mammoth Lakes is substantially reduced; or
 - Agricultural uses are subjected to impacts from adjacent incompatible land uses.
- a. There is no Prime Farmland, Farmland of Statewide Importance, or Unique Farmland located in the project area.

No Impact. The nature of the proposed project has no impact on land development and is proposed for recreation use only. The proposed project site is located within the Mammoth Lakes Urban Growth Boundary and does not contain agricultural lands. There would be no impact on potential farmland development as a result of the construction of the MUP.

- b. The Williamson Act was enacted in 1965 and allows local governments to enter into contracts with private landowners that restrict the private land from use other than farmland or related open space. The private landowner receives a tax incentive and the land is thus preserved as farmland and not developed. There are no Williamson Act contracts in the project vicinity, nor are there any agricultural zoning designations in the project area.

No Impact. As indicated, there are no agricultural land uses or zoning designations in the project vicinity. The nature of the proposed project has no impact on land development and is proposed for recreation and pedestrian circulation purposes only.

- c. According to California Public Resource Code Sections 4526, 12220(g), and 51104 (g), the project area is not located within a designated forest land, timberland, or Timberland Production Zone. The Town of Mammoth Lakes has also not designated the project area as a significant forestland or timberland resource.

No Impact. Construction of the proposed MUP would have no impact on land development. There will be no potential for forestland development as a result of the project.

- d. Per *Item c.* above, there would be **no impact** to forest resources.
- e. Per *Item a.* above, there would be **no impact** to farmland resources.

Findings: It has been determined that there would be no impacts to agricultural or forestry resources. Identified thresholds of significance for the agricultural category have not been exceeded and no significant adverse environmental effects would result from the project.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d. Expose sensitive receptors to substantial pollutant concentrations?		X		
e. Create objectionable odors affecting a substantial number of people?			X	

Discussion:

The Town of Mammoth Lakes relies on federal, state, and regional regulations to monitor air quality during construction projects. Regionally, the project is under the jurisdiction of the Great Basin Unified Air Pollution Control District (GBUAPCD), which regulates the stationary sources of air pollution in the three counties that surround Mammoth Lakes, Alpine, Mono, and Inyo Counties. The GBUAPCD also regulates temporary air emissions during construction. Section 400, 401, and 402 of the District's regulations indicate that reasonable precautions must be taken to prevent visible particulate matter from being airborne.

The California Air Resources Board (CARB) is part of the California Environmental Protection Agency (EPA) and is responsible for the coordination and administration of both the federal and state air pollution control programs in California. CARB sets the California Ambient Air Quality Standards (CAAQS), oversees the Toxic Air Contaminants Program (TACs), and the Hotspots Program. TAC's were intended to reduce exposure to air toxins such as asbestos, benzene, and chloroform. The Hotspots Program was designed to report and notify the public of the types and quantities of air toxins routinely released in the air at specific locations. There are no TACs or designated Hotspots in the project area.

- Projects that could generate emissions in excess of the GBUAPCD's recommended significance thresholds would be considered to potentially conflict with or obstruct implementation of the applicable air quality plan. As discussed in subsection c., implementation of the proposed project would not be anticipated to result in long-term

increases of mobile-source emissions, nor would short-term construction-generated emissions be projected to exceed applicable thresholds of significance.

No Impact. Implementation of the Project would not conflict with nor obstruct implementation of applicable air quality plans. There would be no impact.

- b. Project construction could temporarily generate emissions in excess of the GBUAPCD's recommended significance thresholds that would be considered to result or contribute substantially to an existing or projected air quality violation, including increases in emissions for which the region is designated nonattainment. Fugitive dust emissions from project construction would cause increases in ambient air particulate matter concentrations at receptors near the project area. Construction dust is composed primarily of large particles that settle out of the atmosphere with increasing distance from the source. In general, construction dust would result in more of a nuisance than a health hazard. About one-third of the dust generated by construction activities consists of smaller size particles (PM-10) in the range that can be inhaled by humans. Persons with respiratory diseases who may be immediately downwind of the construction activities could be sensitive to this dust. The short-term PM-10 air quality impacts from fugitive dust during construction would be significant unless mitigation measures prescribed by GBUAPCD's are implemented. Therefore, the short-term PM-10 air quality impacts from fugitive dust during construction would be significant unless mitigation measures are implemented.

Although exhaust emissions from construction vehicles are much lower than fugitive dust emissions, some of them (NO_x and VOCs) contribute to the formation of ozone, a nonattainment pollutant, and fine particulate matter from exhaust emissions would contribute to ambient air PM-10 levels.

Less Than Significant Impact with Mitigation. Short-term ozone impacts would be significant, and PM-10 impacts would be significant at locations near the construction site unless mitigation measures are adopted to reduce exhaust emissions.

Mitigation Measure AQ-1

The construction contractor shall implement the following fugitive dust control and emissions reduction measures during construction of the project. These measures are prescribed to ensure that construction impacts are less than significant, and they include:

- Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work.
- Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site.
- Construction vehicles shall use paved roads to access the construction site wherever possible.
- Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.

- Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets.
 - Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule;
 - Vehicle idling time shall be minimized whenever possible.
- c. Air quality is regulated by federal, state, regional, and Local standards. Per the Clean Air Act, the United States Environmental Protection Agency (USEPA) is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. There are seven criteria air pollutants: nitrogen dioxide (NO_x), ozone (O₃), particulate matter (including both PM₁₀ and PM_{2.5}), carbon monoxide (CO), sulfur dioxide (SO_x), and lead. The project area is located in federally designated attainment areas for the seven criteria air pollutants, including ozone, and is in State non-attainment for ozone.

Ozone is a secondary criteria pollutant, meaning that it is not directly emitted. The EPA reports that ozone is a gas that is formed when volatile organic compounds (VOCs) and nitrogen dioxide undergo photochemical reactions that occur in the presence of sunlight. Ground-level ozone is the primary constituent of smog and the associated health effects of smog. The primary source of VOC emissions is unburned hydrocarbons in motor vehicle exhaust.

Particulate matter typically occurs in the form of fugitive dust generated from vehicle exhaust, grading, demolition, and disturbed areas of soil. PM_{2.5} are fine dust particles that are less than 2.5 micrometers in size. PM₁₀ particles are referred to as coarse particles and are more visible to the naked eye. The project area is in attainment to the USEPA PM₁₀ particulate matter standards.

Carbon Monoxide is a colorless, odorless gas, which in urban areas is associated with the incomplete combustion of fossil fuels in motor vehicles. High levels of CO are commonly found near freeways and major intersections; however, the project area is in attainment to the USEPA carbon monoxide standards.

Nitrogen Dioxide is a criteria air pollutant that is generated from the combustion of materials such as fossil fuels, wood, and coal. It is an irritant to the mucous membranes due to its ability to form nitric acid when combined with the water of the eyes, nose, and lungs. The project area is in attainment to the USEPA nitrogen dioxide levels.

Sulfur dioxide's major pollution source comes from the burning of fossil fuels at power generation plants. It is similar to Nitrogen Dioxide in how it reacts to the human body. The project area is in attainment to the USEPA sulfur dioxide levels.

Lead is a metal that can be found in very small quantities in the atmosphere. The major sources of lead pollution was historically exhaust from leaded-gasoline. Since the USEPA's adoption of lead in gasoline standards in 1978, there have been minimal ambient lead concentrations in the atmosphere. The project area is in attainment to the USEPA lead levels.

Less Than Significant Impact with Mitigation. Mammoth Lakes has State non-attainment status for ozone and temporary construction activities could exceed State

standards related to ozone emissions. The increase in ozone emissions as a result of temporary construction could cumulatively contribute to a net increase in ozone. Therefore, with the implementation of Mitigation Measure **AQ-1** construction generated emissions would be considered less than significant.

Mitigation Measure **AQ-2**

Implementation of Mitigation Measure **AQ-1**.

- d. Sensitive receptors are considered residences, schools, parks, hospitals, or other land uses where children or the elderly congregate, or where outdoor activity is the primary land use. There is a condominium complex adjacent to the project area that would be categorized as a sensitive receptor. Potential short term exposure of sensitive receptors to pollutant concentrations from temporary construction activities would be considered less than significant with the implementation of mitigation measures.

Less Than Significant Impact with Mitigation. With the implementation of Mitigation Measure **AQ-1** construction generated emissions would be considered less than significant.

Mitigation Measure **AQ-3**

Implement Mitigation Measure **AQ-1**.

- e. Temporary construction activities associated with the project would involve the use of a variety of gasoline or diesel powered equipment and pavement coatings emitting temporary exhaust fumes and odors. However, construction-related emissions would occur intermittently throughout the workday and would dissipate rapidly with increasing distance from the source.

Less Than Significant Impact. Short-term construction activities would not expose a substantial number of people to frequent objectionable odors. Potential short term exposure of sensitive receptors to objectionable odors would be considered less than significant.

Findings: It was determined that potential impacts could occur as a result of temporary construction activities violating air quality standards or contribute cumulatively to a net increase of criteria pollutant for which the project region is in non-attainment under the GBUAPCD standards. However, it has been determined that the proposed project would result in less than significant impacts to Air Quality with the incorporation of the above mentioned Mitigation Measures **AQ-1**, **AQ-2** and **AQ-3**.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 & Wildlife or U.S. Fish & Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:

A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect rare or endangered species of animal or plant or the habitat of the species; or

- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

a & b.

In April of 2016, a Natural Environment Study – Minimal Impact (NES-MI) and a Waters of the US (WOUS) Delineation were conducted by NCE's Project Scientist. The NES-MI focused on observing and recording plant and animal communities and habitats and observing the site for any listed Special Status Species while the WOUS Delineation focused on identifying and mapping riparian and wetland habitat. Special Status Species from the California Natural Diversity Data Base were evaluated within one mile of the project area. This area is located within the Old Mammoth and Bloody Mountain USGS 7.5' Quadrangles. The 0.95 acre project will affect 0.6 acres of Aspen habitat as defined by the California Wildlife Habitat Relationships (CHWR) Types. No wildlife species are totally dependent on aspen but this habitat adds to the richness of the wildlife in areas where it occurs by providing nesting cover for several species. It also can permit higher insect production compared to adjacent forests or shrub lands. Aspen stands are favored by a variety of cavity-nesting birds such as bluebirds, sapsuckers, downy woodpeckers, and chickadees. In this project area, the aspen stands adjoin sagebrush habitat and this interface can often provide nesting cover for northern goshawks. The project will affect 0.35 acres of Sagebrush habitat. Sagebrush habitat supports migratory mule deer and is also occupied by sage grouse, jack rabbits, cottontail rabbits, ground squirrels, least chipmunk, kangaroo rats, pocket mice, deer mice, grasshopper mice, sagebrush vole, and the California bighorn sheep. Birds which are supported by sagebrush habitat include the chukar, black-billed magpie, gray flycatcher, pinyon jay, sage thrasher, several sparrows, and hawks. The results of the NES-MI and the WOUS Delineation indicated that mitigation measures are required to ensure a less than significant impact on biological resources. The NES-MI and the WOUS Delineation have been utilized as a reference for the CEQA analysis and included in Attachments A & B of this document.

State and federal "endangered species" legislation has provided the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status."

Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Wildlife Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). No Streambed Alteration Agreement defined in Fish and Game Code section 1601 (d) is necessary for this project because the project will not alter a lake or streambed. Furthermore, the CDFW and the USFWS are Responsible agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Less Than Significant Impact with Mitigation. The project has the potential to impact biological resources. The project would not be constructed within waters of the US. Impacts to habitats and their wildlife may occur if water quality is compromised

during construction or as noise is generated by construction equipment. These impacts can be avoided through the implementation of mitigation measures.

Although no stick nests were observed in trees on the site, a conclusive investigation of nesting birds was not conducted. Trees in the project vicinity may provide suitable nesting habitat for migratory birds, including tree nesting raptors. It is also possible that bats may roost in these trees. If a migratory bird, regardless of its federal or state status were to nest in trees near the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success of special-status or non-special-status migratory birds, including tree-nesting raptors, or result in the mortality of individual birds constitute a violation of state and federal laws.

Although not considered a sensitive wildlife species, mule deer are considered an important harvest species by the CDFW. Mule Deer migrate in the vicinity of the project area and include Rock Mountain mule deer (*Odocoileus hemionus hemionus*) from the Round Valley and Casa Diablo herds. Both are migratory deer herds that move from winter to summer range seasonally. The long-term survival of the mule deer species is dependent on the maintenance of their historic summer and winter ranges and migration routes. The Round Valley mule deer herd migrates from its small winter range in Round Valley up through the mid elevations and to the alpine meadows of the Central Sierra in the spring and return in the fall. Mammoth is not located within the winter range habitat which is critical to the migrating deer herd. The construction of the MUP along an existing user trail and replacement of the decking and decking support structures of an existing bridge would not impede the migration of mule deer due to the short duration of the construction period (4 weeks) and no permanent impediments to deer migration.

Special status species also have the potential to occur on site. These include the American pika, Mt. Lyell shrew, and great grey owl. Additionally, special status species, such as the Owens Tui Chub, may occur in aquatic habitats downstream of the project site. These special status species could be harmed if water pollutants move downstream of the project site and into these habitats.

Mitigation Measure BIO-1

To avoid impacts to nesting birds, roosting bats, and other special status species mammals, pre-construction surveys for these species are required. If it is not possible to avoid construction or other disturbances during the breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-disturbance survey for tree nesting raptors and other migratory birds and for bats as well in all trees within 250 feet of the footprint of the project as for special status species mammals in the project area no more than 14 days prior to the onset of ground disturbance.

If nesting migratory birds or any other protected species is detected on the site during the survey, a suitable activity-free buffer shall be established around all active nests by the Town of Mammoth or approved contractor. The precise dimension of the buffer (up to 250 ft.) shall be determined at that time and may vary depending on locations and species. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Implementation of the above mitigation measures would mitigate impacts to migratory birds, including tree nesting raptors, as well as to special status species mammals to a less than significant level.

Mitigation Measure BIO-2

The contracted design company shall ensure maintenance of water quality by using Best Management Practices for surface water management. Although, a Stormwater Pollution Prevention Plan (SWPPP) is not required for this project, typical construction water quality BMPs should be noted on plans prior to the issuance of a development permit. These shall include sediment control measures on the downslope side of the MUP such as weighted fiber rolls, vegetation protection, using existing paved surfaces to access project area when possible, staging equipment and materials in appropriate location outside of drainage ways.

Mitigation Measure BIO-3

The footprint affected by the project should be minimized by the contractor through construction limit fencing in order to protect habitat and vegetation in the project area. Pre-construction surveys should be conducted for any SSS plants that may occur on the project site by a qualified biologist. These surveys shall be conducted during the appropriate blooming period for those species. The project area shall be limited to 0.95 acres delineated in the APE and all areas outside shall be protected with construction limit fencing.

- c. The United States Army Corps of Engineers regulates the filling or grading of all waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high water marks" (OHWM) on opposing channel banks. All activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE.

Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a certification (Section 401) that the proposed activity would meet state water quality standards. The filling of isolated wetlands is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the Construction General Permit.

The California Department of Fish and Wildlife has jurisdiction over the bed and bank of natural drainages according to provisions of Section 1601 and 1602 of the California Fish and Wildlife Code. Activities that would disturb these drainages are regulated by the CDFW via a Streambed Alteration Agreement. Such an agreement typically stipulates that certain measures would be implemented which protect the habitat values of the drainage in question.

Less Than Significant Impact. There are approximately 4.1 acres of jurisdictional WOUS within the vicinity of the project area, which includes wetlands. However, the project has been designed to avoid any impacts to WOUS and would have a less than significant impact.

- d. Substantially interfering with native wildlife movement or with their use of nursery sites could constitute a potentially significant impact. These impacts would be avoided both during and after construction with the implementation of mitigation measures as described below.

Less Than Significant Impact with Mitigation. There is a potential to impact nesting and migrating birds during the construction of the project. Wildlife-friendly construction fencing would be placed to prevent wildlife from entering the temporary staging area during construction activities. Due to the surrounding open-space, temporary impacts will be less than significant as migratory animals would be able to avoid fenced areas and travel freely during construction. After project completion, no barriers to migratory animals would remain. These impacts would be mitigated by implementing Mitigation Measure **BIO-1**.

Mitigation Measure BIO-4

Implementation of Mitigation Measure BIO-1

- e. The Mammoth Creek Gap Closure Project would require the Town of Mammoth Lakes to conduct an environmental review, which would include a review of all studies conducted in compliance with CEQA, and the creation and adoption of appropriate mitigation measures as set forth in this document. With mitigation measures, the project complies with all applicable elements of the Town of Mammoth Lakes 2007 General Plan goals and policies to protect sensitive and natural resources.

Town of Mammoth Lakes General Plan 2007

The General Plan has a specific goal to preserve and enhance the exceptional natural, scenic and recreational value of Mammoth Creek (Goal R.3). The following policies are methods to reach this goal:

- R.3.A. Policy: Prohibit development in the vicinity of Mammoth Creek that does not maintain minimum established setbacks and protect stream-bank vegetation.
- R.3.B. Policy: Manage all properties held by the Town of Mammoth Lakes along the Mammoth Creek corridor for open space, habitat preservation and passive recreation.
- R.3.C. Policy: Restore degraded areas within and adjacent to Mammoth Creek, in association with contiguous development projects or as off-site mitigation.
- R.3.D. Policy: Improve public access to Mammoth Creek through discretionary project review and other available means.

Less Than Significant Impact. In general, the project would improve infrastructure along Mammoth Creek by providing a safe route between two segments of existing MUP and does not change the existing land use. The project is in compliance with the goals and policies implemented into the Town of Mammoth Lakes' General Plan to preserve and enhance the exceptional natural, scenic and recreational value of Mammoth Creek.

- f. There are no known Habitat Conservation Plans or Natural Community Conservation plans that apply to the area that includes the project location.

No Impact. As previously stated, the project would improve infrastructure along Mammoth Creek by providing a safe route between two segments of existing MUP and does not change the existing land use. The project is not located within a Habitat Conservation Plan or Natural Community Conservation Plan area. There would be no impacts.

Findings: Potential impacts could result to biological resources due to the proposed project. The project could impact threatened, sensitive or rare animal species, riparian habitat, wetlands, and migratory wildlife habitats. Implementation of mitigation measures identified

above would reduce these potential impacts to biological resources to less than significant. Conflicts with community conservation plans and habitat conservation plans have been determined to be less than significant. The proposed project would result in less than significant impacts to biological resources with the incorporation of the above mentioned mitigation measures.

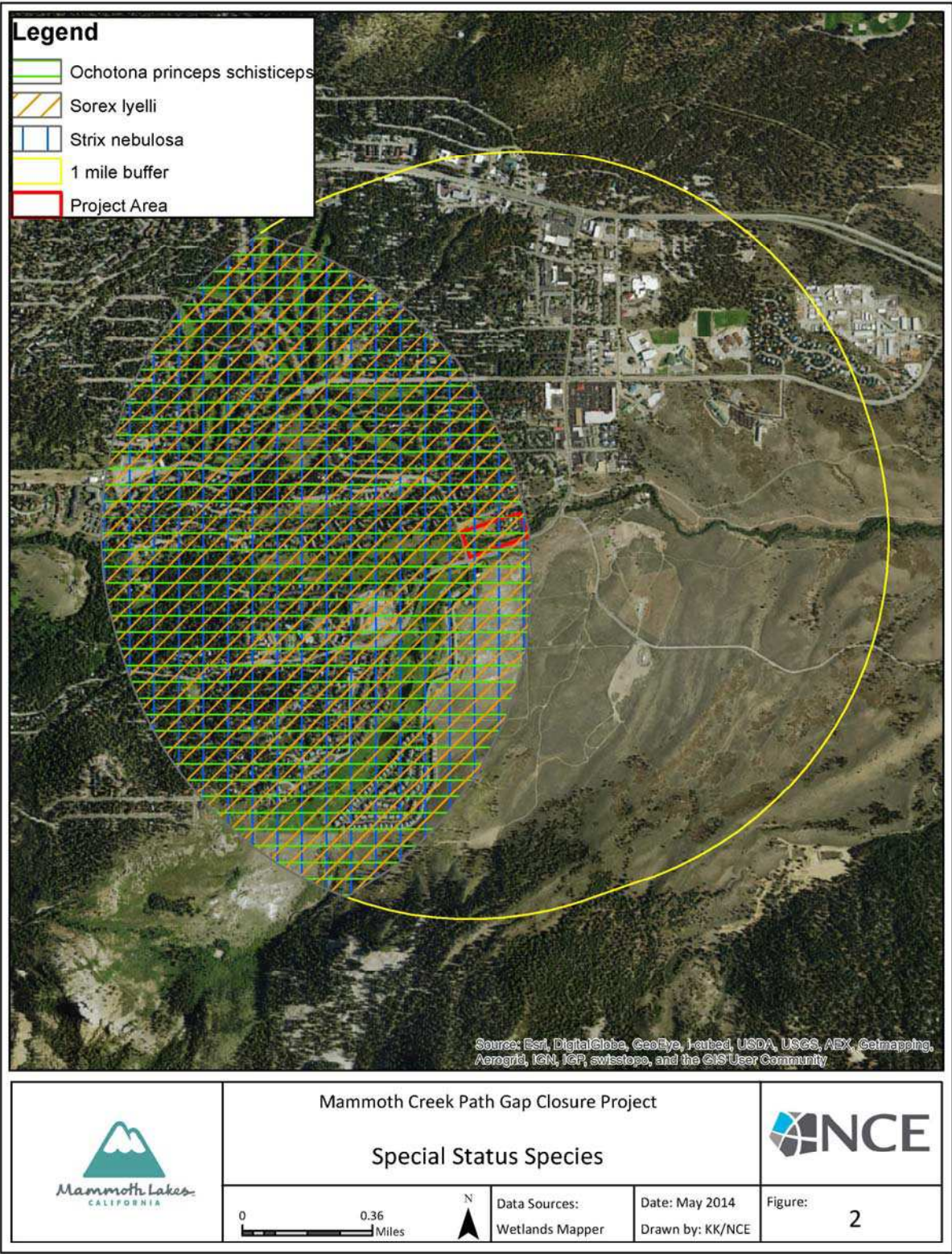


Figure 4: Mammoth Creek Special Status Species Map

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion:

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on a historical resource would occur if the implementation of the project would:

- Disrupt, alter; or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a, b, & d.

A "Record Search" prepared by the Eastern Information Center, dated February 14, 2014, and indicates that cultural resources are located within and adjacent to the project area. Conclusions drawn from a pedestrian survey conducted by Hall (2016) indicate that cultural resources within the project area do not meet significant criteria to be considered eligible for inclusion to the California Register of Historical Places. Therefore, the project would have no effect on identified historical resources.

Less than significant Impact Short term construction activities and implementation of the project would not likely impact historical resources. It is likely that subsurface artifacts would be uncovered during project grading; however, previous investigations (i.e., Burton 1992) have determined that the data potential for the archaeological site within the project area has been exhausted. Should a substantial deposit of artifacts and/or archaeological features be discovered during construction, federal law and Town ordinances contain provisions to halt construction immediately, conduct an archeological

investigation and to retain a professional archeologist to develop a resource mitigation plan and monitoring program (Town of Mammoth Lakes 2007 General Plan FEIR Sec 4.14-2).

- c. There are no known or recorded paleontological or unique geologic resources in the vicinity of the project site making it highly unlikely that development of the site would result in the discovery of paleontological or unique geologic features. However, in the unlikely event that paleontological or unique geologic resources are uncovered on-site federal law and Town ordinances contain provisions to halt construction immediately, conduct an archeological investigation and to retain a professional archeologist to develop a resource mitigation plan and monitoring program in the event that archeological resources are uncovered (Town of Mammoth Lakes 2007 General Plan FEIR Sec 4.14-2).

Finding: The project would likely uncover subsurface artifacts during project grading; however, previous investigations (i.e., Burton 1992) have determined that the data potential for the archaeological site within the project area has been exhausted. Furthermore, uncovering prehistoric, and/or human remains would not be likely based on prior surveys. By implementing typical discovery procedures as conditions in the project design plans, any chance of an accidental discovery would be accounted for during grading and/or improvement activities and impacts to the 'Cultural Resources' category would be less than significant.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:				X
i.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii.) Strong seismic ground shaking?				X
iii.) Seismic-related ground failure, including liquefaction?				X
iv.) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?		X		
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?		X		
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
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?				X

Discussion:

A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as ground shaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;

- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
 - Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.
- a. The proposed project would construct a MUP and would improve pedestrian circulation and increase pedestrian mobility within the Town of Mammoth Lakes. There is no proposed change to seismic conditions in the project area.

No Impact. There would be no impact to the Earthquake Fault Zone as referenced in Division of Mines and Geology Special Publication 42. The project would not result in strong seismic-ground shaking, liquefaction, or landslides. There is no impact to seismic related activities.

b & c.

During the construction phase of the MUP, portions of the site will have exposed soil areas that during rain or high wind events could cause minor erosion. Once the construction is complete, the site would be restored back to existing grade. With the implementation of the proposed mitigation measures, the project would have a less than significant impact on geology and soils.

Mitigation Measure

GEO-1.

The construction contractor shall control dust to prevent transport of such materials off site, into any surface water, or into any drainage course. Dust mitigation measures and dust control BMPs shall include the following:

- stabilization of unpaved areas subject to vehicular traffic;
- stabilization of storage piles and disturbed areas;
- dust suppression through watering of areas to be disturbed;
- cleaning of all construction vehicles leaving the site;
- mulching of bare soil areas; and
- suspension of grading and earth moving activities when wind speeds are high enough to result in dust emissions crossing the project boundary

The Town would also develop a Temporary BMP Plan that would include design and specifications that clearly detail the required temporary construction BMPs that shall be installed prior to and during construction to prevent any erosion that may occur during rain or wind event. Temporary BMPs may include fiber rolls, gravel bags, silt fencing, tree protection fencing, construction limit fencing, and gravel construction access. Prior to

construction, all storage, access, and staging areas are to be secured by the contractor. As a result of the implementation of the dust control measures and temporary BMPs, the mitigation reduces the project impact to less than significant.

d & e.

A significant impact may occur if a project is constructed in an unstable area without proper site preparation or design features to provide adequate foundations.

No Impact. The project is a MUP and does not propose to build any habitable structures and no septic tanks or waste water disposal systems are proposed as a part of this project.

Findings: It has been determined that there would be no significant impacts to geologic resources with the incorporation of mitigation **GEO-1**, nor any significant impacts resulting from placing people or structures in the vicinity of geologic hazards. Identified thresholds of significance for the geology and soils category have not been exceeded and no significant adverse environmental effects would result from the project.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

- a. Projects that contribute to the increase of GHG emissions are associated with global climate change. Estimated GHG emissions attributed to projects are primarily associated with increases of carbon dioxide (CO₂) from mobile sources during construction activities.

The Great Basin Unified Air Pollution Control District (GBUAPCD) does not have an adopted Threshold of Significance for construction-related GHG emissions. Due to the nature of the proposed project, significant impacts associated with generation of greenhouse gas (GHG) emissions are not anticipated with the proposed mitigation measures.

Less Than Significant Impact with Mitigation. Greenhouse gas emissions would temporarily increase during construction practices and the use of heavy machinery. The GBUAPCD regulates construction practices involving air quality measures, but does not have a standard for construction related greenhouse emissions. Regardless, the project proponent proposes mitigation measures to reduce emission levels during construction.

Mitigation Measure GHG-1. Use of heavy machinery would be minimized to the fullest extent possible during the construction process. Vehicles would be turned off when not in use rather than remaining in an idling state. Trips would be augmented to reduce emissions and increase fuel efficiency.

- b. In June 2005, former Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals for the State of California: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. The Air Resources Board is responsible for the implementation of AB 32 Scoping Plan, which identifies action items that work to reach the GHG emissions reductions goals.

Less than Significant Impact. The project is a land use based project and would not conflict with the State goal of reducing GHG emissions and would not conflict with the AB 32 Scoping Plan or action measures. Construction of the bike path would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing greenhouse gas emissions and operational impacts of the project would be less than significant.

Findings: Potential impacts could contribute to greenhouse gas emissions due to temporary construction activities during construction of the proposed project. Implementation of mitigation measure **GHG-1**, identified above, would reduce these potential impacts to Greenhouse Gas Emissions to less than significant.

VIII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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?				X

Discussion:

A substantial adverse effect due to hazards or hazardous materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of federal, state, and local laws and regulations;

- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
 - Expose people to safety hazards as a result of former on-site mining operations.
- a. A significant impact may occur if the proposed project would involve the use, transport or disposal of hazardous materials as part of routine operations.

No Impact. The proposed project would not involve the use of hazardous materials that would have the potential to generate toxic or otherwise hazardous emissions. No Impact would occur.

- b. The Environmental Protection Agency (EPA, Federal and State) determines whether a chemical, either in its liquid, gas, or solid form could be a hazardous material. This determination is based on its potential to pose a hazard to human health, safety, or the environment. A material may also be considered hazardous if it is listed on any Federal, State, or Local Hazardous Materials List; and may be considered hazardous based on its concentration or quantity. Transport of hazardous materials is regulated by the EPA and by the Department of Transportation (DOT) under Title 49.

Less Than Significant Impact. The project would not utilize hazardous materials on-site. The construction vehicles, which are operated on diesel fuel, would be maintained regularly to ensure that diesel fuel does not leak onto the project site or into Mammoth Creek. There are no risks of health hazards to the surrounding community or the environment; therefore impacts are less than significant.

- c. The project is located within one quarter mile of a licensed daycare facility. However, hazardous materials would not be utilized on-site and the project area would be barricaded to prevent access to pedestrians and children.

No Impact. The resulting MUP would not emit hazardous emissions and there would be no handling of hazardous or acutely hazardous materials.

- d. The proposed project is not located on a site included on a list of hazardous material sites per Government Code Section 65962.5.

No Impact. As previously mentioned, the project area is not a predetermined hazardous materials site.

e & f.

A significant project-related impact may occur if the proposed project were located within an airport land use plan area or within two miles of a public airport, and subject to a safety hazard.

No Impact. The project area is not located within an airport land use plan or within two miles of a public or private airstrip.

- g. A significant impact may occur if the project were to interfere with roadway operations used in conjunction with an emergency response plan or evacuation plan, or would generate sufficient traffic to create traffic congestion that would interfere with the execution of such a plan.

No Impact. The project would improve an existing trail and would facilitate access for emergency vehicles when needed. It is not expected to result in a significant increase of daily vehicle trips at the site. Thus the project would not impair the implementation of, or physically interfere with, any adopted emergency response plan or evacuation plan.

- h. A significant impact may occur if a project is located in the proximity to wildland areas and would pose a potential fire hazard, which could affect persons or structures in the area in the event of a fire. The California Department of Forestry and Fire Protection has designated the Town of Mammoth Lakes as a Very High Fire Hazard Severity Zone and is also considered a Wildland Rural Interface Area by the local Fire District.

No Impact. While the Town of Mammoth Lakes is in a Very High Fire Hazard Severity Zone, the MUP is located in a predominately residential area and would allow for greater access, additional fire break and improve circulation in the event of a wildfire in the area. There would be no impact as a result of the proposed project.

Findings: It has been determined that there would be no significant impacts resulting from hazardous materials nor would the project result in exposure of schools or other sensitive areas to hazardous materials. There are no airports within the vicinity of the project. Identified thresholds of significance for the hazards category have not been exceeded and no significant adverse environmental effects would result from the project.

IX. HYDROLOGY AND WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards?			X	
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 local groundwater supplies (i.e. 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)?			X	
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?			X	
d. 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 flooding on- or off-site?			X	
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?			X	
f. Otherwise substantially degrade water quality?			X	
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 or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

Discussion:

A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
- Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
- Substantially interfere with groundwater recharge;
- Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
- Cause degradation of groundwater quality in the vicinity of the project site.

a & f.

There would be the potential during project construction to contribute sediment, trash, debris, and pollutants into drainages near the project and consequently into the Mammoth Creek. Grading could generate loose soils that may enter local drainages, catch basins, and storm drain pipes. Furthermore construction activities could result in potential accidental oil spills, vehicle fluids, and other chemicals into the ground, which could be washed into Mammoth Creek or other drainages. Without the incorporation of appropriate BMPs, an accidental spill during construction activities could temporarily affect water quality in Mammoth Creek.

Erosion and sediment control BMPs would be utilized to protect Mammoth Creek from pollutants. These would control stormwater on site and prevent pollutants from non-point sources from entering and degrading surface waters. These BMPs could include, but are not limited to, installing sand bag berms; starting construction outside the rainy season; requiring equipment repair off-site; protected adjacent vegetation; and storing materials away from runoff flows. Equipment staging areas and soil stockpiles would be located outside of stream channels and floodplain areas.

The Lahontan Regional Water Quality Control District implements the California Water Resources Control Board laws and regulations required under the California Water Code. The project would be required to comply with all applicable policies as administered by the Lahontan Regional Water Quality Control District to protect water resources during construction and project implementation. Chapter 3 of the Lahontan Region Basin Plan outlines water quality objectives and standards and was used when evaluating thresholds of significance for Project impacts.

In addition to the Lahontan Regional Water Quality Control District requirements, the project would need to comply with the Town of Mammoth Lakes Zoning Code Section 12.08.090- Drainage and Erosion Design Standards that incorporates specific requirements for water run-off calculations and criteria for erosion and sedimentation control measures.

Less than Significant Impact. The project would be subject to compliance with all laws and regulations required by applicable water quality standards for projects located in the Town of Mammoth Lakes. With implementation of appropriate BMPs affects to water quality are considered less than significant.

- b. General grading activities during project construction would not exceed a depth of 2 feet with scattered ground penetration of up to 6 feet for solar light poles. Either grading, ground penetration or bridge deck replacement would breach groundwater supplies. Therefore, impacts associated with grading would not deplete groundwater supplies. Also, the project would not interfere with groundwater recharge since the proposed MUP would not go through designated recharge areas (Mammoth Creek) for the Mammoth groundwater basin. While some impervious surfaces would be created for the proposed MUP improvements, decreases in storm water percolation would occur on a minimal scattered scale. Nearby open areas would continue to allow storm water to percolate.

Less than Significant Impact. Subsurface grading, ground penetration, or bridge deck replacement would not impact existing groundwater supplies or affect groundwater recharge due to the minimal impacts associated with the construction of the MUP. Impacts are considered less than significant.

- c, d, & e.

The project would result in changes in the local drainage patterns due to proposed grading for the construction of the MUP and other improvements (i.e., signs, lighting, bridge deck replacement, and pavement). Changes in drainage patterns due to the project would be minor since the MUP would be at-grade and additional improvements would be located at scattered locations. Vegetated areas adjacent to the MUP would be maintained in order to infiltrate runoff from the MUP prior to reaching Mammoth Creek. Impervious surfaces associated with the scattered foundations for sign & lighting posts benches, etc. would be created where the runoff from these areas would percolate into adjacent pervious surfaces with no significant increase in runoff volumes or rates to downstream areas. No changes in drainage patterns would occur from the replacement of the decking and decking support of the existing pedestrian bridge which would take place with this project.

Less than Significant Impacts. Changes in drainage patterns would be localized and isolated during both project construction and implementation. However, the overall drainage patterns (ground percolation and surface runoff) would remain the same as the existing conditions. Since no excessive increases in runoff would occur with the project, no change in drainage patterns or the course of water flows in Mammoth Creek would occur. The area where the MUP is proposed is currently a compacted dirt user path. Any additional runoff caused by paving the MUP would be infiltrated by adjacent vegetation prior to reaching Mammoth Creek. Impacts would be less than significant.

- g, h, & i.

No MUP improvements are proposed within areas identified 100-year flood hazard zone are proposed. The bridge deck replacement over Mammoth Creek would not impact the existing floodplain. Pursuant to the Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 06051C1388D, effective date February 18, 2011, the project is located within Flood Zone X, an area determined to be outside the 1.0% annual (or 100-year) flood hazard area. Mammoth Creek is not fed or controlled by an upstream dam.

No Impact. Future pedestrians using the MUP would not be exposed to hazards associated with flooding or inundation due to dam failure. Therefore, impacts to structures or persons associated with potential flooding are not anticipated.

- j. The project area is not near a body of water large enough to generate a seiche, tsunami, or mudflow. The nearest large bodies of water are Lake Crowley, Lake Mary, Twin Lakes,

Horseshoe Lake, Lake Mamie and Lake George. None of these lakes is close enough or large enough to pose seiche risk.

No Impact. There are no bodies of water large enough within the project vicinity to have the capacity to generate inundation by seiche or tsunami. Mudflow on this type of soil is unlikely, see geology and soils section.

Findings: It has been determined that there would be no significant impacts to hydrology or water quality. Identified thresholds of significance for the hydrology and water quality category have not been exceeded and no significant adverse environmental effects would result from the project.

X. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

A substantial adverse effect on land use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
 - Result in conversion of land that either contains choice soils or which the Mono County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
 - Result in conversion of undeveloped open space to more intensive land uses;
 - Result in a use substantially incompatible with the existing surrounding land uses; or
 - Conflict with adopted environmental plans, policies, and goals of the community.
- a. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.

No Impact. The project is the closure of a gap for a multi-use path, which serves as uniting the community and would be an overall improvement to the Town. The project would not involve the demolition of existing housing units and would not pass through developed residential areas. The project would not divide the residential uses located north of the project area. Since the project would not divide an established neighborhood, no impact would occur.

- b. The Town of Mammoth General Plan land use designations for the project site are **Open Space** and **High Density Residential 2**. Surrounding land use designations include **High Density Residential 2**, **Open Space**, and **Resort**.

No Impact. The project would not alter the land use of the immediate project vicinity. The multi-use path is a public project that serves the community by providing a linkage for pedestrian circulation throughout the Town. Also, the implementation of the proposed project would not result in conflict with any applicable land use or conservation plans.

- c. No Habitat Conservation Plan (HCP) or National Community Conservation Plans (NCCP) is within the immediate vicinity of the project area.

No Impact. Since no HCPs or NCCPs are currently operating in Mammoth Lakes, the project site is not subject to and would not conflict with an adopted HCPs or NCCP.

Findings: It has been determined that there would be no significant impacts to land uses. There are no airports within the vicinity of the project. Identified thresholds of significance for the "Land Use & Planning" category have not been exceeded and no significant adverse environmental effects would result from the project.

XI. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

Discussion:

A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations (Surface Mining and Reclamation Act of 1975).

a & b.

A significant impact may occur if the project site is located in an area used or available for extraction of a regionally important mineral resource, or if the proposed project would convert an existing or future regionally important mineral extraction use to another use, or if the project would affect access to a site used or potentially available for regionally important mineral resource extraction.

No Impact. No known mineral resources of value or recovery sites are known to occur within the proposed MUP segment. Construction of the project would neither result in the loss of availability of a known mineral resource, nor result in the loss of availability of a locally important mineral resource recovery site delineated in the Mammoth Lakes General Plan. Therefore, the proposed project would have no impact on mineral resources.

Findings: It has been determined that there would be no significant impacts to mineral resources. Identified thresholds of significance for the mineral resources category have not been exceeded and no significant adverse environmental effects would result from the project.

XII. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 80dBA;
 - Result in long-term operational noise that creates noise exposures in excess of 80 dBA at the adjoining property line of a noise sensitive land use and the background noise level is increased by 10 dBA, or more; or
 - Results in noise levels inconsistent with the performance standards contained in Chapter 8.16-Noise Regulation of the Town of Mammoth Lakes Municipal Code.
- a. Construction related activities would generate a short term increase of existing ambient noise levels. Sensitive noise receptors in the area include individuals who live in the surrounding residential neighborhoods. According to Chapter 8.16 of the Town of Mammoth Lakes Municipal Code, construction equipment noise is not allowed within a residential zone between the hours of 8 pm and 7 am the next day. This noise generation would be required to comply with the Town's Noise Control Ordinance limiting construction

between the hours of 7 am and 8 pm. Deviations from any provision of this regulation are subject to the approval of the Mammoth Lakes engineering staff or designee.

Less Than Significant Impact. The project may result in a temporary or periodic exposure to or generation of noise levels in excess of standards established in the local General Plan, Community Plan, or Noise Ordinance, but it would be temporary and is allowable under local ordinances. Therefore, the project would have a less than significant impact on noise.

- b. Vibration is described in terms of frequency and amplitude. Unlike sound, there is no standard way of measuring and reporting amplitude. Construction activities would result in temporary and intermittent vibration impacts to the surrounding area. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, large bulldozers and loaded trucks can cause perceptible vibration levels at close proximity. The project would generate ground borne vibration from pile drivers, soil compaction, jack hammers, and demolition-related activities.

Less Than Significant Impact. Construction activities would result in intermittent exposure of ground borne vibration to the surrounding areas. However, this impact would be temporary and would not occur within 500 feet of a residential zone between the hours of 8 pm and 7 am the next day under the Town Noise Control Ordinance. Therefore, impacts in this regard are considered less than significant.

- c. The project would connect two segments of an existing class I bike path. The noise generated during construction would be temporary in nature. There would not be a permanent increase in noise levels.

Less Than Significant Impact. Construction activities would result in intermittent exposure of ground borne vibration to the surrounding areas. However, this impact would be temporary and would not occur within 500 feet of a residential zone between the hours of 8 pm and 7 am the next day under the Town Noise Control Ordinance. The overall effect on the ambient noise level would be considered less than significant.

- d. Refer to *Item a Discussion*.

Less Than Significant Impact As stated above in a, the project may result in a temporary or periodic exposure to or generation of noise levels in excess of standards established in the local General Plan or Noise Control Ordinance, but it would be temporary and is allowable under local ordinances. Therefore, the project would have a less than significant impact on noise.

- e & f.

A review of the Town of Mammoth area indicates that the project area is not located in an airport land use plan or within the vicinity of a private airstrip. The Mammoth Yosemite Airport is located approximately 7 miles to the east.

No Impact. Since the project is not located in an airport land use plan or within the vicinity of a private airstrip there would be no exposure to people residing or working in the project area to excessive noise levels.

Findings: It has been determined that there would be no significant impacts due to noise. The project would increase ambient noise levels during construction; however, this is limited by the hours of operation allowed under the Town Municipal Code. Additional noise increases

would result from implementation of the project, however, identified thresholds of significance for the noise category have not been exceeded and no significant adverse environmental effects would result from the project.

XIII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the Town of Mammoth Lakes' current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

a, b & c.

There are no dwelling units or permanent residents on the proposed MUP alignment. The proposed MUP would pass through undeveloped land that is adjacent to existing residences to the north and Old Mammoth Road to the south.

No Impact. The project includes no residential component and therefore no impact on housing and population would occur.

Findings: It has been determined that there would be no significant impacts to population or housing. The project would not substantially increase the population, nor displace housing or residents. Identified thresholds of significance for the population and housing category have not been exceeded and no significant adverse environmental effects would result from the project.

XIV. PUBLIC SERVICES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or 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?				
i. Fire Protection?			X	
ii. Police Protection?			X	
iii. Schools?				X
iv. Parks?				X
v. Other Public Facilities?				X

Discussion:

- a. A substantial adverse effect on public services would occur if the implementation of the project would:
- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment;
 - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment;
 - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
 - Place a demand for library services in excess of available resources;
 - Substantially increase the local population causing overcrowding of developed parklands.
- i. The project would not involve the construction of habitable structures, nor would the project lead to a permanent resident population at or near the MUP segment. The MUP would not be constructed with or utilize flammable, combustible, or explosive materials.

Less than Significant Impact. Limited demand for fire protection services would be generated by the MUP improvements. However, short-term construction activities would have the potential for fire and would generate demands for fire protection services. The contractor would need to obtain a permit from the Town to begin construction, which

would prescribe restrictions and precautions that would need to be implemented to prevent wildfire along the impacted area. Therefore, no new fire protection facilities would be required to provide fire protection services to users of the proposed MUP. Impacts would be less than significant.

- ii. The project would not involve the construction of habitable structures, nor would the project lead to a permanent resident population at or near the new MUP segment. While users would only be using the new MUP connection for a short distance, an increase in demand for police protection services could occur due to the potential for property crimes such as theft, vandalism, and graffiti on the new MUP segment and the potential for personal crimes due to the potential increase in users along the MUP.

Less than Significant Impact. Lighting and signage would be installed along the new segment of MUP to provide nighttime lighting to users as well as safety and security information. The Town of Mammoth Lakes Police Department would provide law enforcement services the new MUP segment and would enforce regulations established by the Town of Mammoth Lakes. Therefore, no new police protection facilities would be required to provide police protection services to users of the proposed MUP. Impacts would be less than significant.

- iii. The project would not lead to an increase in the permanent resident population or housing stock at or near the new MUP segment.

No Impact. Demand for schools, libraries, parks or other facilities would not be created as a result of the project. No impact would occur.

- iv. Parks and recreation maintenance services are provided by the Town of Mammoth Lakes, Public Works Department, which maintains facilities throughout the Town. There are numerous parks and recreation facilities located within the Town of Mammoth Lakes and the new MUP connection would promote greater use of existing trails, parks, recreational facilities by residents and others in the surrounding community.

No Impact. The proposed MUP connection would not result in significant adverse effects to parks in the Town of Mammoth Lakes.

- v. While the new MUP would encourage more people to use the path for recreation purposes, it is anticipated that the existing Public Works Department would maintain the new segment of MUP in the same manner as existing MUP's throughout Mammoth Lakes.

No Impact. No other government services would be adversely affected by the project and any potential impacts are less than significant.

Findings: It has been determined that there would be no significant impacts to public services. There are adequate police, fire, school, park, and other public services available to serve the proposed project without resulting in significant impacts to the physical environment. Identified thresholds of significance for the public services category have not been exceeded and no significant adverse environmental effects would result from the project.

XV. RECREATION – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			X	
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion:

A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur; or
 - Require the construction or expansion of recreational facilities that have not been analyzed as part of the Town of Mammoth Lakes General Plan Visions, Goals and Policies for future development and management of facilities.
- a. The project would expand access to park and open space facilities in the Town of Mammoth Lakes area by completing a key MUP connection from an existing paved trail intersection at Minaret Road extending east along the southern edge of Mammoth Creek 919-feet where it would tie into existing MUP. While the MUP connection is expected to be used mainly by existing residents of Mammoth Lakes, it would be constructed to serve as a regional trail system, where users would come from throughout the region to utilize the Mammoth Lakes Trail System. Upon completion, the MUP may increase the use of other recreational facilities, specifically Mammoth Creek Park, but this increase would be negligible and would not increase demand on other local parks or cause physical deterioration of existing facilities. No substantial deterioration of nearby recreational facilities would occur.
- Less than Significant Impact.** The project would not lead to an increase in the permanent population or housing stock, either directly or indirectly within Mammoth Lakes. Therefore, no additional demand for parks and recreational facilities would be created as a result of the project.
- b. The project would construct a new MUP connection from the existing paved trail intersection at Minaret Road extending east along the southern edge of Mammoth Creek 919-feet where it would tie into existing MUP. The project would provide pedestrians easier access to public parks, open spaces and other areas of Mammoth Lakes. This

would be consistent with the main goals of the Town of Mammoth Lakes Trail System Master Plan.

Less than Significant Impact. The project would have beneficial impacts on recreation, while short-term impacts resulting from project construction would be less than significant after mitigation.

Findings: It has been determined that there would be no significant impacts to recreational resources. The project would be beneficial to residents and visitors by providing additional access to parks, open-space and other areas of Mammoth lakes. Identified thresholds of significance for the recreation category have not been exceeded and no significant adverse environmental effects would result from the project.

XVI. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transits and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b. Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e. Result in inadequate emergency access?				X
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion:

A substantial adverse effect on Traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause substantial increases in vehicle miles traveled (project and cumulative).

a & b.

Construction and implementation of the MUP is consistent with the underlying goal to encourage "feet first" by providing a linked year-round recreational and commuter trail system that is safe and comprehensive within the *Town of Mammoth Lakes General Plan, Circulation Element* (Mammoth Lakes General Plan, 2007).

No Impact. The construction and implementation of the MUP would not conflict with other components of the circulation system within the Town of Mammoth Lakes such as existing intersections, streets, highways, freeways or mass transit. The project would not result in changes in vehicle circulation patterns nor would it increase vehicle trips in the project vicinity.

c. The project is a MUP and would not affect air traffic patterns.

No Impact. The project would not result in a change in air traffic patterns.

d. The MUP would connect with the existing Old Mammoth MUP on the eastern side of Minaret Road and would be designed to match the grade of the existing MUP segments.

Less Than Significant Impact. The project does not include any design features that could result in increased safety hazards. Therefore, impacts are considered less than significant.

e. The project would not involve temporary road or lane closures during construction or implementation.

No Impact. Since no temporary or lane closure is required for the construction and implementation of the MUP, no emergency access routes would be affected.

f. As discussed above (*a & b*), the construction and implementation of the MUP is consistent with the Goals and Policies of the *Town of Mammoth Lakes General Plan Circulation Elements* goal to encourage "feet first" commuting by providing a linked year-round recreational and commuter trail system.

No Impact. The project would not conflict with the Town's overall transportation service goal. No impact would result from construction or implementation of the proposed MUP.

Findings: For the "Transportation/Traffic" category, the identified thresholds of significance have not been exceeded and no significant environmental impacts would result from the project.

XVII. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by 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?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion:

A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
- Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
- Substantially increase the demand for the public collection, treatment, and disposal of wastewater without including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or

- Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.

a & e.

No sewage would be generated as a result of the implementation or construction of the MUP. Trail users may use restrooms at other public parks or facilities in the area. Any increase in sewage generation due to increased use of the MUP would be negligible. No direct demand for sewer line capacity, wastewater treatment requirements, or wastewater treatment facilities would occur as a result of implementation or construction of the MUP. The implementation and construction of the MUP would not require new wastewater treatment facilities.

No Impact. The proposed MUP would not generate wastewater since it does not include restroom facilities and no sewage generation would be generated. Considering the project would not need new wastewater treatment facilities, no impact would occur.

b & d.

The project would require the use of water for dust mitigation throughout construction of the MUP. It is likely that water tanks would be filled using designated fire hydrants located in the project area. The MUP would not require the construction or expansion of any new water or wastewater facilities. Water usage for the construction and implementation of the MUP would be negligible and existing entitlements and resources have the capacity to serve any temporary water needs for the project.

Less than Significant Impact. Because water usage for the project would be negligible during construction and the MUP would not require additional water supplies during implementation (i.e. landscape irrigation) impact would be considered less than significant.

- c. Storm drainage facilities required by the project are limited to existing on-site drainage ditches and culverts. Although the project would create new impervious surfaces (i.e. paved trail, light poles, signage) the surrounding pervious areas would be sufficient to absorb additional storm water from these improvements.

Less than Significant Impact. No measurable increases in storm water flow would occur with construction and implementation of the MUP. Any potential impacts would be avoided through the implementation of the Town's Grading Ordinance and thus potential impacts would be less than significant.

f & g.

Construction activities for the MUP would generate solid wastes requiring disposal at area landfills. The types of construction waste that would be generated would be limited to vegetation from site clearing, soil export from grading activities; construction wastes from the pedestrian bridge rehabilitation, solar lighting, signs, and excess building materials. In addition, long-term waste generation would include wastes from organic materials (i.e. leaves, sticks) and from trash cans along the MUP. This waste would be collected by the Town as part of the general maintenance of the MUP. Furthermore, any hazardous wastes generated during construction of the project would be handled and disposed of consistent with applicable federal, state, and local statutes and regulations, including the Town's Solid Waste Management Ordinance (Ord. 8-12).

Less than Significant Impact. Waste generation during construction of the MUP would be temporary and waste generation during implementation of the MUP would be minimal and would not reduce available capacities at existing landfills; require additional landfill capacity; or conflict with solid waste regulations. Potential impacts would be less than significant.

Findings: It has been determined that there would be no significant impacts to water, wastewater, drainage, or solid waste utilities. Identified thresholds of significance for the utilities and service systems category have not been exceeded and no significant adverse environmental effects would result from the project.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
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, or the effects of probable future projects.)			X	
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

- a. The project may result in potentially significant impacts to biological resources due to the presence of suitable habitat for special status species within the immediate location of the project. **MM BIO-1** would prevent the loss of raptor nests and requires consultation with CDFW to determine appropriate avoidance measures. Due to the occurrence of special status plants on adjacent property, it is likely that these plants occur within the project site. **MM BIO-3** requires surveys for special status plants, and appropriate measures for the avoidance. These mitigation measures would reduce impacts to biological resources to less than significant. The proposed project could alter the hydrology of the area, with implementation of **MM BIO-2** requiring the construction contractor to implement BMP's

for water quality to be reduced to less than significant. Impacts to the quality of the environment and special status species are reduced to less than significant.

- b. The project would not involve development or changes in land use that would result in increased population growth or demand for public services. The project would not contribute substantially to increased automobile traffic in the area. The project would improve connectivity between sidewalks and trails to transit, parking facilities, and parks year-round to provide better mobility to residents and visitors to the Town of Mammoth Lakes. The project would not require an increase in the wastewater treatment capacity of the Town or cumulatively contribute to the capacity of other parks and recreation facilities in the area. Therefore, it is anticipated that there are no significant cumulative impacts resulting from the construction and implementation of the MUP. As discussed throughout this environmental document, the project would not contribute to a substantial decline in water quality, air quality, noise, biological resources, agricultural resources, or cultural resources under cumulative conditions. Cumulatively considerable impacts associated with the project are less than significant.
- c. All impacts associated with construction and implementation of the MUP identified in this Mitigated Negative Declaration are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

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Attachment A

NATURAL ENVIRONMENTAL STUDY- MINIMAL IMPACT (NES-MI)

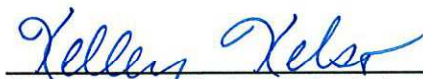
Natural Environment Study

(Minimal Impacts)

Intersection of Old Mammoth Road and Minaret Road
Town of Mammoth Lakes

July 2016

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4/27/2016

1. Summary

The Town of Mammoth Lakes proposes to construct a Class I Multi-use Path (MUP) that will be designed to connect to an existing MUP on each side of Minaret Road. The MUP will be 10-feet wide and compliant with current Caltrans and Americans with Disabilities Act requirements. The proposed path will traverse private property and right of way must be obtained. The MUP will have informational signage and kiosks in compliance with Town wayfinding standards. The path will be paved with asphalt of sufficient strength to support snow removal equipment. A minimum horizontal clearance of 2-feet will be maintained from all obstructions. The path will also include a maximum cross slope of 2% for drainage, while maintaining ADA accessibility. The MUP will run east-west, approximately paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road. A general alignment and location map is included as Figure 1. The project will eliminate a gap in the Town's loop bike path system between Minaret Road on the west and an existing MUP on the east. This gap closure section of path will be approximately 919-feet in length. Finally, the project includes replacement of an existing pedestrian bridge with a prefabricated bridge. The existing bridge abutments will be used for the new pedestrian bridge. Construction staging will occur within the project footprint and the Town's ROW near the project as shown on the Area of Potential Effect (APE) map. Access to the site will be from Minaret Road and standard BMP's and controls will be used to minimize impacts to the area.

The purpose of this Natural Environment Study (NES) report is to present the methods and findings of reconnaissance surveys for biological and botanical resources to determine any effects the proposed Project may have on biological resources and existing environments, including special status species (SSS) or their habitats. The report also presents the methods and findings of noxious weeds to determine any effects the proposed Project may have on the control and potential spread of noxious weeds in the Project area.

To avoid impacts to nesting birds, roosting bats, and other special status species mammals, pre-construction surveys for these species are recommended. If nesting migratory birds or other protected species are detected on the site during the survey, a suitable activity-free buffer should be established around all active nests.

Water quality should be maintained by using Best Management Practices for surface water management. The footprint affected by the project should be minimized in order to protect habitat and vegetation in the project area. Pre-construction surveys should be conducted for special status plant species that may occur on the site.

To prevent the introduction and spread of noxious weeds, all equipment and vehicles used for project implementation must be free of invasive plant material before moving into the project area. All disturbed areas shall be revegetated using weed-free materials.

2. Introduction

2.1 Project Background

The Town of Mammoth Lakes received State of California Transportation Enhancement (TE) funding for the administration, design, and construction of a multi-use path (MUP) and bridge. The MUP will run east-west, approximately paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road (**Figure 1**). The project will eliminate a gap in the Town's loop bike path system between Minaret Road on the west and an existing paved MUP on the east. The Mammoth Creek Connector path has been identified in the Town's Bicycle Master Plan and Trails System Master Plan as a priority project. The path will provide a non-motorized route for both commuters and recreational users to travel between the Old Mammoth neighborhood area and the Town's commercial center, schools, and recreational opportunities. The path will close a critical gap in the Town's trail system.

2.2 Project Description

The proposed project involves the construction of a Class I Multi-use Path (MUP) that will be designed to connect to an existing MUP on each side of Minaret Road. The MUP will be 10-feet wide and compliant with current Caltrans and Americans with Disabilities Act requirements. The proposed path will traverse private property and right of way must be obtained. The MUP will have informational signage and kiosks in compliance with Town wayfinding standards. The path will be paved with asphalt of sufficient strength to support snow removal equipment. A minimum horizontal clearance of 2-feet will be maintained from all obstructions. The path will also include a maximum cross slope of 2% for drainage, while maintaining ADA accessibility. The MUP will run east-west, approximately paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road. A general alignment and location map is included as Figure 1. The project will eliminate a gap in the Town's loop bike path system between Minaret Road on the west and an existing MUP on the east. This gap closure section of path will be approximately 962-feet in length. Finally, the project includes replacement of an existing pedestrian bridge with a prefabricated bridge. The existing bridge abutments will be used for the new pedestrian bridge. Construction staging will occur within the project footprint and the Town's ROW near the project as shown on the Area of Potential Effect (APE) map. Access to the site will be from Minaret Road and standard BMP's and controls will be used to minimize impacts to the area.

3. Study Methods

A literature and database review was conducted to identify existing biological and botanical information within and adjacent to the Project area. The purpose of this review was to identify vegetation communities in the project area and to develop a list of potential special status species

(SSS) occurring within the Project vicinity (**Figure 2**). Research was conducted on biological resources known to occur in the area and a site visit included a reconnaissance level survey for habitats and species found in the survey area. Vegetation types were initially identified with the CALVEG Alliances GIS data (USDA 2013) (**Figure 3**), and then verified based on the NCE reconnaissance field survey. The most relevant searches, reviews, and requests included:

- California Natural Diversity Data Base (CNDDB)
 - o 2014 Natural Diversity Data
- California Native Plant Society (CNPS)
 - o 2011 Inventory of Rare and Endangered Plants
- Natural Resource Conservation Service (NRCS)
 - o Web Soil Survey
- US Fish and Wildlife Service (USFWS)
 - o 2013 Federally endangered and threatened species that occur in or may be affected by the Project
- US Army Corps of Engineers
 - o 1987 Corps of Engineers Wetlands Delineation Manual
- USFWS and California Department of Fish and Wildlife (CDFW)
 - o Federal and state listed special interest species that may be affected by the Project
- US Forest Service –Inyo National Forest (USFS - INF)
 - o 2013 Sensitive Animal Species by Forest
 - o 2013 Sensitive Plant Species List
- US Department of Agriculture (USDA)
 - o 2013 CALVEG GIS Layers

On June 16th, 2014, NCE Scientist Kelley Kelso conducted a reconnaissance-level survey for wildlife and botanical resources within the Project area. All portions of the project site were traversed on foot. Plant communities and habitats were observed and recorded. Focused surveys for special status species of flora and fauna were not conducted. The survey consisted of walking the entire Project area, focusing on areas where Project improvements may be constructed. The survey did not include the private parcel in the northeast section of the Project area. Photographs and written observations were recorded for all relevant wildlife and botanical resources within the Project area. Any evidence of SSS or suitable habitat were documented and wildlife and plants were inventoried. Photographs of the project area are found in the Appendix. Results of the survey are presented in **Section 4.5, Table 1**. An invasive plant survey was conducted concurrent to the wildlife and botanical resources survey, and results are presented in **Section 4.6, Table 2**.

4. Environmental Setting

The Town of Mammoth Lakes is situated in a mountain valley surrounded by 11,000-foot peaks. The urbanized portions of the Town are generally located at an altitude between 7,800 and 8,600 feet. The project area is located at an elevation of 7,886 feet. Native vegetation includes pine forest and meadow, paired with barren rock outcrops and avalanche slopes. Surface waters exist in the form of streams, lakes, seeps, and snow. The project area is closely associated with the Mammoth Creek riverine system which flows east across the project area. The Creek originates

at Twin Lakes, just south of Mammoth Mountain and above the Town of Mammoth Lakes. The stream is primarily sourced from melted snow. Eventually the Creek flows into Hot Creek and Crowley Lake to the east.

4.1 Description of the Existing Biological and Physical Conditions

The variation in topography, geology, and precipitation levels supports a diversity of biological communities in the project vicinity. The Project area represents a typical high elevation meadow environment found in Mono County. The vegetation communities in the Mammoth Lakes area are comprised of species that have adapted to cold, snowy winters, and dry summers. The diversity of vegetation communities within the Project area provided habitat for a variety of wildlife species. Riparian areas provide important and high-quality habitat for wildlife species and may be used as migration corridors.

4.2 Regional Species and Habitats of Concern

Information requests and database searches for SSS to the USFWS, CNPS, CNDDB, and USFWS resulted in three (3) documented SSS occurrences within the Project area. These occurrences include two mammals, the American pika (*Ochotona princeps schisticeps*) and Mount Lyell shrew (*Sorex lyelli*); as well as one bird, the great gray owl (*Strix nebulosa*) (**Figure 2**). None of these species are federally listed and only the great gray owl is state listed as endangered.

The Mount Lyell shrew is endemic to a small area of the Sierra Nevada in California between an elevation of 6,890 and 11,910 feet. It is typically found in sub-alpine riparian areas near fast-running streams (Epanchin, *et al*, 2009). The American pika inhabits rocky fields and talus slopes bordered by alpine meadows. The great grey owl forages in wet meadows, possibly on shrews and pikas (Zeiner, *et al*, 1988).

The CNPS lists nine plant species of plants that are rare, threatened, or endangered in California or elsewhere that occur in the vicinity of the project area. These species occur in Mono County, in the 9 USGS quads around the USGS Old Mammoth 7.5' quadrangle, and between 6000 and 9000 feet in elevation (**Appendix B**). None of these plant species are Federally or State listed. Reconnaissance-level surveys resulted in neither botanical nor wildlife SSS detections.

4.3 Vegetation

Vegetation communities found within and/or adjacent to the project area are typical of those found in the Mammoth Lakes region along the eastern slope of the Sierra Nevada, where the Sierra Nevada and Great Basin geographical regions and biotic communities converge. Each vegetation community described in the following sections based is based on the U.S. Forest Service (USFS) CALVEG system. CALVEG is a hierarchical system of vegetation designed to assess vegetation related resources throughout California. The survey area includes buildings, streets, and driveways, which are un-vegetated. Vegetated areas are composed of aspen, wet meadow, and sagebrush alliances (**Figure 3**).

QUAKING ASPEN ALLIANCE

Quaking aspen (*Populus tremuloides*) forms clonal stands and dominates the hardwoods in this Alliance. In the southern Sierras, it occurs at high elevations as an indicator of moist conditions in association with red fir (*Abies magnifica*), lodgepole pine (*Pinus contorta* ssp. *murrayana*), whitebark pine (*P. albicaulis*), and Jeffrey pine (*P. jeffreyi*). The Quaking Aspen Alliance has been mapped with some frequency in the Eastern Slopes Subsection, generally above an elevation of about 4600 ft (1402 m). In this eastside region, its associated shrubs have Great Basin affinities: mountain sagebrush (*Artemisia tridentata* ssp. *vaseyana*), curlleaf mountain mahogany (*Cercocarpus ledifolius*) and low sagebrush (*A. arbuscula*). At higher elevations and under exposed conditions, quaking aspen stands may maintain a shrub-like form and never reach tree sizes.

SAGEBRUSH ALLIANCE

The basin sagebrush community generally occurs on dry slopes and plains. The community is dominated by soft woody shrubs; basin big sagebrush (*Artemisia tridentata* spp. *tridentata*); low sagebrush (*Artemisia arbuscula* spp. *arbuscula*); Wyoming big sagebrush (*Artemisia tridentata* spp. *wyomingensis*); silver sagebrush (*Artemisia cana* spp. *viscidula*); mountain big sagebrush (*Artemisia tridentata* spp. *vaseyana*); antelope bitterbrush (*Purshia tridentata*); and snowberry (*Symphoricarpos vaccinioides*). Other associated species include annuals and perennial bunch grasses that are sparsely distributed between shrubs.

WET MEADOW

Meadows are found through the forest of the Sierra Nevada, and their distribution is predominantly determined by the hydrologic regime. The wet meadow community occurs in areas where water is at or near the surface during most of the growing season, following spring runoff. They are characterized by the predominance of sedges, rushes, and grasses. Shallow water tables or seasonally saturated soils provide habitats for a wide range of hydrophytic herbaceous plant species, including corn lily (*Veratrum californicum*); cow parsnip (*Heracleum sphondylium*); meadow lupine (*Lupinus polyphyllus*); willow herb (*Epilobium exaltatum*, *E. pringleanum*); meadow paintbrush (*Castilleja miniata*); sedge (*Carex jonesii*); and wire rush (*Juncus balticus*). Lodgepole pine and willows (*Salix* spp.) are associated with high elevation Wet Meadow communities.

4.4 Animals

The diversity of vegetation communities in the project area provides habitat for a variety of wildlife species. Mammals present in the project vicinity could include black bear, coyote, beaver, squirrel, chipmunk, mountain lion, marmot, and marten. Birds commonly found in the project vicinity include gray crowned rosy finch, sage-grouse, woodpecker, chickadee, nuthatch, red-tailed hawk, northern goshawk. Amphibians and reptiles found in the project vicinity may include Pacific tree frog, western toad, sagebrush lizard, and western terrestrial garter snake. Additionally, a large trout population has been introduced into the lakes and streams in the project vicinity (Town of Mammoth Lakes, 2007).

4.5 Findings of Wildlife and Vegetation SSS Surveys

Reconnaissance-level surveys resulted in neither botanical nor wildlife SSS detections. An inventory of common plants and animals encountered during the survey is presented in **Table 1** below.

Table 1. Flora and fauna encountered during June 16, 2014 reconnaissance survey.

Birds

Cliff swallow	<i>Hirundo pyrrhonota</i>
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
Common raven	<i>Corvus corax</i>

Mammals

Alpine chipmunk	<i>Tamias alpinus</i>
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Trees

Jeffrey pine	<i>Pinus jeffreyi</i>
Quaking aspen	<i>Populus tremuloides</i>
Grey alder	<i>Alnus incana</i> ssp. <i>tenuifolia</i>

Shrubs

Bitterbrush	<i>Purshia tridentata</i>
Sagebrush	<i>Artemisia tridentata</i>
Planeleaf willow	<i>Salix planifolia</i>
Wood rose	<i>Rosa woodsii</i> var. <i>ultramontana</i>

Forbs

Blue flax	<i>Linum lewisii</i>
Wincrest onion	<i>Allium biceptrum</i>
Monocot	<i>Juncus balticus</i>
Western blue flag	<i>Iris missouriensis</i>
Tall fescue	<i>Festuca arundinacea</i>
Sedge	<i>Carex nebrascensis</i>
High mountain cinquefoil	<i>Potentilla flabelifolia</i>
Hairy arnica	<i>Arnica mollis</i>
California corn lily	<i>Veratrum californicum</i>
Meadow penstemon	<i>Penstemon rydbergii</i>
Woody mule's ear	<i>Wyethia mollis</i>
Yarrow	<i>Achillea millefolium</i>
Lupine	<i>Lupinus polyphyllus</i>
Sulphur flower buckwheat	<i>Eriogonum umbellatum</i>

Mitigation measures are proposed in order to prevent impacts to wildlife and vegetation during the proposed Project, and are described in **Section 6.1**.

4.6 Findings of Noxious Weed Surveys

Reconnaissance-level surveys resulted in three noxious plant detections. For the purposes of this report, noxious weeds are those plants which are designated as “Noxious” by Federal or State law, and any nonnative plants which pose a threat to native plants with their tendency to multiply and spread.

Table 2. Noxious Weeds encountered during June 16, 2014 reconnaissance survey.

Noxious Weeds	
Mullein	<i>Verbascum thapsus</i>
Yellow salsify	<i>Tragopogon dubius</i>
Cheat grass	<i>Bromus tectorum</i>

Mitigation measures are being proposed in order to prevent the establishment of noxious weeds during the proposed Project or promote the spread of any invasive plants that may occur nearby, and are described in **Section 6.2**.

5. Project Impacts

The project has the potential to impact biological resources. The project is not proposed within Waters of the US but has the potential to impact water quality. Impacts to habitats and their wildlife may occur if water quality is compromised or as noise is generated by construction equipment. These impacts can be avoided through the implementation of mitigation measures listed in Section 6. Therefore, the proposed project will have no effect on Special Status Species on or near the site.

Although no stick nests were observed in trees on the site, a conclusive investigation of nesting birds was not conducted. Trees in the project vicinity may provide suitable nesting habitat for migratory birds, including tree nesting raptors. It is also possible that bats may roost in these trees. If a migratory bird, regardless of its federal or state status were to nest in trees near the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success of special-status or non-special-status migratory birds, including tree-nesting raptors, or result in the mortality of individual birds constitute a violation of state and federal laws.

Special status species also have the potential to occur on site. These include the American pika, Mt. Lyell shrew, and great grey owl. Additionally, special status species, such as the Owens Tui Chub, may occur in aquatic habitats downstream of the project site. These special status species could be harmed if water pollutants move downstream of the project site and into these habitats.

6. Mitigation Measures

6.1 Wildlife and SSS Plants Mitigation Measures

To avoid impacts to nesting birds, roosting bats, and other special status species mammals, pre-construction surveys for these species are recommended. If it is not possible to avoid construction or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-disturbance survey for tree nesting raptors and other migratory birds and for bats as well in all trees within 250 feet of the footprint of the project as for special status species mammals in the project area no more than 30 days prior to the onset of ground disturbance.

If nesting migratory birds or other protected species are detected on the site during the survey, a suitable activity-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 ft.) would be determined at that time and may vary depending on locations and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-disturbance surveys during the non-breeding season are not necessary for migratory birds, as they are expected to abandon their roosts during construction activities. Implementation of the above mitigation measures would mitigate impacts to migratory birds, including tree nesting raptors, as well as to special status species mammals to a less than significant level.

Water quality should be maintained by using Best Management Practices for surface water management. Although a Stormwater Pollution Prevention Plan (SWPPP) is not required for this project, typical construction water quality BMPs should be implemented.

The footprint affected by the project should be minimized in order to protect habitat and vegetation in the project area. Pre-construction surveys should be conducted for any SSS plants that may occur on the project site. These surveys should be conducted during the appropriate blooming period for those species.

6.2 Noxious Weed Mitigation Measures

The following mitigation measures are designed to minimize risk of new weed introductions, minimize the spread of weeds within projects, and minimize the spread of weeds between projects.

Any invasive weed infestations discovered prior to or during project implementation should be flagged, avoided, and/or treated. All equipment and vehicles used for project implementation must be free of invasive plant material before moving into the project area. Equipment will be considered clean when visual inspection does not reveal soil, seeds, plant material or other such debris. Cleaning shall occur at a vehicle washing station or steam-cleaning facility before the equipment and vehicles enter the project area. No construction equipment or materials shall be staged in invasive plant-infested areas. All gravel, fill, or other materials are required to be

weed-free. Use onsite sand, gravel, rock, or organic matter when possible. Otherwise, obtain weed-free materials from sources that have been certified as weed-free.

All disturbed areas shall be revegetated using weed free materials. Seed and plant material will be from native, high-elevation sources as much as possible. Plant and seed material should be collected from as close to the project area as possible, from within the same watershed, and at a similar elevation whenever possible. Mulch and topsoil will be weed-free.

7. Permits Required

The permits required for this Project include:

- Army Corps of Engineers 404 Permit
- Lahontan Regional Water Quality Board 401 Certification
- CA Department of Fish and Wildlife Streambed Alteration Agreement
- Mammoth Lakes Building Permit
- Private Property Easement

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9. Appendices

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Attachment B

WATERS OF THE US (WOUS) DELINEATION

Delineation of Waters of the United States

Mammoth Creek Path Gap Closure Project
12.9 Acre Survey Area
Mono County, California



Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

Prepared for: U.S. Army Corps of Engineers

Prepared by: Nichols Consulting Engineers

August 1, 2014

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1.0 INTRODUCTION

The purpose of this document is to present the results of a formal delineation of jurisdictional waters of the United States, including wetlands, on the approximately 12.9 acre Mammoth Creek Gap Closure Project (project) site located north of the intersection of Old Mammoth Road and Minaret Road in Mono County, California (**Figure 1, Appendix A**). This report presents the results of Nichols Consulting Engineers' review of available literature, aerial photographs, soil surveys, and fieldwork on the site. These results are summarized to depict jurisdictional waters of the United States following the technical guidelines provided in the 1987 U.S. Army Corps of Engineers (Corps) Wetlands Delineation Manual for identifying wetlands and distinguishing them from aquatic habitats and other nonwetlands, the Interim Regional Supplement for Western Mountains, Valleys, and Coast Region, and the *Rapanos* guidelines issued by the Environmental Protection Agency (EPA) and the Corps.

The delineation methodology is described in this report, followed by the results of the delineation. Details regarding soils (**Figure 2, Appendix A**), topography, hydrology, and vegetation are summarized and a detailed delineation map illustrates waters of the U.S. in the survey area (**Figure 3, Appendix A**). Site photographs are provided in **Appendix B** and field data sheets are located in **Appendix C**. As described below, the study area has numerous wetlands and one perennial stream (Mammoth Creek) that flows across the site. These features are likely to be considered jurisdictional by the Corps.

2.0 REGULATORY BACKGROUND

The Corps regulates discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (CWA). “Discharges of fill material” are defined as the addition of fill material into waters of the U.S., including, but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and subaqueous utility lines [33 C.F.R. §328.2(f)].

Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Section 404 of the CWA requires approval prior to discharging dredged or fill material into the waters of the United States. Typical activities requiring Section 404 permits are:

- Depositing of fill or dredged material in waters of the U.S. or adjacent wetlands.
- Site development fill for residential, commercial, or recreational developments.
- Construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs.
- Placement of riprap and road fills.

Section 10 of the Rivers and Harbors Act of 1899 requires approval prior to the accomplishment of any work in or over navigable waters of the United States, or which affects the course, location, condition, or capacity of such waters. Typical activities requiring Section 10 permits are:

- Construction of piers, wharves, bulkheads, dolphins, marinas, ramps, floats intake structures, and cable or pipeline crossings.
- Dredging and excavation.

Any person, firm, or agency (including federal, state, and local government agencies) planning to work in navigable waters of the United States, or dump or place dredged or fill material in waters of the United States, must first obtain a permit from the Corps. Permits, licenses, variances, or similar authorizations may also be required by other federal, state, and local statutes.

2.1 WATERS OF THE UNITED STATES

Waters of the United States include essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Section 10 and/or Section 404 permits are required for construction activities in these waters. Boundaries between

jurisdictional waters and uplands are determined in a variety of ways depending on which type of water is present. Methods for delineating wetlands and non-tidal waters are described below.

Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” [33 C.F.R. §328.3(b)]. Presently, to be a wetland, a site must exhibit positive indicators of three wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology existing under the “normal circumstances” for the site.

The lateral regulatory extent of non-tidal waters is determined by delineating the ordinary high water mark (OHWM) [33 C.F.R. §328.4(c)(1)]. The OHWM is defined by the Corps as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” [33 C.F.R. §328.3(e)].

2.2 THE SOLID WASTE AGENCY OF NORTHERN COOK COUNTY (SWANCC) DECISION

The *Solid Waste Agency of Northern Cook County v. the U.S. Army Corps of Engineers*, 531 U.S. 159 (2001), is more commonly referred to as the SWANCC decision. The decision involved a challenge to CWA jurisdiction over certain isolated, intrastate, non-navigable ponds in Illinois that formerly had been gravel mine pits, but which, over time, provided habitat for migratory birds. Although these ponds served as migratory bird habitat, they were non-navigable and isolated from the tributary system of other waters regulated under the CWA. In the SWANCC decision, the Supreme Court held that the Corps had exceeded its authority in asserting CWA jurisdiction pursuant to § 404(a) over the waters at issue based on their use as habitat for migratory birds, pursuant to preamble language, commonly referred to as the Migratory Bird Rule (51 Fed. Reg. 41217 [1986]).

The SWANCC decision squarely eliminates CWA jurisdiction over isolated waters that are intrastate and non-navigable, where the sole basis for asserting CWA jurisdiction is the actual or potential use of the waters as habitat for migratory birds that cross state lines in their migrations. CWA jurisdiction extends to waters, including wetlands, which are adjacent to navigable waters pursuant to the Supreme Court holding in *Riverside Bayview Homes*, which was endorsed in SWANCC as controlling law. The Corps and EPA regulations currently define the term ‘adjacent’ as “bordering, contiguous, or neighboring” [33 C.F.R. § 328.3(b)]. The case law on the precise scope of federal CWA jurisdiction since SWANCC is still developing.

2.3 THE RAPANOS DECISION

The consolidated cases *Rapanos v. United States* and *Carabell v. United States*, 126 S. Ct. 2208 (2006) are referred to as *Rapanos*. The Supreme Court’s decision in these consolidated cases addressed where the federal government can apply the CWA, specifically by determining whether a wetland or tributary is a “water of the United States.” The justices issued five separate opinions in *Rapanos*, with no single opinion commanding a majority of the Court.

The plurality of the Court concluded that the Corp’s regulatory authority should extend only to “relatively permanent, standing, or continuously flowing bodies of water” connected to traditional navigable waters (TNWs), and to “wetlands with a continuous surface connection to” such relatively permanent waters (U.S. Army Corps and U.S. EPA 2007). Justice Kennedy concluded that wetlands are Waters of the United States “if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as *navigable*. When, in contrast, wetland’s effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term *navigable waters*” (U.S. Army Corps and U.S. EPA 2007).

When there is no majority opinion in a Supreme Court case, controlling legal principles may be derived from those principles espoused by five or more justices. Thus, regulatory jurisdiction under the CWA exists over a “water” if either the plurality or Justice Kennedy’s standard is satisfied (U.S. Army Corps and U.S. EPA 2007).

As a result of the *Rapanos* decision, the Corps will assert jurisdiction over the following waters:

- Traditional navigable waters
- Wetlands adjacent to traditional navigable waters
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)
- Wetlands that directly abut such tributaries

The agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- Non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary

The Corps generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow)
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water

The Corps will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to

determine if they significantly affect the chemical, physical, and biological integrity of downstream traditional navigable waters

- Significant nexus includes consideration of hydrologic and ecologic factors

3.0 METHODOLOGY

3.1 LITERATURE REVIEW

Available information pertaining to the natural resources of the region was reviewed. All references reviewed for this delineation are listed in **Section 7.0**. Pertinent site-specific reports and general references utilized concurrent with the delineation include the following:

- Cowardin, *et al.* 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service, Washington D.C.
- Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. U.S. Army Corps of Engineers Waterways Experiment Station. Vicksburg, MS.
- Gretag, Macbeth. 2000. *Munsell Soil Color Charts*. New Windsor, NY.
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- Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2014. *The National Wetland Plant List: 2014 Update of Wetland Ratings*. Phytoneuron 2014-41: 1-42
- Natural Resource Conservation Service (NRCS). 1995. *List of Hydric Soils of California*. U.S. Department of Agriculture.
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- U.S. Geological Survey. *Old Mammoth, California* 7.5-minute series topographic quadrangle. U.S. Department of the Interior.

3.2 RESEARCH AND FIELD METHODOLOGY

The methods used for this delineation are those described in the Corps 1987 three-parameter (vegetation, hydrology, and soils) methodology to delineate jurisdictional waters of the United States, the Interim Regional Supplement for Western Mountains, Valleys, and Coast Region, and the *Rapanos* guidelines issued by the Environmental Protection Agency (EPA) and the Corps. These methods were used to identify and delineate both wetlands and other waters of the U.S.

A review of recent aerial photographs, topographic maps, and soil survey data was conducted before and while delineating the survey area on June 16, 2014. A wetland biologist visually inspected the entire survey area and collected data on soil, vegetation, and hydrologic indicators to make jurisdictional determinations. The location of each waters of the U.S. is depicted in **Figure 3** and site photographs are provided in **Appendix B**.

To conduct this jurisdictional determination, these waters were classified on the basis of the agency guidance developed in response to the *Rapanos* decision. These classes of features are either automatically jurisdictional (i.e. non-navigable tributaries that are relatively permanent), generally not jurisdictional (i.e., ditches excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water), or features of unknown jurisdictional status. For this latter group of features, the agencies will decide their jurisdictional status based on a fact-specific analysis regarding whether they have a significant nexus with a traditional navigable water.

3.3 SURVEY DATA INTEGRATION

Boundaries of waters of the U.S. within the survey area were mapped using a Garmin Vista HCx GPS unit and digitized in ArcGIS 10.2.1 software. These results are presented in **Figure 3**.

4.0 RESULTS

4.1 SURVEY AREA DESCRIPTION

4.1.1 Survey Area Location

The project area is located in Section 2, Township 4 South, Range 27 East of the Mt. Diablo Meridian in Mono County California. The project area covers approximately 12.9 acres of wet meadow, a paved bike path, Minaret Road, and user trails (**Figure 1**). The project area parallels the north side of Old Mammoth Road in Mammoth Lakes, CA (**Figure 1**). The project area was defined by the Town of Mammoth Lakes while working with CalTrans to delineate the Area of Potential Effect (APE). There are three privately owned parcels in the project area: APN 40160002000 is owned by Snowcreek Hilltop Development Corporation, L.P; APN 40020001000 is owned by Tiberio P. Lizza; and APN 40020004000 is owned by Mammoth Creek Condominium Association.

4.1.2 Land Use

Land use in the project vicinity is comprised of single family residential, commercial properties, multifamily residential, Mammoth Mountain ski resort, Snow Creek golf course, and areas of open space within and around the project area (**Figure 1**). Land use within the project area includes open space, a multifamily residential lot, a paved road, a paved bike path, and several user trails.

4.2 PHYSICAL FEATURES

This site is closely associated with the Mammoth Creek riverine system which flows east across the project area. The Creek originates at Twin Lakes, just south of Mammoth Mountain and above the town of Mammoth Lakes. The stream is primarily sourced from melted snow water. Eventually the Creek flows into Crowley Lake to the east. The meadow west of Minaret Road is wet and surface water is visible over a large portion of the meadow. Mammoth Creek runs through a large culvert under Minaret Road in the project area. East of Minaret Rd., the wetlands are forested with aspen, willow, and alder. A paved bike path runs through the south side of the project area west of Minaret Road. A dirt path lines the south side of the project area east of Minaret Road.

4.2.1 Soils

The Natural Resources Conservation Service (NRCS) has mapped 2 soil units in the project area (**Figure 2**). The soil units that occur onsite include the following: **Chesaw Family, 0-5% slopes (163)** and **Chesaw-Hagga-Wursten families association, 0-5% slopes (166)**. General characteristics associated with these soils types are described below.

- **Chesaw Family, 0-5% slopes (163):** This soil is nonhydric. It is comprised of loamy sand derived from glacial material weathered from granitic rock. There are no hydric soils in this unit.

- **Chesaw-Hagga-Wursten families association, 0-5% slopes (166):** This soil is predominantly nonhydric but 25% of map unit is classified as hydric. The Chesaw-Hagga-Wursten families association soils are formed from glacial material weathered mainly from granitic outwash (Chesaw) and alluvium derived from mixed rock sources (Hagga and Wursten). These soils form on glacial outwash (Chesaw) and alluvial fans and flood plains (Hagga and Wursten). Slopes range from 0 to 5 percent.

4.2.2 Topography

The project area consists of 0-5% slopes draining mostly towards the east. Elevations range from approximately 7,880 feet to 7,870 feet.

4.2.3 Hydrology

Mammoth Creek is the primary surface watercourse in the Mammoth hydrologic basin and a major feeder to the Upper Owens River. Its point of origin is considered the outlet of Twin Lakes. The perennial creek flows down valley to the east, across Highway 395, to its confluence with Hot Creek. This relatively permanent water (RPW) ultimately flows into Crowley Lake, a TNW, and it is therefore a known water of the U.S.

4.2.4 Site-Specific Hydrology

The site includes a road, multi-family residential buildings, paved bike path, user trails, and undeveloped meadow land. The majority of the west side of the project area north of the existing paved bike path is saturated meadow. There are areas within the saturated meadow which concentrate runoff and function as small drainage ways. The entire wet meadow area drains to Mammoth Creek in the location of the culvert which runs under Minaret Road (**Photo 6, Appendix B**). Mammoth Creek runs through the project area and consists of snow melt from mountains to the west. On the east side of Minaret Road the wet meadow no longer is present and all wetlands are located directly adjacent to and abutting Mammoth Creek.

4.2.5 Climate

The town of Mammoth Lakes has a high Alpine climate with summer high temperatures averaging 70-80°F and summer low temperatures averaging 40-45°F. Winter temperatures average ~40°F degrees for a high and ~15°F for a low. The Town of Mammoth Lakes receives a mean annual rainfall of 22.95" of precipitation and 206" of snow (Western Regional Climate Center). The frost free period ranges from less than 30 days to more than 100 days (USDA, NRCS).

4.3 VEGETATION

Vegetation types were verified on site. Vegetation communities found within and adjacent to the project area are typical of those found in the Mammoth Lakes region. Each vegetation community described in the following sections based is based on the U.S. Forest Service (USFS) CALVEG system. CALVEG is a hierarchical system of vegetation designed to assess vegetation related resources throughout California. The survey area includes buildings, streets, and

driveways, which are un-vegetated. Vegetated areas are composed of aspen, wet meadow, and sagebrush. These communities are described below.

Quaking Aspen Alliance

Quaking aspen (*Populus tremuloides*) forms clonal stands and dominates the hardwoods in this Alliance. In the southern Sierras, it occurs at high elevations as an indicator of moist conditions in association with red fir (*Abies magnifica*), lodgepole pine (*Pinus contorta* spp. *murrayana*), whitebark pine (*P. albicaulis*), and Jeffrey pine (*P. jeffreyi*). The Quaking Aspen Alliance has been mapped with some frequency in the Eastern Slopes Subsection, generally above an elevation of about 4600 ft (1402 m). In this eastside region, its associated shrubs have Great Basin affinities: mountain sagebrush (*Artemisia tridentata* spp. *vaseyana*), curleaf mountain mahogany (*Cercocarpus ledifolius*) and low sagebrush (*A. arbuscula*). At higher elevations and under exposed conditions, quaking aspen stands may maintain a shrub-like form and never reach tree sizes.

Sagebrush Alliance

The Basin Sagebrush community generally occurs on dry slopes and plains. The community is dominated by soft woody shrubs; basin big sagebrush (*Artemisia tridentata* spp. *tridentata*); low sagebrush (*Artemisia arbuscula* spp. *arbuscula*); Wyoming big sagebrush (*Artemisia tridentata* spp. *wyomingensis*); silver sagebrush (*Artemisia cana* spp. *viscidula*); mountain big sagebrush (*Artemisia tridentata* spp. *vaseyana*); antelope bitterbrush (*Purshia tridentata*); and snowberry (*Symphoricarpos vacciniodes*). Other associated species include annuals and perennial bunch grasses that are sparsely distributed between shrubs.

Wet meadow

Meadows are found through the forest of the Sierra Nevada, and their distribution is predominantly determined by the hydrologic regime. The wet meadow community occurs in areas where water is at or near the surface during most of the growing season, following spring runoff. They are characterized by the predominance of sedges, rushes, and grasses. Shallow water tables or seasonally saturated soils provide habitats for a wide range of hydrophytic herbaceous plant species, including corn lily (*Veratrum californicum*); cow parsnip (*Heracleum sphondylium*); meadow lupine (*Lupinus polyphyllus*); willow herb (*Epilobium exaltatum*, *E. pringleanum*); meadow paintbrush (*Castilleja miniata*); sedge (*Carex jonesii*); and wire rush (*Juncus balticus*). Lodgepole pine and willows (*Salix* spp.) are associated with high elevation Wet Meadow communities.

Urban or Developed

The urban or developed category applies to landscapes that are dominated by urban structures, residential units, or other developed land use elements such as highways or city parks. Areas mapped as urban or developed are primarily located along the roads and private driveways. The roads and driveways are un-vegetated.

4.4 CLASSIFICATION OF WATERS OF THE UNITED STATES

As discussed previously in **Section 2.0**, jurisdictional waters of the U.S. are classified into multiple types based on topography, edaphics (soils), vegetation, and hydrologic regime. Primarily, the Corps establishes two distinctions: wetland and non-wetland waters of the U.S. Non-wetland waters are commonly referred to as other waters. A description of each feature type delineated within the survey area is provided below.

4.4.1 Perennial Drainage

A total of **0.33 acres** of Perennial Drainages have been delineated within the survey area. This feature is Mammoth Creek. It is a Relative Permanent Water (RPW). This Creek ranges between 10 and 15 ft. wide with a moderate to high flow regime. Mammoth Creek is a perennial stream, not a wetland and is generally considered “other waters.” This feature flows year round, and may have some component of groundwater discharge. It is likely to be considered jurisdictional by the Corps.

4.4.2 Palustrine Emergent Wetlands

A total of **2.08 acres** of Palustrine Emergent wetlands (PEM) have been delineated within the survey area (**Figure 3**). These PEM wetlands are dominated by persistent emergents. The hydrologic regime of these wetlands is seasonally tied to that of the Mammoth Creek drainage area. These wetlands do support hydric soils and hydrophytic plant species, particularly erect, rooted, herbaceous hydrophytes, such as sedges. During wet times of the year, these wetlands are saturated and ephemeral drainages flow through the meadow into Mammoth Creek. Because of their seasonal surface water connection to Mammoth Creek, these wetlands are likely to be considered jurisdictional by the Corps.

4.4.3 Riverine Forested Wetlands

A total of **1.35 acres** of Riverine Forested (RFO) wetlands have been delineated within the survey area (**Figure 3**). These wetlands are dominated by trees such as quaking aspen and tall shrubs, including willow. They also have an understory of forbs. The hydrologic regime supports hydrophytic plant species and hydric soils, and these wetlands are directly adjacent to Mammoth Creek, which flows into Crowley Lake. These wetlands are likely to be considered jurisdictional by the Corps.

4.4.4 Riverine Emergent Wetlands

A total of **0.32 acres** of Riverine Emergent wetlands (REM) have been delineated within the study area (**Figure 3**). These emergent wetlands are characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. Emergent species present include Nebraska sedge, twincrest onion, and mountain rush. These areas are associated with and adjacent to Mammoth Creek which flows into Lake Crowley. Therefore these wetlands are likely to be considered jurisdictional by the Corps.

4.4.5 Culverts

A total of **0.02 acres** of culvert was delineated in the project area. This culvert conveys water between jurisdictional waters of the U.S. and therefore may also be considered jurisdictional.

5.0 CONCLUSION

Application of routine wetland delineation techniques and *Rapanos* guidelines revealed the presence of features that appear to conform to the definition of waters of the U.S pursuant to Section 404 of the federal CWA. The final determination of the extent of Corps' jurisdiction on the project site pursuant to Section 404 of the federal CWA will depend on the results of field verification by the Corps. Areas deemed jurisdictional will then be subject to the regulatory requirements of the federal CWA including permitting and mitigation, as required.

Table 1 below provides acreage per class and summarizes the total acreage of potentially jurisdictional waters of the U.S. in the survey area.

TABLE 1 — WATERS OF THE U.S: ACREAGE ACCORDING TO CLASS

CLASS	TOTAL ACREAGE	JURISDICTIONAL	NON- JURISDICTIONAL
Perennial Drainages	0.33	0.33	0.00
Palustrine Emergent (PEM)	2.08	2.08	0.00
Riverine Forested (RFO)	1.35	1.35	0.00
Riverine Emergent (REM)	0.32	0.32	0.00
Culverts	0.02	0.02	0.00
TOTAL	4.1	4.1	0.00

6.0 CONTACT INFORMATION

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Zephyr Cove, NV 89448

Phone: (530) 414-0689

Directions to the site: the intersection of Old Mammoth Road and Minaret.

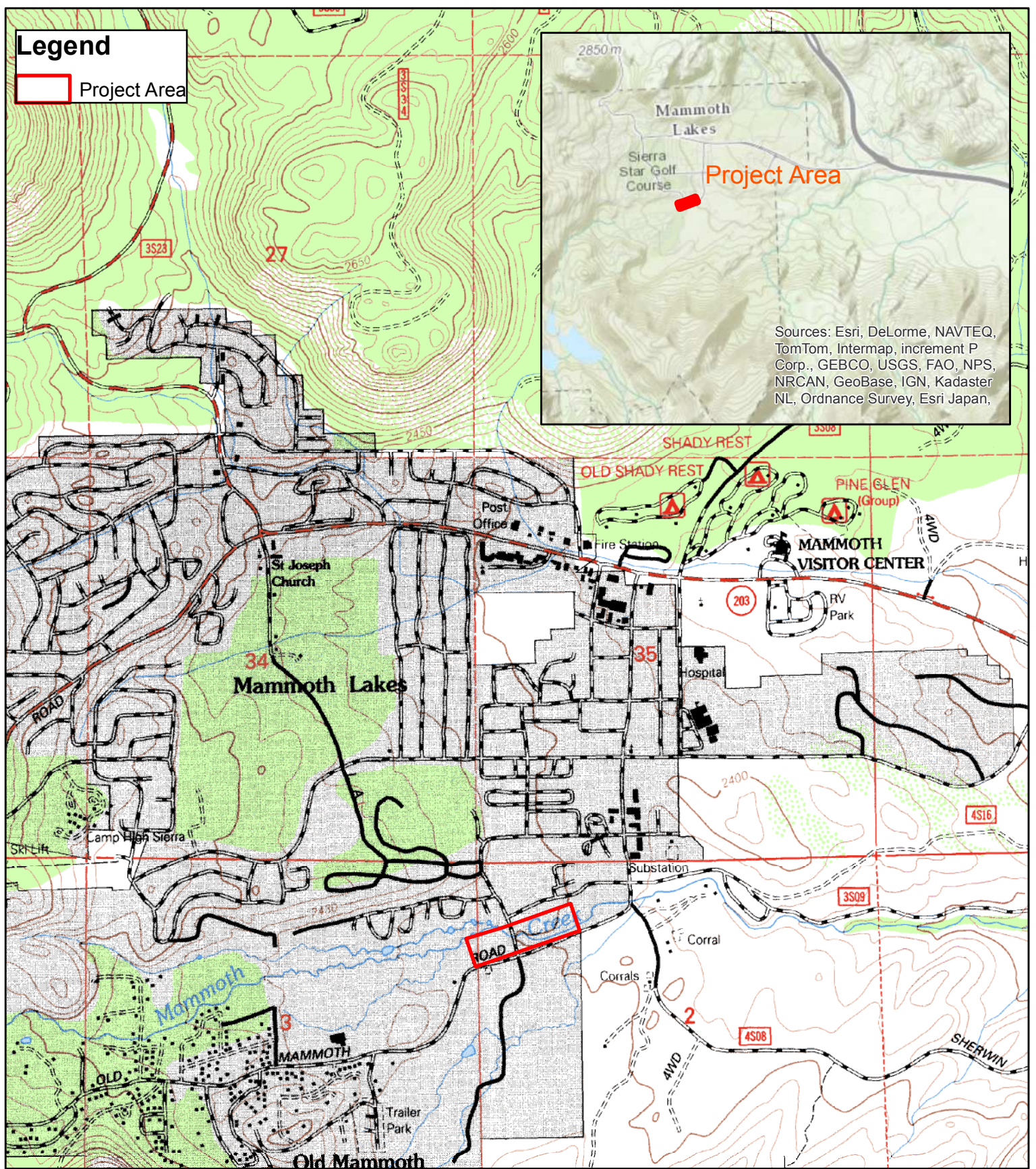
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U.S. Department of the Interior.

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<http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca5280>. Retrieved July 22, 2014.

Appendix A



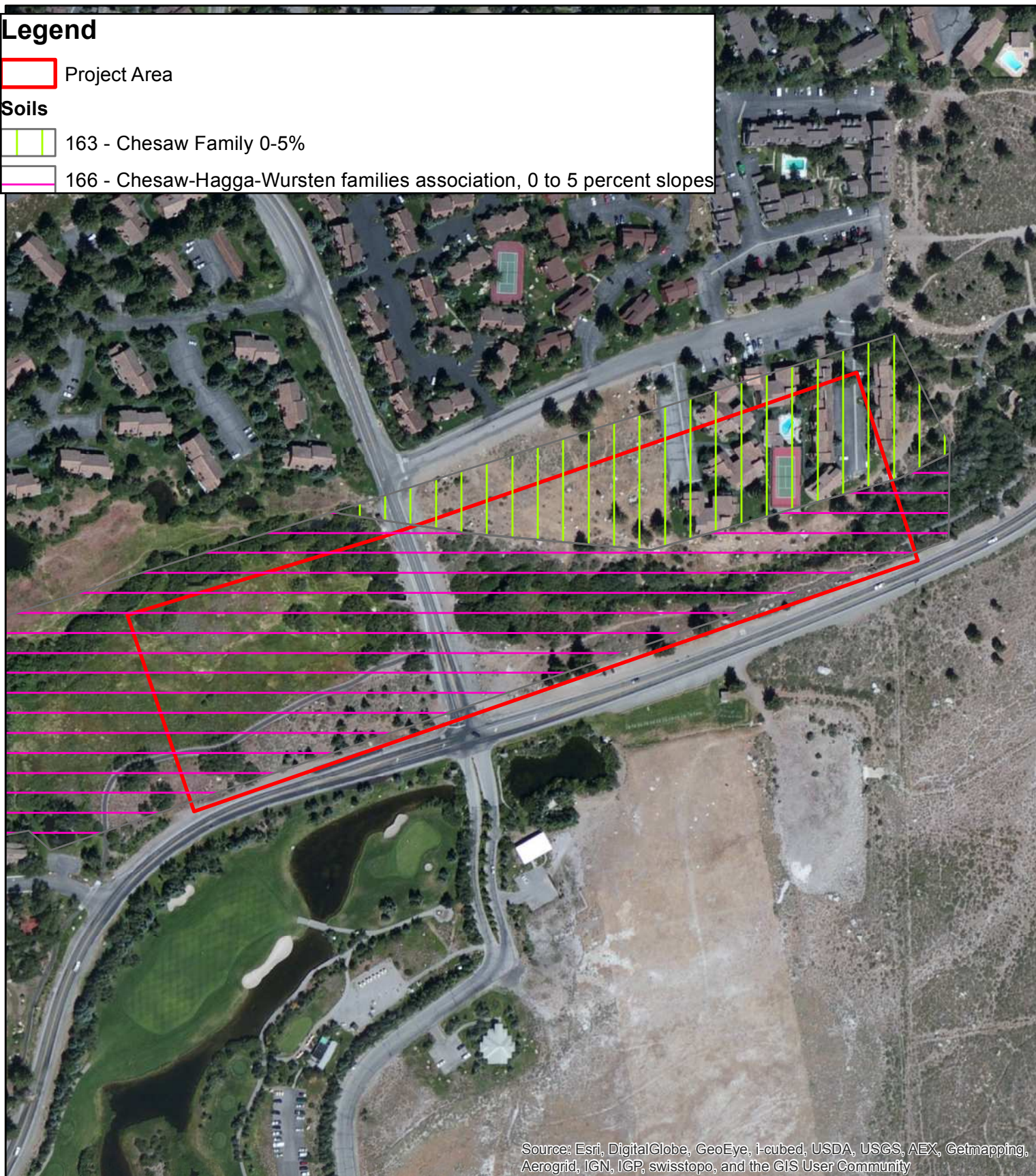
Legend

 Project Area

Soils

 163 - Chesaw Family 0-5%

 166 - Chesaw-Hagga-Wursten families association, 0 to 5 percent slopes



Mammoth Creek Path Gap Closure Project

NRCS Mapped Soils



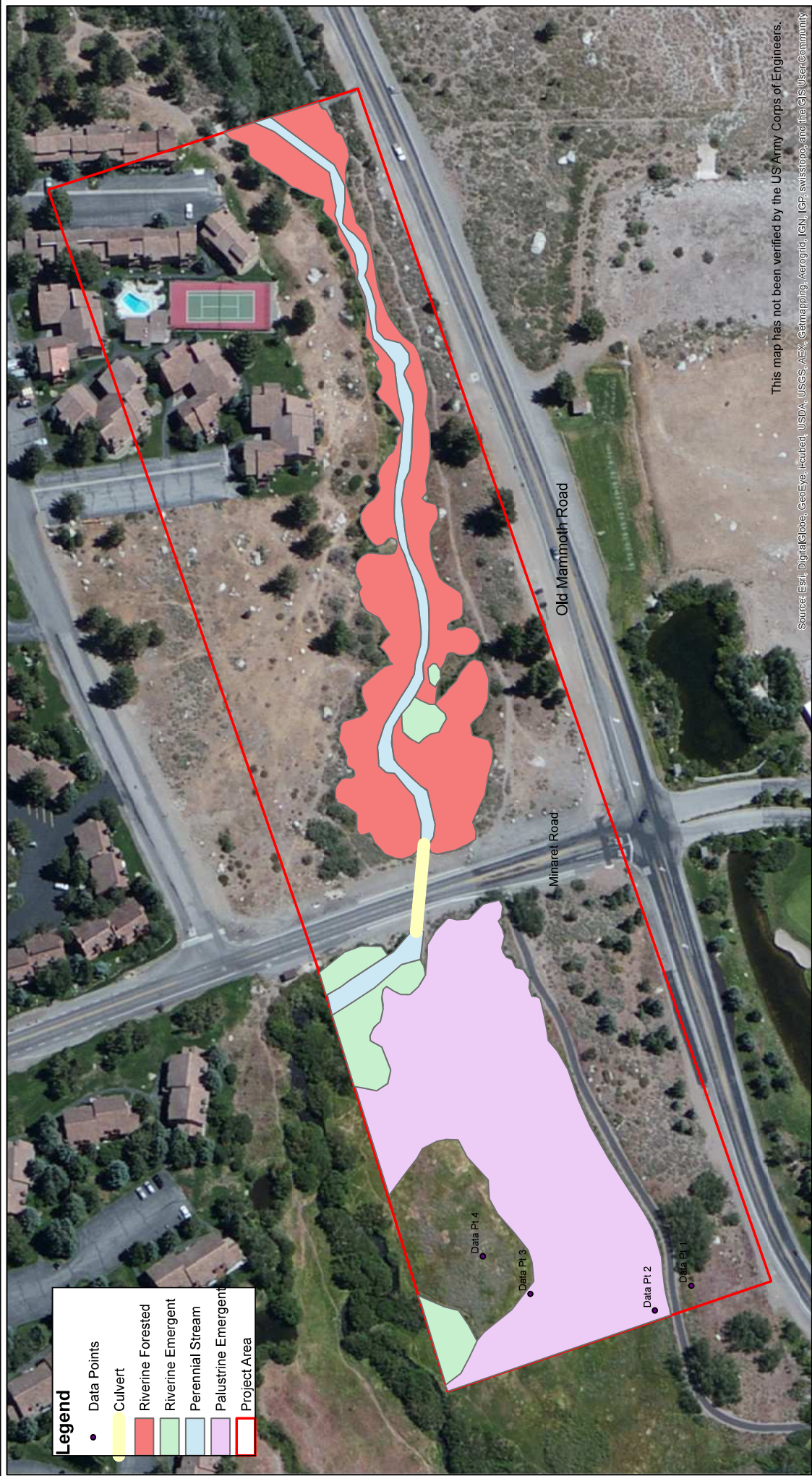
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Miles



Data Sources:
NRCS

Date: May 2014
Drawn by: KK/NCE

Figure:
2



Mammoth Creek Path Gap Closure Project
Delineation of Waters of the United States



		Date: May 2014 Drawn by: KK/NCE	Figure: 3
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This map has not been verified by the US Army Corps of Engineers.
Source: Esri, DigitalGlobe, GeoEye, iCubed, USDA, USGS, AeroGRID, IGN, iGP, swisstopo, and the GIS User Community

Appendix B

Photographs of the Mammoth Creek Gap Connector Path Project Wetland Delineation



Photo 1: Data Point 1



Photo 2: Data Point 2



Photo 3: Data Point 3



Photo 4: Data Point 4



Photo 5: View north across project area. Data point 1 in foreground.



Photo 6: Culvert where Mammoth Creek flows under Minaret Rd.



Photo 7: Photo East across project area toward Mammoth Mountain.

Appendix C

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Mammoth Lakes Connector Path City/County: Mammoth Lakes, Mono Sampling Date: 6/16/14
 Applicant/Owner: Town of Mammoth Lakes State: CA Sampling Point: 1
 Investigator(s): Kelley Kelso Section, Township, Range: Section 2, T4S, R27E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-5
 Subregion (LRR): D Lat: 37.632788 Long: -118.973447 Datum: NAD27 UTM11N
 Soil Map Unit Name: Chesaw-Hagga-Wursten families NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology x significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>x</u> No _____	Hydic Soil Present? Yes _____ No <u>x</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>x</u>
Wetland Hydrology Present? Yes _____ No <u>x</u>		
Remarks: This area is located between a paved bike path and road and therefore has been disturbed by construction. The bike path has separated this area from the hydrology of the meadow.		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30 ft.</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
1. <u>Populus tremuloides</u>	<u>5</u>	<u>Y</u>	<u>FACU</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species <u>80</u> x 2 = <u>160</u> FAC species _____ x 3 = _____ FACU species <u>50</u> x 4 = <u>200</u> UPL species <u>15</u> x 5 = <u>75</u> Column Totals: <u>145</u> (A) <u>435</u> (B) Prevalence Index = B/A = <u>3.0</u>
<u>5</u> = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>15 ft.</u>)				
1. <u>Artemisia tridentata</u>	<u>45</u>	<u>Y</u>	<u>FACU</u>	
2. _____	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% <u>x</u> 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>45</u> = Total Cover				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Herb Stratum (Plot size: <u>5 ft.</u>)				
1. <u>Juncus nevadensis</u>	<u>75</u>	<u>Y</u>	<u>FACW</u>	
2. <u>Iris missouriensis</u>	<u>5</u>	_____	<u>FACW</u>	
3. <u>Festuca arundinacea</u>	<u>15</u>	_____	<u>FAC</u>	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
<u>95</u> = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>5</u>				
Remarks:				

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	7.5YR 2.5/2		n/a					organic matter
2-6	7.5YR 2.5/2		n/a					sandy clay loam
6-10	7.5YR 2.5/2		n/a					sandy loam

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- | | |
|--|---|
| ☐ Histosol (A1) | ☐ Sandy Redox (S5) |
| ☐ Histic Epipedon (A2) | ☐ Stripped Matrix (S6) |
| ☐ Black Histic (A3) | ☐ Loamy Mucky Mineral (F1) (except MLRA 1) |
| ☐ Hydrogen Sulfide (A4) | ☐ Loamy Gleyed Matrix (F2) |
| ☐ Depleted Below Dark Surface (A11) | ☐ Depleted Matrix (F3) |
| ☐ Thick Dark Surface (A12) | ☐ Redox Dark Surface (F6) |
| ☐ Sandy Mucky Mineral (S1) | ☐ Depleted Dark Surface (F7) |
| ☐ Sandy Gleyed Matrix (S4) | ☐ Redox Depressions (F8) |

Indicators for Problematic Hydric Soils³:

- | |
|---|
| ☐ 2 cm Muck (A10) |
| ☐ Red Parent Material (TF2) |
| ☐ Very Shallow Dark Surface (TF12) |
| ☐ Other (Explain in Remarks) |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- | | |
|--|---|
| ☐ Surface Water (A1) | ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) |
| ☐ High Water Table (A2) | ☐ Salt Crust (B11) |
| ☐ Saturation (A3) | ☐ Aquatic Invertebrates (B13) |
| ☐ Water Marks (B1) | ☐ Hydrogen Sulfide Odor (C1) |
| ☐ Sediment Deposits (B2) | ☐ Oxidized Rhizospheres along Living Roots (C3) |
| ☐ Drift Deposits (B3) | ☐ Presence of Reduced Iron (C4) |
| ☐ Algal Mat or Crust (B4) | ☐ Recent Iron Reduction in Tilled Soils (C6) |
| ☐ Iron Deposits (B5) | ☐ Stunted or Stressed Plants (D1) (LRR A) |
| ☐ Surface Soil Cracks (B6) | ☐ Other (Explain in Remarks) |
| ☐ Inundation Visible on Aerial Imagery (B7) | |
| ☐ Sparsely Vegetated Concave Surface (B8) | |

Secondary Indicators (2 or more required)

- | |
|--|
| ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) |
| ☐ Drainage Patterns (B10) |
| ☐ Dry-Season Water Table (C2) |
| ☐ Saturation Visible on Aerial Imagery (C9) |
| ☐ Geomorphic Position (D2) |
| ☐ Shallow Aquitard (D3) |
| ☐ FAC-Neutral Test (D5) |
| ☐ Raised Ant Mounds (D6) (LRR A) |
| ☐ Frost-Heave Hummocks (D7) |

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? Yes _____ No X Depth (inches): _____
(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

The hydrology of this location has been altered by the construction of a bike path and Old Mammoth Rd. The bike path hydrologically separates this location from the wet meadow to the north.

Fac neutral test 2:2

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Mammoth Lakes Connector Path City/County: Mammoth Lakes, Mono Sampling Date: 6/16/14
 Applicant/Owner: Town of Mammoth Lakes State: CA Sampling Point: 2
 Investigator(s): Kelley Kelso Section, Township, Range: Section 2, T4S, R27E
 Landform (hillslope, terrace, etc.): floodplain Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): D Lat: 37.632903 Long: -118.973545 Datum: NAD27UTM11N
 Soil Map Unit Name: Chesaw-Hagga-Wursten families NWI classification: PESF

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>x</u> No _____	Is the Sampled Area within a Wetland? Yes <u>x</u> No _____
Hydric Soil Present?	Yes <u>x</u> No _____	
Wetland Hydrology Present?	Yes <u>x</u> No _____	
Remarks:		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>15 ft.</u>) 1. <u>Salix planifolia</u> <u>5</u> <u>Y</u> <u>OBL</u>				
2. _____				
3. _____				
4. _____				
5. _____				Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation <u>x</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
_____ = Total Cover				
Herb Stratum (Plot size: <u>5 ft.</u>) 1. <u>Carex nebraskensis</u> <u>45</u> <u>Y</u> <u>FACW</u>				
2. <u>Juncus balticus</u> <u>40</u> <u>Y</u> <u>FACW</u>				
3. <u>Festuca arundinacea</u> <u>5</u> <u>_____</u> <u>FAC</u>				
4. <u>Potentilla flabellifolia</u> <u>2</u> <u>_____</u> <u>FAC</u>				
5. _____				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
11. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____) 1. _____				
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>8</u>				
Remarks:				

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	7.5YR 2.5/1		n/a					organic matter
2-8	7.5YR 2.5/1		n/a				loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

☐ Histosol (A1)	☐ Sandy Redox (S5)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)
☐ Black Histic (A3)	☒ Loamy Mucky Mineral (F1) (except MLRA 1)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)
☐ Sandy Mucky Mineral (S1)	☐ Depleted Dark Surface (F7)
☐ Sandy Gleyed Matrix (S4)	☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ☒ No ☐

Remarks:

Saturated

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

☒ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
☒ High Water Table (A2)	☐ Salt Crust (B11)
☒ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☒ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☒ No ☐ Depth (inches): <1

Water Table Present? Yes ☒ No ☐ Depth (inches): <1

Saturation Present? Yes ☒ No ☐ Depth (inches): <1
(includes capillary fringe)

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Mammoth Lakes Connector Path City/County: Mammoth Lakes, Mono Sampling Date: 6/16/14
 Applicant/Owner: Town of Mammoth Lakes State: CA Sampling Point: 3
 Investigator(s): Kelley Kelso Section, Township, Range: Section 2, T4S, R27E
 Landform (hillslope, terrace, etc.): floodplain Local relief (concave, convex, none): none Slope (%): 0-5
 Subregion (LRR): D Lat: 37.633299 Long: -118.973472 Datum: NAD27UTM11N
 Soil Map Unit Name: Chesaw-Hagga-Wursten families NWI classification: PESF

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>x</u> No _____	Is the Sampled Area within a Wetland? Yes <u>x</u> No _____
Hydric Soil Present?	Yes <u>x</u> No _____	
Wetland Hydrology Present?	Yes <u>x</u> No _____	
Remarks:		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>15 ft.</u>)				
1. <u>Salix planifolia</u>	<u>2</u>	<u>Y</u>	<u>OBL</u>	
2. <u>Artemisia tridentata</u>	<u>2</u>	<u>Y</u>	<u>FACU</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation <u>x</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
5. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: <u>5 ft.</u>)				
1. <u>Iris missouriensis</u>	<u>2</u>		<u>FACW</u>	
2. <u>Juncus balticus</u>	<u>50</u>	<u>Y</u>	<u>FACW</u>	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
3. <u>Arnica mollis</u>	<u>40</u>	<u>Y</u>	<u>FAC</u>	
4. <u>Potentilla flabellifolia</u>	<u>5</u>		<u>FAC</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>0</u>				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Remarks:				

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	7.5YR 2.5/1		n/a					organic matter
2+	5YR 2.5/1		n/a				clay loam	saturated

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

☐ Histosol (A1)	☐ Sandy Redox (S5)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)
☐ Black Histic (A3)	☒ Loamy Mucky Mineral (F1) (except MLRA 1)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)
☐ Sandy Mucky Mineral (S1)	☐ Depleted Dark Surface (F7)
☐ Sandy Gleyed Matrix (S4)	☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ☒ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
☒ High Water Table (A2)	☐ Salt Crust (B11)
☒ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☒ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): _____

Water Table Present? Yes ☒ No ☐ Depth (inches): 1

Saturation Present? Yes ☒ No ☐ Depth (inches): 1
(includes capillary fringe)

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Mammoth Lakes Connector Path City/County: Mammoth Lakes, Mono Sampling Date: 6/16/14
 Applicant/Owner: Town of Mammoth Lakes State: CA Sampling Point: 4
 Investigator(s): Kelley Kelso Section, Township, Range: Section 2, T4S, R27E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-5
 Subregion (LRR): D Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Chesaw-Hagga-Wursten families NWI classification: PESF

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>x</u> No _____	Is the Sampled Area within a Wetland? Yes _____ No <u>x</u>
Hydric Soil Present?	Yes _____ No <u>x</u>	
Wetland Hydrology Present?	Yes _____ No <u>x</u>	
Remarks:		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>15 ft.</u>)				
1. <u>Artemisia tridentata</u>	<u>45</u>	<u>Y</u>	<u>FACU</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation <u>x</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
5. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: <u>5 ft.</u>)				
1. <u>Iris missouriensis</u>	<u>5</u>	<u>Y</u>	<u>FACW</u>	
2. <u>Juncus sp.</u>	<u>5</u>	<u>Y</u>	<u>FACW</u>	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
3. <u>Carex sp.</u>	<u>40</u>	<u>Y</u>	<u>OBL</u>	
4. <u>Allium bisceprium</u>	<u>2</u>	_____	<u>FAC</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <u>x</u> No _____
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>0</u>				Hydrophytic Vegetation Present? Yes <u>x</u> No _____
Remarks:				
The Juncus and Carex species could not be identified due to lack of fruiting structures. Species were assumed to be hydrophytic.				

SOIL

Sampling Point: 4**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-1	7.5YR 2.5/1		n/a					organic matter
1-6	7.5YR 2.5/2		n/a				loam	root rich
6-10	7.5YR 3/2		n/a				loam	rockier

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Very Shallow Dark Surface (TF12)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)	
☐ Sandy Mucky Mineral (S1)	☐ Depleted Dark Surface (F7)	
☐ Sandy Gleyed Matrix (S4)	☐ Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:Primary Indicators (minimum of one required; check all that apply)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
☐ High Water Table (A2)	☐ Salt Crust (B11)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☒ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:Surface Water Present? Yes _____ No x Depth (inches): _____Water Table Present? Yes _____ No x Depth (inches): _____Saturation Present? Yes _____ No x Depth (inches): _____
(includes capillary fringe)**Wetland Hydrology Present?** Yes _____ No x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

FAC neutral test 3:1

No moisture present in soil.

Attachment C

CULTURAL RESOURCES TECHNICAL MEMO

June 21, 2016

Jamie Robertson
Assistant Engineer
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA93546

Subject: Mammoth Creek Gap Closure Project, Mono County, California – Cultural Resource Considerations

Ms. Robertson,

The following letter report documents cultural resource studies conducted in the area of the proposed Mammoth Creek Bike Path Gap Closure Project. Attached appendices include the following:

- Appendix A: Report Figures
- Appendix B: Records Search Results
- Appendix C: Native American Correspondence
- Appendix D: Site Records

PROJECT BACKGROUND & DESCRIPTION

The Town of Mammoth Lakes proposes to construct a segment of Class I Multi-Use Path (MUP) near the intersection of Old Mammoth Road and Minaret Road in the Town of Mammoth Lakes (Town), Mono County, California (**Appendix A, Figure 1**). This path segment will connect existing paved MUPs, eliminating an approximate 900 foot gap in the town loop multi-use path system. The path segment will run east-west, on the south side of Mammoth Creek, just north of Old Mammoth Road (**Appendix A, Figure 2**).

The MUP will be 10 feet wide with two foot shoulders on each side. Its design will comply with current Americans with Disabilities Act (ADA) requirements. The proposed path will traverse private property and right-of-way must be obtained. The MUP will have informational signage and kiosks in compliance with town wayfinding standards. The path will be paved with asphalt of sufficient strength to support snow removal equipment. The path will have a maximum cross slope of two percent for drainage, while maintaining ADA accessibility. The project also includes replacement of an existing pedestrian bridge located near the east end of the unpaved section; a prefabricated bridge will be put in its place. The existing bridge abutments will be used for the new pedestrian bridge. As such, the bridge replacement will create no new disturbance. Construction staging areas will be located within previously disturbed areas along the road shoulders of Old Mammoth Road and Minaret Road (see **Appendix A, Figure 2**).

This letter report summarizes cultural resource compliance under CEQA by documenting the previous work conducted by Burton (1982, 1992). Additional activities include archival research, Native American consultation, and a field visit intended to validate the site description and significance evaluation. The effort is intended to demonstrate compliance with pertinent sections of CEQA by meeting the following objectives:

- Establish an Area of Potential Effect (APE)
- Identify prehistoric and historic period archaeological resources in the study area

- Evaluate identified resources as to their eligibility for listing in the CRHP
- Provide management recommendations for those properties considered eligible to the CRHP

DEFINITION OF UNDERTAKING

The proposed Class I MUP (as described above) constitutes the proposed undertaking as that term is commonly used in cultural resources management. The proposed undertaking requires compliance with Public Resource Code (PRC) Section 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA).

AREA OF POTENTIAL EFFECT

When constructed, the proposed trail will be 14 feet wide (10 foot paved path plus two foot shoulders on each side). Grading the new alignment will create a maximum horizontal disturbance of 22 feet. Given the length of the trail (890 feet), this equates to 0.46 acres of disturbance. This represents the horizontal Area of Direct Impact (ADI). The maximum depth of grading (vertical disturbance) will be approximately two feet. In addition, approximately eight, 14 inch diameter solar lights, standing 16 feet tall and spaced approximately 150 feet apart are proposed. Placing those lights will require excavation to a depth of 5.5 feet. When combined, these horizontal and vertical dimensions serve to define the Area of Potential Effect (APE) associated with the proposed undertaking.

Staging areas, located along the north side of Old Mammoth Road and east side of Minaret Road, are situated along the previously disturbed road shoulder. The staging areas are included within the APE. However, staging equipment in these areas will result in no additional disturbance. The project also includes replacement of an existing pedestrian bridge with a prefabricated bridge. The existing bridge abutments will be used for the new pedestrian bridge. As such, the bridge replacement will create no new disturbance.

ARCHIVAL REVIEW

A records search was requested of the Eastern Information Center (EIC) in 2014 that addressed the current APE. That search used a quarter (0.25) mile search buffer (archival study area). Consultation with the EIC indicates that no new inventories have been conducted and no new archaeological sites have been identified since the 2014 records search. Materials consulted as part of the records search include the National Register of Historic Places, the California Register of Historical Resources, California Inventory of Historic Resources, California Historical Landmarks, historic GLO maps, historic Caltrans maps, and historic USGS maps. **Appendix B** contains results of the records search.

Twenty-two inventories have been conducted within or extend into the archival study area. Sixteen archaeological sites have been recorded within or that extent into the archival study area.

Table 1 provides a summary of previous archaeological inventories that have been conducted within or that extend into the archival study area.

Table 1. Previous Inventories within ¼ Mile of the Project Area.

Report #	Author(s)	Year	Report Title
MN-00097	Taylor, William	1979	Archaeological Reconnaissance Report – Mammoth Day Use Area
MN-00128	Taylor, William	1979	Archaeological Reconnaissance Report – Mammoth Creek Administrative Pasture

Table 1. Previous Inventories within ¼ Mile of the Project Area.

Report #	Author(s)	Year	Report Title
MN-00267	Burton, Jeff	1982	Archaeological Survey Report – Eagles Nest Condominium Project, Mammoth Lakes, Mono County, California
MN-00269	Burton, Jeff	1982	Archaeological Survey Report – Pinebrooke Condominium Project, Mammoth Lakes, Mono County, California
MN-00287	Crist, Michael K.	1982	A Cultural Resource Reconnaissance of the Montgomery Creek Hydro-electric Project, Mono County, California
MN-00091	Hall, M.C..	1983	Archaeological Investigation of CA-MNO-561: An Obsidian Stoneworking Camp on Mammoth Creek, Mono County, California
MN-00456	White, David R.M.	1988	An Archeological Inventory for the Mammoth Service Center Land Exchange, Mammoth Lakes, Mono County, California
MN-00457	White, David R.M.	1990	Archaeological Inventory for the Mammoth Service Center Expansion (SCE CO) and a Storm Drain and Sedimentation Basin Project (Town of Mammoth Lakes) in Mammoth Lakes, California
MN-00503	-	1990	Archaeological Test Excavations at the Snow Creek Site (CA-MNO-3) Mammoth Lakes, California
MN-00467	Kautz, Robert R.	1991	Archaeological Testing Procedures at Six Sites in Mammoth Lakes, CA; The Lonestar Project
MN-00538	Burton, Jeff and Mary Farrell	1991	Archaeological Survey of a Portion of the Lodestar Property in the Town of Mammoth Lakes, Mono County, California
MN-00268	Burton, Jeff	1992	Further Investigations at the Snowcreek Archaeological Site, Mammoth Lakes, California
MN-00612	Kautz, Robert R. and Nancy Botti	1993	Heritage Resource Report, Hayden Cabin Stabilization
MN-00309	-	1994	Archaeological Investigations at the Mammoth Creek Site (CA-MNO-561), Mammoth Lakes, California
MN-00707	Burton, Jeff and Mary Farrell	1997	Heritage Resources Report: Mammoth Tack Room Relocation (HRR NO. 05-04-527-01)
MN-00854	Sawinski, Tamara	1999	Letter Report: MUSD/Mono County Sewer Route Archaeological Survey
MN-00883	de Barros, Philip	2001	Cultural Resources Survey and Assessment of a Telecommunications Facility Near Casa Diablo Hot Springs, Mono County, California
MN-00646	Woolfenden, Wally	2006	Excavations at Snowcreek Mammoth Lakes, California
MN-01126		2006	An Archaeological Survey Report for the Snowcreek VII Timber Harvesting Plan
MN-00901	Burton, Jeff and Mary Farrell	2006	Cultural Resources Study for the Snowcreek VIII Master Plan Mammoth Lakes, California
MN-00904	Burton et al.	2006	Excavations at Snowcreek Mammoth Lakes, California
MN-01057	Burton et al.	2010	Data Recovery and Monitoring at the Snowcreek Site (CA-MNO-3) Mammoth Lakes, California: Trans-Sierran Archaeological Research Contributions to Trans-Sierran Archaeology No. 67

Table 2 provides the previously recorded sites within the archival study area. Highlighted rows indicate resources that are within the APE.

Table 2. Previously Recorded Sites within ¼ Mile of the Project Area.

Primary Site #	Trinomial Site #	Age	Description	Last Recorded	CRHP	Project Area
P-26-000003	CA-MNO-3	Multi-component	Snow Creek Site Prehistoric component – lithic scatter with bedrock milling features Historic component – old Mammoth townsite	2008	Recommended Eligible	Outside
P-26-000184	CA-MNO-184	Prehistoric	-	1953	-	Outside
P-26-000561	CA-MNO-561		Lithic reduction station	2011	-	Outside
P-26-000721	CA-MNO-721	Prehistoric	-	1974	-	Outside
P-26-000722	CA-MNO-722	Prehistoric	-	1973	-	Outside
P-26-000770	CA-MNO-770	-	-	1979	-	Outside
P-26-000906	CA-MNO-906	Prehistoric	Eagles Nest Site – lithic scatter	1993	-	Outside
P-26-000907	CA-MNO-907	Prehistoric	Lithic scatter	1992	Recommended Not Eligible	Inside
P-26-001202	CA-MNO-1202	Prehistoric	-	1981	-	Outside
P-26-002682	CA-MNO-2682	Prehistoric	-	1991	-	Outside
P-26-002683	CA-MNO-2683	Prehistoric	-	1991	-	Outside
P-26-002721	CA-MNO-2721	Prehistoric	-	1991	-	Outside
P-26-002770	CA-MNO-2770	Prehistoric	-	1993	-	Outside
P-26-003573	CA-MNO-3403	Prehistoric	-	1999	-	Outside
P-26-004731	CA-MNO-4197	Historic	-	2006	-	Outside
P-26-006070	CA-MNO-6070	Prehistoric	Isolated find	2009	-	Outside

Archival information shows that the current APE has been surveyed in its entirety (Burton 1982, 1992; Valdez and Siefkin 1993). Information developed as a result of those inventories is sufficient to meet CEQA compliance needs. As a result, no additional inventory was conducted.

Archival information indicates that the proposed APE extends through one previously recorded archaeological site – P-26-000907. Three other sites - P-26-000003, 561, and 906 - are located nearby but are outside the limits of the APE.

NATIVE AMERICAN CONSULTATION

On March 23, 2016 a letter was sent to the Native American Heritage Commission (NAHC) requesting a search of their Sacred Lands database and a list of contacts that may have knowledge of cultural or tribal resources within or immediately adjacent to the project area. A response was received March 24, 2016 indicating that the Sacred Lands database search did not reveal the presence of Native American cultural resources within or immediately adjacent to the project area. The NAHC requested that seven Native American cultural resource representatives be contacted (**Table 3**). Tribal representative inquiry letters were mailed March 24, 2016. Receipt confirmation of the letters was received from every individual except Ms. Romero.

Table 3. Tribal Representatives Identified by the NAHC.

Representative	Title	Affiliation
Tina Braitewaite	Chairperson	Benton Paiute Reservation - Utu Utu Gwaitu Tribe
Shannon Romero	Chairperson	Big Pine Paiute Tribe of the Owens Valley
Gerald Howard	Chairperson	Bishop Paiute Tribe
John Glazier	Chairperson	Bridgeport Paiute Indian Colony
Danelle Gutierrez	Tribal Historic Preservation Officer	Big Pine Band of Owens Valley
Melanie McFalls	Chairperson	Walker River Paiute Tribe
Raymond Andrews	Tribal Historic Preservation Officer	Bishop Paiute Tribe

On March 30, 2016, an email from Misty Benner of the Walker River Paiute Tribe was received indicating that the project area is outside their traditional territories and they have no knowledge of existing cultural or historic properties located in the project area. As of April 29, 2016 no additional responses have been received.

Correspondence related to Native American consultation can be found in **Appendix C**.

FIELD VISIT

According to archival research, site P-26-000907 intersects with the APE and sites P-26-000003, 561, and 906 are nearby but outside the APE. The purpose of the field visit was to verify the site boundaries and update, if necessary, information on previous site forms.

P-26-000003 (CA-MNO-3)

This multi-component site is also known as the Snowcreek Site and the Old Mammoth Townsite. It has been recorded and updated several times, first in 1949 by A.B. Dron, then in 1993 by Valdez and Siefkin, again in 2006 by Burton, and once more in 2008 by Burton. The prehistoric component consists of an extensive lithic scatter, midden, and several bedrock milling features, dating to the Newberry and Haiwee periods (1200 B.C. to A.D. 1300). The historic component consists of several structures associated with the Old Mammoth townsite dating to around the turn of the 20th Century.

During the present field visit, it was determined that elements of the project do not extend into the boundary of P-26-000003 which appears to be confined to the west side of Minaret Road and extends south of Old Mammoth Road. As such, the site was not revisited.

P-26-000561 (CA-MNO-561)

This site was first recorded in 1979 by W. Taylor as a large lithic scatter or possible temporary camp consisting of an obsidian lithic scatter and three complete projectile points, one partial projectile point, and three bifaces. The site was revisited in 1981 by Weaver and others of the Inyo National Forest. They determined that the site was actually three distinct lithic scatters with sparse cultural materials between. This distinction was based on the results of an extensive test excavation program which took place in 1981. The excavation produced a total of over 150,000 prehistoric cultural items, demonstrating the presence of a dense subsurface component. The two new site areas were designated P-26-001202 and P-26-001203.

P-26-000561 was updated in 1993 by Valdez and Siefkin. They noted that the site consisting of an obsidian lithic scatter and a light midden deposit visible in the areas closest to Mammoth

Creek. Chambers Group relocated the site in 2011 and observed only a light, diffuse lithic scatter consisting of four opaque obsidian tertiary flakes. Researchers point out disturbances the site has been subjected to including the possibility of destruction due to construction, camping, off-highway vehicles, and the construction of Mammoth Creek Day Use area, which is frequently visited.

During the present field visit, it was determined that elements of the project do not extend into the boundary of P-26-000561 which is located east of the project area along Mammoth Creek just south of Mammoth Creek Road. As such, the site was not revisited.

P-26-000906 (CA-MNO-906)

First recorded by Burton (1982) as part of the Eagles Nest Condominium Project, this site was described as a moderate to sparse lithic scatter consisting of 60 obsidian flakes with a density of 15 flakes per 100 square meters. The site was probed with six auger holes to a depth of 40 cm and subsurface materials were identified. The Eagle's Nest Condominiums were constructed soon thereafter, destroying a large portion of the site.

The site was revisited by Valdez and Siefkin in 1993. They expanded the site boundary to the west and south. The site is bounded by Meadow Lane to the north, Minaret Road to the west, Mammoth Creek to the south, and the condominiums to the east (now called Mammoth Creek Condominiums). Valdez and Siefkin recorded a similar density and distribution of obsidian flakes as had Burton, but also identified a dark midden deposit with charcoal in close proximity to Mammoth Creek.

As noted, Mammoth Creek forms the southern extent of site P-26-000906. All proposed project activities will occur south of Mammoth Creek. As a result, elements of the project will not extend into P-26-000906. The north side of the Mammoth Creek, which is outside the present project area, was examined. Several dozen secondary and tertiary obsidian flakes were noted, but diagnostic artifacts were not identified. The site is heavily disturbed, as noted in the 1982 and 1993 recordings.

A site form update was not prepared, as no new information was obtained during the site visit.

P-26-000907 (CA-MNO-907)

This site was originally recorded as a lithic scatter consisting of over 1,000 obsidian flakes with an average artifact density of 20 flakes per 100 square meters (Burton 1982). The site is located near the intersection of Old Mammoth Road and Minaret Road. Likely much larger at one point, the site has been truncated by urban development including Minaret Road to the west and Old Mammoth Road to the south and east. Mammoth Creek forms the northern border of the site. Burton (1992) conducted a Phase II assessment of the site (discussed in more detail in the Determination of Effect section). The site form was updated by Valdez and Siefkin in 1993 and the site was revisited by Burton and Ferrell in 2006.

Although Burton's 1992 work did not include a site form update, it is considered the authoritative description of the site given the extensive surface and subsurface exploration conducted. The current site visit concurs with Burton's (1992) findings pertaining to the surface expression of the site; however, the site boundary is modified slightly and a historic component is added to the list of constituents.

The site consists of thousands of obsidian flakes (approximately 60% tertiary, 30% secondary, and 10% primary) situated between Mammoth Creek and Old Mammoth Road. As previous researchers have pointed out, the densest portion of the site is near the intersection of Minaret

and Old Mammoth Roads. However, this is also the most disturbed portion of the site, so density may be a reflection of increased ground visibility. A maximum density of 25 flakes per square meter was observed in this concentration, mapped as C1. To the east of C1, flake density is reduced, but so is ground visibility (due to increased sage brush and pine needle duff). No time-diagnostic artifacts were identified. Only one formally shaped tool was identified – A1 is a Class II obsidian biface measuring 65 mm long by 38 mm wide by 17 mm thick. Bifacial thinning flakes are prevalent which agrees with Burton's (1992) assessment of the site as a biface reduction station dating to the Newberry and Haiwee Periods (3200-700 B.P.).

A previous unrecorded historic component is added to the site as part of this update. Artifacts include crushed and broken cans, bottle fragments, and miscellaneous hardware. A light scatter of bottle glass (green, amber, clear) is mixed with C1. A heavy metal box (A2) of unknown function, constructed from riveted $\frac{1}{16}$ th inch sheet metal and measuring 76 by 24 by 27 inches was identified adjacent to a bed frame, both situated just south of Mammoth Creek. These may have been transported to the site during a past flood event. Noted cans include a castleated seam, church key opened, beverage can, and a 1-lb friction lid coffee can. Both date to the mid-20th Century.

Identified historic features include a fence line, concrete blocks engraved with "USFS", and concrete footings on either side of Mammoth Creek. The fence line (F1), extending north-south between Mammoth Creek and Old Mammoth Road, consists of five 4x4 inch, standing, split timber posts spaced 10-15 feet apart. The posts have wire nails, heavy wire staples, and double-strand, two-twist barbed wire. The fence likely dates to around the mid-20th Century.

Two adjacent concrete blocks (F2a and F2b) are located along the eastern margin of the site boundary and measure 36 inches long by 18 inches wide by 7 inches thick. Each is engraved with the letters "USFS" presumably for United States Forest Service. The function of these blocks is unknown and given their proximity to Old Mammoth Road, may have been deposited as a result of roadside dumping.

The concrete footings (F3a and F3b) are located on either side of Mammoth Creek and have been converted in recent years to park benches. The bench on the south side of the creek is made from Trex decking and is approximately 60 inches long by 24 inches wide. The decking is placed atop wooden 4x4 sections bolted to the repurposed bridge footing. The footing is slightly wider than the bench (approximately 65 inches) and extends about 12 inches above ground surface. It is unknown how deeply the footing is buried within the creek bank. The footing on the north side of the creek is of a similar size, although the bench material is cedar or redwood decking rather than Trex. The age and function of these footings are unknown as they do not appear on any historic map consulted.

A site form update is provided in **Appendix D**.

DETERMINATION OF EFFECT & MANAGEMENT RECOMMENDATIONS

Archival research and a field visit indicate that although four sites are within close proximity to the APE, only Site P-26-000907 could potentially be affected by the undertaking. Sites P-26-000003, 561, and 906 are all located outside the proposed APE. Section 21083.2 of the CEQA requires explicit examination of an undertaking's potential to have a significant adverse effect on unique archaeological resources. Pursuant to Part (g) of that section, a unique archaeological resource is:

"an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person."

Burton (1992) conducted a Phase II assessment of the site which forms the foundation for the present evaluation. Seven one-by-one meter excavation units were placed along the long axis of the site. As a result, nearly 9,000 prehistoric artifacts (all flaked stone), and 121 historic artifacts were recovered. Subsequent interpretation indicated that the prehistoric component of the site represents a temporary camp, used for subsistence with a focus on biface reduction. Obsidian hydration analysis indicated that the site was occupied as early as 3500 B.C., with increased use around 1050 B.C., and peak use between 500 and 50 B.C. This places occupation of the site during the Newberry and Haiwee Periods (3200-700 BP). The historic component of the site represents ephemeral use related to camping or recreation from ca. 1918 to 1937, and the roadside dumping of waste material.

Burton's (1992) findings present data that address research questions pertaining to important regional thematic categories including: Subsistence, Production, and Exchange; Demography and Settlement Patterns / Cultural Identify and Territoriality; Regional Chronology; and the Historic Period. A summary of Burton's (1992) interpretations derived from the Phase II analysis is presented below.

Subsistence, Production, and Exchange

- Although biface reduction was the predominant activity at the site, the low number of artifacts and debitage suggest that this was not a major manufacturing site, where large-scale production for exchange took place.
- Food production does not appear to have been a focus which suggests short camping episodes at this location.

Demography and Settlement Patterns / Cultural Identify and Territoriality

- The vast majority of obsidian recovered from the site comes from the Casa Diablo sources, less than five miles to the east and northeast of the site. This suggests local, unrestricted travel with potentially limited trade.
- Because of the limited types and quantities of cultural material at the site, no other data related to this research topic was encountered during testing, and little would be expected with more extensive excavation.

Regional Chronology

- An Elko series projectile point was the only time-diagnostic artifact recovered at the site. Obsidian hydration analysis placed occupation of the site from 3000 BP to the Late Prehistoric, a common period of occupation for prehistoric sites in the region.
- The site appears to have been used over a long time span, and each occupation may not have been very long or intensive. The lack of patterning suggests the site was used ephemerally or intermittently.
- Because of the lack of well-stratified deposits or other chronological information, the site has little potential to provide data pertaining to this research question.

Historic Period

- The historic material identified at the site is most likely associated with historic "Mammoth Camp" (ca. 1918-1937) but retains little data potential to address research domains of the region related to the historic period.

As described above, testing conducted at P-07-000907 failed to address data gaps within the regional research framework. Based on his subsurface testing of the site, Burton (1992) stated that,

"the site contains no significant research potential beyond that already recovered [and] interpretation of any additional data recovered would be severely limited. The testing reported [...] has recovered adequate data to characterize the site and virtually exhaust its research potential. Therefore, CA-MNO-907 is not considered significant under CEQA, and no further fieldwork is recommended" (Burton 1992:40).

Burton reached this conclusion nearly 25 years ago. Subsequent site visits have all noted changes in overall site integrity. Proximity to roadways and use as an informal trail corridor has prompted continued impacts to the site surface. As a result, the site is likely in poorer condition today than when evaluated by Burton. It is recommended that Burton's evaluation of the site as not eligible is justified. As a result, resources eligible for listing on the California Register of Historical Places (CRHP) are not present within the APE associated with the proposed undertaking. It is recommended that the undertaking will have no effect on Historic Properties.

SUMMARY & CONCLUDING REMARKS

Based on the archival research and a field visit, it is recommended that the Mammoth Creek Gap Closure Project will have no effect on Historic Properties listed on or considered eligible for listing on the CRHP, as per Section 21084.1 of the CEQA.

Although improbable, it is possible that prehistoric burials might be found within the APE. Should human remains be encountered while engaged in construction activities, work must cease in the immediate area and the contractor must immediately report the finding to the County Coroner, California OHP, and other designated officials. The OHP will contact the appropriate tribal representatives and consult on disposition of the remains and any associated artifacts.

NCE prepared this report for use by the Town as the intended beneficiary of this work. Interpretations, conclusions, and recommendations contained within the report are based in part on information presented in other reports that are cited in the text and listed in the references. This report is subject to limitations and qualifications inherent to the referenced documents.

Examination of past studies indicates that every reasonable effort has been made to identify cultural resources in the study area. If, however, prehistoric or historic period resources are subsequently discovered that could be adversely affected by project-related activities, all such activities should cease immediately and OHP and Town representatives should be contacted immediately.

Should additional information be required, or clarifications pertaining to site evaluations and recommendations, please contact me.

Sincerely,



Jeremy Hall
Project Scientist
NCE
155 Hwy 50, Suite 204
Stateline, NV 89449
(775) 588-2505
jhall@ncenet.com

REFERENCES CITED

Burton, Jeff

1982 Archaeological Survey Report – Eagle’s Nest Condominium Project, Mammoth Lakes, Mono County, California. Trans-Sierran Archaeological Research. Tucson, Arizona.

1992 Archaeological Testing at the Eagles Nest Site (CA-MNO-907), Mammoth Lakes, California. Trans-Sierran Archaeological Research. Tucson, Arizona.

Burton, Jeff and Mary Farrell

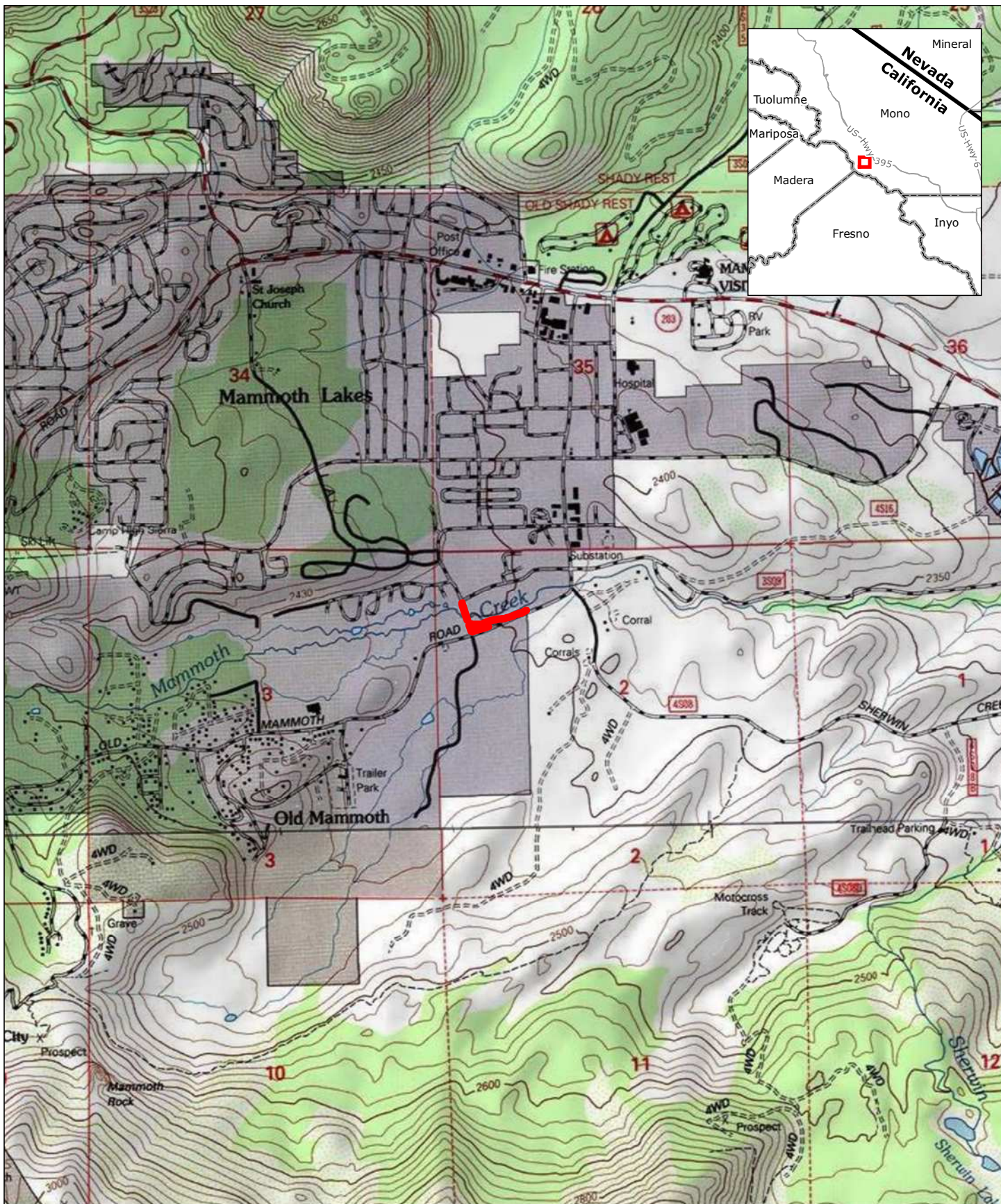
2006 Cultural Resources Studies for the Snowcreek VII Master Plan, Mammoth Lakes, California. Trans-Sierran Archaeological Research. Tucson, Arizona.

Valdez, Sharynn-Marie, and Nelson Siefkin

1993 Archaeological Inventory of the Southern California Edison Overhead to Underground Conversion Project, In the City of Mammoth Lakes, Mono County, California. Cultural Resource Facility, California State University Bakersfield, Bakersfield, California. Copy on file at the California Eastern Information Center, Riverside, California.

Appendix A

REPORT FIGURES



Town of Mammoth Lakes Bike Path Gap Closure Project

Overview Map

Legend

 Project Area

1:24,000

0 1,000 2,000
ft.

N



Credits: ESRI US Topo basemap

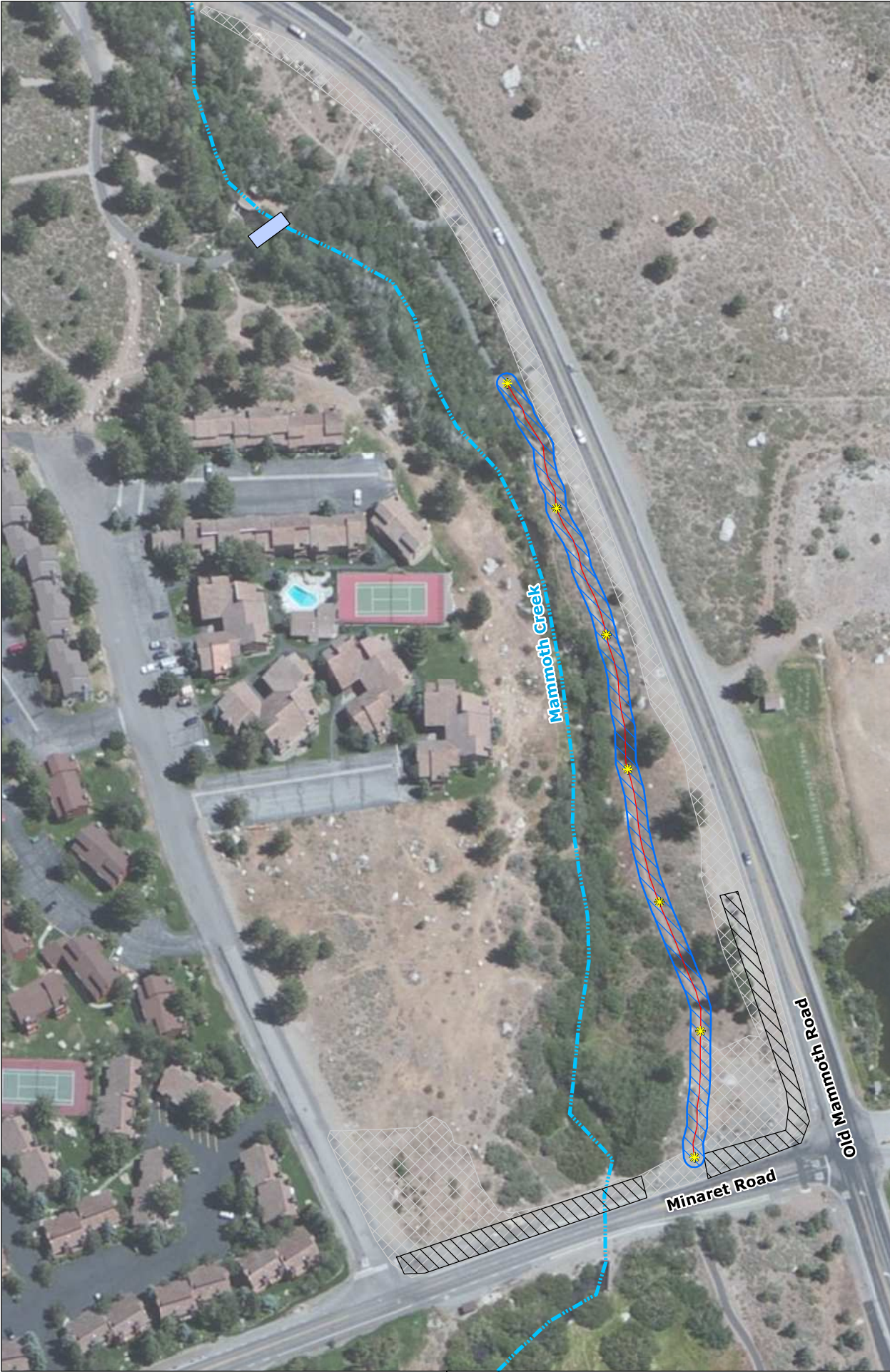
Date: 4/25/2016

Author: jhall

Figure

1





Town of Mammoth Lakes Bike Path Gap Closure Project

Detail Map

1 in. = 150 ft.

0 150 300 ft.

N

Credits: ESRI World Imagery basemap
 Date: 4/28/2016
 Author: jhall

Proposed Trail Trail APE (22' wide) Staging Area Bridge Replacement Proposed Lighting (Approx Location) Disturbance	Figure 2
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NOT FOR PUBLIC RELEASE

Appendix B

RECORDS SEARCH RESULTS



Collaboration. Commitment. Confidence.SM

Appendix C

NATIVE AMERICAN CORRESPONDENCE

Date: March 23, 2016
To: California Native American Heritage Commission
From: NCE
Subject: Request for Native American Contact List and Sacred File Search for the Mammoth Creek Bike Path Gap Closure Project

Ms. Cynthia Gomez, Executive Secretary
California Native American Heritage Commission
1550 Harbor Boulevard, Suite 100
West Sacramento, California 95691

Dear Ms. Gomez:

The Town of Mammoth Lakes proposes to construct a segment of a Multi-Use Path (MUP) located near the intersection of Old Mammoth Road and Minaret Road in the Town of Mammoth Lakes (Town), Mono County, California. The MUP will run east-west, approximately paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road. The project will eliminate a gap in the town loop bike path system between Minaret Road on the west and an existing MUP on the east. This section of path will be approximately 1,100 feet in length with a maximum horizontal footprint of 14 feet.

The legal description of the project area is T.04S., R.27E., Section 2. Two maps are enclosed for your use. Figure 1 is an overview map of the project area at a 1:24,000 scale with a USGS 7.5' quadrangle (Old Mammoth) background. Figure 2 provides more detail of the project area depicting the proposed design components of the project on an aerial basemap.

Several cultural resource investigations have been conducted in the area where the proposed trail alignment resides. As a result of these studies, CA-MNO-907 (hereafter referred to as the Site), a multi-component site containing both historic and prehistoric cultural material, has been identified where the proposed trail alignment is situated. The Site was first identified by Burton (1982) as part of a Phase I investigation for the Pinebrooke Condominium Project. A decade later, the Town of Mammoth Lakes proposed to construct a portion of the Mammoth Lakes Trail System through the Site. Burton (1992) was retained to evaluate the Site's significance in compliance with the CEQA. The results of his Phase II investigation indicate that,

"the site contains no significant research potential beyond that already recovered [and] interpretation of any additional data recovered would be severely limited. The testing reported [...] has recovered adequate data to characterize the site and virtually exhaust its research potential. Therefore, CA-MNO-907 is not considered significant under CEQA, and no further fieldwork is recommended" (Burton 1992:40).

The Town recently secured funding to construct the proposed trail segment. The current scope of work addresses cultural resource compliance under CEQA and builds on work conducted by Burton (1992).

NCE is assisting the Town in its project planning activities, including consideration of cultural resource issues. We request that you provide us a contact list for that portion of Mono County in the vicinity of the project area. We also request that you conduct a search of your Sacred



Lands database for any places of concern that may be located within or adjacent to the proposed project area. In May 2014, the Town engaged in Native American consultation activities regarding this project; however, due to changing project elements, it was put on hold and Native American consultation was not finalized. We are seeking to reinitialize the consultation effort and want to ensure that our Native American contact list is up to date.

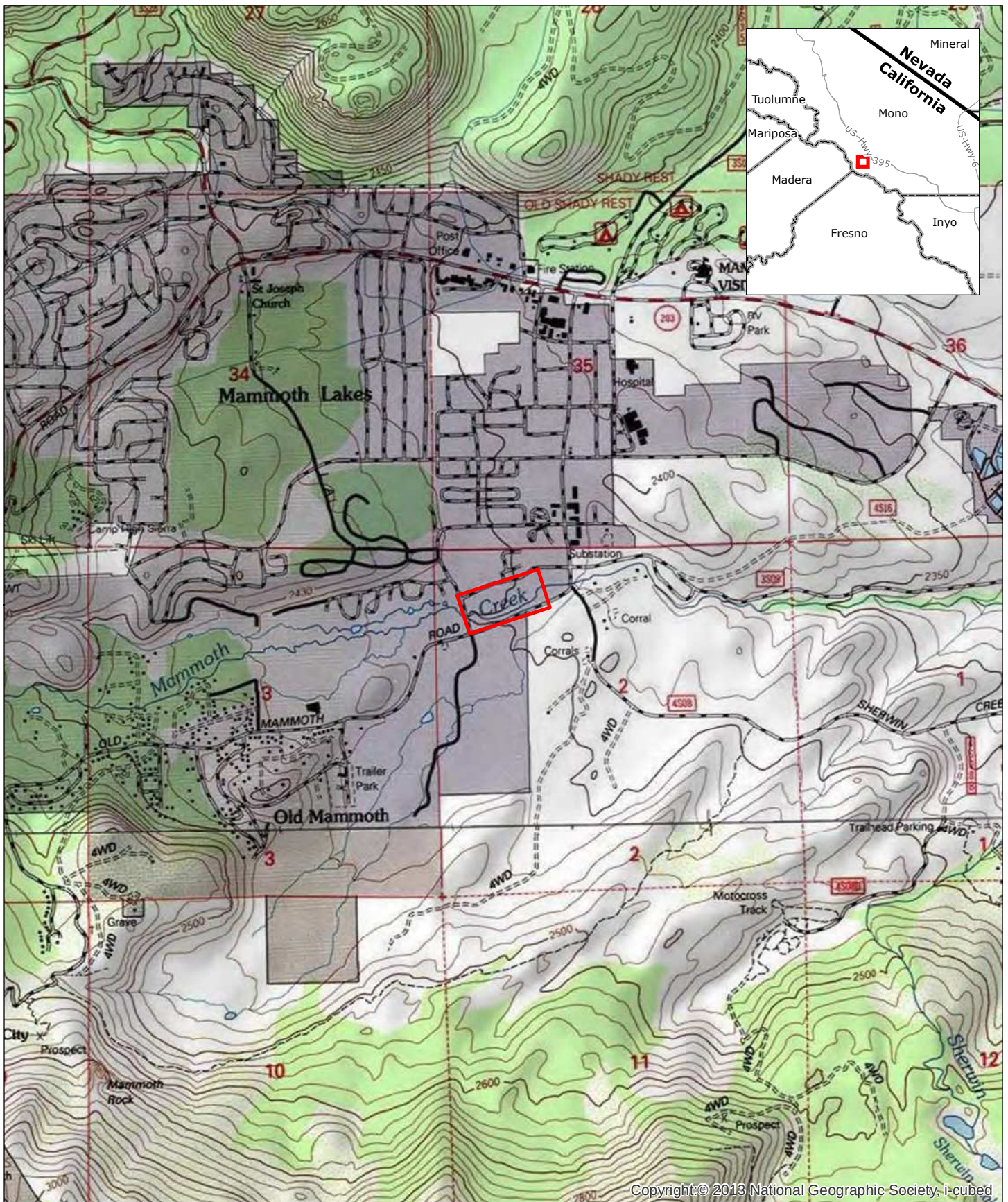
If you have any questions, please feel free to contact me via email at jhall@ncenet.com or by telephone (775-588-2505). I appreciate your assistance and look forward to hearing from you soon. If possible, please provide a response by April 5, 2016.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Hall", is positioned above the typed name.

Jeremy Hall
Project Scientist
NCE
PO Box 1760
Zephyr Cove, NV 89448
(775) 588-2505
jhall@ncenet.com

Enclosed: Figure 1, Overview Map; Figure 2, Trail Alignment Detail Map



Copyright: © 2013 National Geographic Society, i-cubed

Town of Mammoth Lakes Bike Path Gap Closure Project

Overview Map

1:24,000

0 1,000 2,000
ft.

N



Credits: ESRI US Topo basemap; Trans-Sierran
Archaeological Research

Date: 3/22/2016

Author: jhall

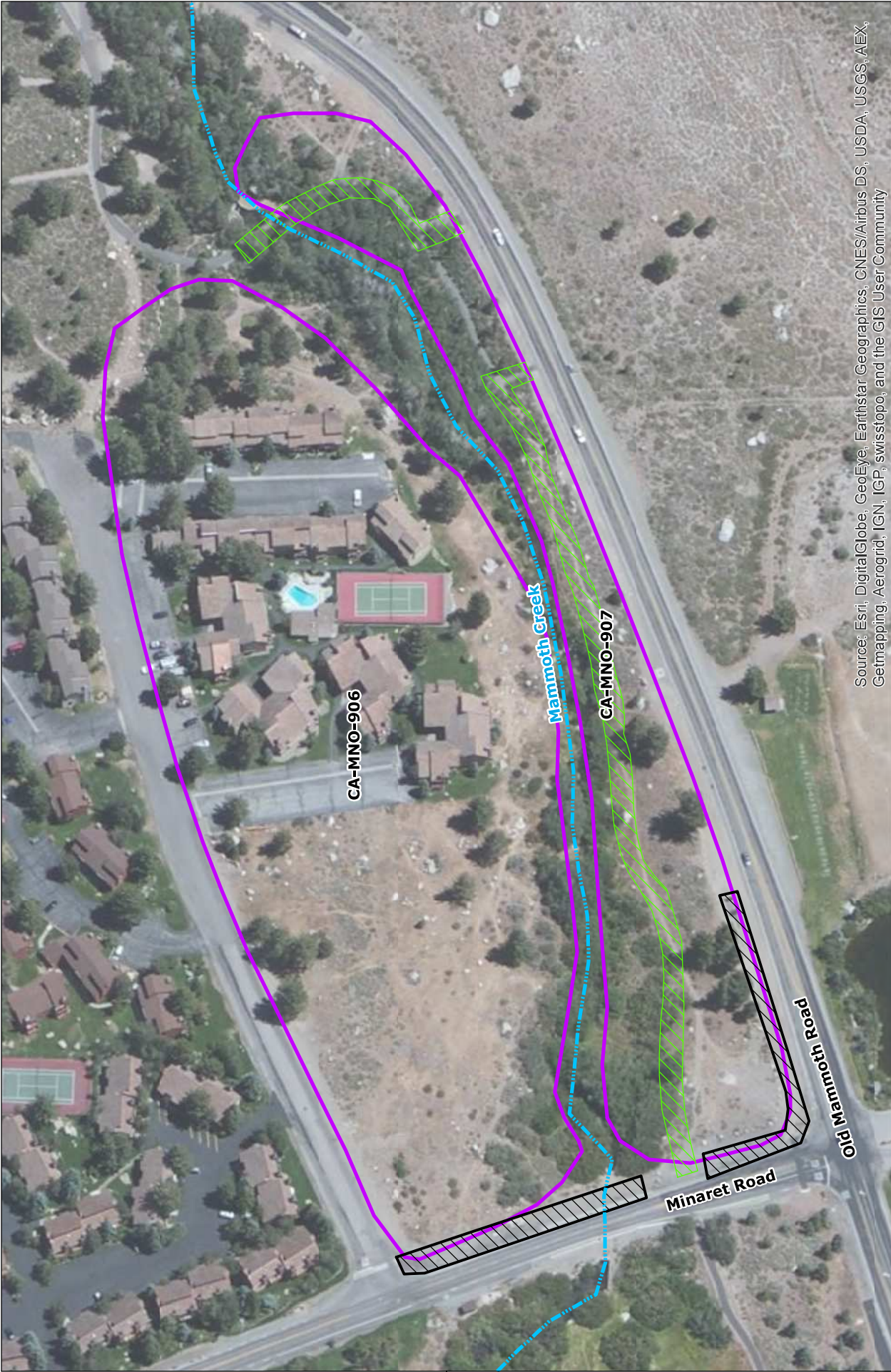
Figure

1

Legend

Project Area





Town of Mammoth Lakes Bike Path Gap Closure Project	
Detail Map	
1 in. = 150 ft.	Credits: ESRI World Imagery basemap; Trans-Sierran Archaeological Research
0 150 300 ft.	Date: 3/22/2016
Legend	Author: jhall
Site Boundary	Figure
APE	2
Trail Footprint	
Staging Area	

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

NCE
Mammoth Lakes
CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



March 24, 2016

Jeremy Hall
NCE Engineering and Environmental Services

Sent by Email: jhall@ncenet.com
Number of Pages: **3**

RE: Proposed Mammoth Creek Bike Path Gap Closure Project, Old Mammoth USGS Quadrangle, Mono County, California

Dear Mr. Hall:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent above reference codes is to mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and

- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
 3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. A search of the SFL was completed for the USGS quadrangle information provided with negative results.
 4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
 5. Any geotechnical reports regarding all or part of the potential APE.

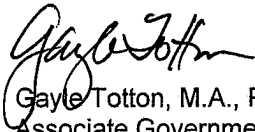
Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

**Native American Heritage Commission
Tribal Consultation List
Mono County
March 24, 2016**

Benton Paiute Reservation - Utu Utu Gwaitu Tribe
Tina Braitewaite, Chairperson
25669 Highway 6 PMB I Paiute
Benton , CA 93512
numic@qnet.com
(760) 933-2321

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

Big Pine Paiute Tribe of the Owens Valley
Shannon Romero, Chairperson
P. O. Box 700 Owens Valley Paiute
Big Pine , CA 93513
shann_romero@hotmail.com
(760) 938-2003

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

Bishop Paiute Tribe
Gerald Howard, Chairperson
50 Tu Su Lane Paiute - Shoshone
Bishop , CA 93514
(760) 873-3584

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

Big Pine Band of Owens Valley THPO
Danelle Gutierrez Tribal Historic Preservation Officer
P.O. Box 700 Paiute
Big Pine , CA 93513
d.gutierrez@bigpinepaiute.org
(760) 938-2003, ext. 228
(760) 938-2942

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

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

This list applicable only for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Mammoth Creek Bike Path Gap Closure Project, Town of Mammoth Lakes, Old Mammoth USGS Quadrangle, Mono County, California.

March 24, 2016

Tina Braitewaite
Chairperson
Benton Paiute Reservation - Utu Utu Gwaitu Tribe
25669 Highway 6, PMB 1
Benton, CA 93512

Re: Request for Native American Contact List and Sacred File Search for the Mammoth Creek Bike Path Gap Closure Project

Dear Ms. Braitewaite:

The Town of Mammoth Lakes (Town), the CEQA lead agency for this project (contact information provided below), proposes to construct a segment of a Multi-Use Path (MUP) located near the intersection of Old Mammoth Road and Minaret Road in the Town of Mammoth Lakes, Mono County, California. The MUP will run east-west, approximately paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road. The project will eliminate a gap in the town loop bike path system between Minaret Road on the west and an existing MUP on the east. This section of path will be approximately 1,100 feet in length with a maximum horizontal footprint of 14 feet.

The legal description of the project area is T.04S., R.27E., Section 2. Two maps are enclosed for your use. Figure 1 is an overview map of the project area at a 1:24,000 scale with a USGS 7.5' quadrangle (Old Mammoth) background. Figure 2 provides more detail of the project area depicting the proposed design components of the project on an aerial basemap.

As per Public Resource Code (PRC) Sections 21080.1, 21080.3.1, and 21080.3.2 of the California Environmental Quality Act (CEQA), public agencies are required to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purposes of mitigating impacts to tribal cultural resources. The NAHC provided your information on a consultation list of tribes with traditional lands or cultural places potentially located within the vicinity of the above referenced project. A search of the NAHC's Sacred Lands File (SLF) produced no findings.

Several cultural resource investigations have been conducted in the area where the proposed trail alignment resides. As a result of these studies, CA-MNO-907 (hereafter referred to as the Site), a multi-component site containing both historic and prehistoric cultural material, has been identified where the proposed trail alignment is situated. The Site was first identified by Burton (1982) as part of a Phase I investigation for the Pinebrooke Condominium Project. A decade later, the Town of Mammoth Lakes proposed to construct a portion of the Mammoth Lakes Trail System through the Site. Burton (1992) was retained to evaluate the Site's significance in compliance with the CEQA. The results of his Phase II investigation indicate that,

"the site contains no significant research potential beyond that already recovered [and] interpretation of any additional data recovered would be severely limited. The testing reported [...] has recovered adequate data to characterize the site and virtually exhaust its research potential. Therefore, CA-MNO-907 is not considered significant under CEQA, and no further fieldwork is recommended" (Burton 1992:40).



The Town recently secured funding to construct the proposed trail segment. The current scope of work addresses cultural resource compliance under CEQA and builds on work conducted by Burton (1992).

In May 2014, the Town engaged in Native American consultation activities regarding this project; however, due to changing project elements, it was put on hold and Native American consultation was not finalized. We are seeking to reinitialize the consultation effort. As part of the archaeological review for this project, I respectfully request any information you wish to share about cultural resources that may exist within the project area. This notification provides you the opportunity to disclose the existence of Native American archaeological or cultural sites that could potentially be affected by the project and the opportunity to submit other comments regarding the project. Please note that pursuant to PRC Section 21080.3.1(b)(2), the timeframe to request formal consultation on the project is 30 days (from receipt of this letter).

If you have any questions or concerns, please direct such inquiries to me, and if necessary I will facilitate communication with the Town. I appreciate your assistance and look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeremy Hall", with a stylized flourish at the end.

Jeremy Hall
Project Scientist
NCE
PO Box 1760
Zephyr Cove, NV 89448
(775) 588-2505
jhall@ncenet.com

Lead Agency Contact Information

Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA93546

Enclosed: Figure 1, Overview Map; Figure 2, Detail Map

Jeremy Hall

From: Misty Benner <numuyadua@hotmail.com>
Sent: Wednesday, March 30, 2016 9:49 AM
To: jhall@ncenet.com
Subject: Mammoth Creek Bike Path Gap Closure Project

Follow Up Flag: Follow Up
Flag Status: Flagged

Dear Mr. Hall,

In response to the letter requesting information from the Walker River Paiute Tribe on cultural concerns with the project, we have no knowledge of existing cultural or historic properties located in the Project area. We would refer you to the Bishop Paiute Tribe or Lone Pine. The Project area lies outside of our traditional territories, though we did travel to those areas for food and medicine resources as well as bartering with the local tribes. There is currently no information in the tribal archives regarding the Project area. We have no concerns, but fully support our sister Tribes in their response.

If you have any further questions please contact me at 775-842-6526.

Thank you,
Misty Benner
WRPT Cultural Resources Specialist

NOT FOR PUBLIC RELEASE

Appendix D
SITE RECORDS

Attachment D

MITIGATION MONITORING AND REPORTING PLAN

Mammoth Creek Gap Closure
Mitigation Monitoring and Reporting Plan

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
I. AESTHETICS					
Mitigation Measure AES-1: New light sources installed as part of the project shall provide the minimum lighting levels to meet security and safety purposes; shall be directed downward and away from adjacent residential areas; and shall be shielded, diffused, or indirect to prevent spillover into adjacent residential properties. The design contractor shall provide data to the Mammoth Lakes Public Works Staff or equivalent that shows the proposed lighting and resulting lighting levels to determine if light spillover will extend into adjacent residential properties during the design phase of the project.	Design Contractor	Project Design	Town of Mammoth Lakes Public Works staff or equivalent	Final Project Design Phase	Prior to construction
II. AGRICULTURE AND FORESTRY RESOURCES					
<i>There are no potentially significant impacts related to agriculture and forestry resources.</i>					
III. AIR QUALITY					
Mitigation Measure AQ-1: The Contractor must comply with all policies and regulations of the Great Basin Unified Air Pollution Control District (GBUAPCD) and the California Air Resources Board. In addition, the Contractor will employ the following mitigation measures: Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil	Contractor	During construction activities	Town of Mammoth Lakes Public Works	On a daily basis during grading activities	Submit a daily construction report during grading activities for the project file

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
stabilizers shall be applied during active work. - Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site. - Construction vehicles shall use paved roads to access the construction site wherever possible. - Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust. - Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets. - Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule; - Vehicle idling time shall be minimized whenever possible.					
<u>Mitigation Measure AQ-2:</u> Implementation of Mitigation Measure AQ-1	Contractor	During construction activities	Town of Mammoth Lakes Public Works	On a daily basis during grading activities	Submit a daily construction report during grading activities for the project file
<u>Mitigation Measure AQ-3:</u> Implementation of Mitigation Measure AQ-1	Contractor	During construction activities	Town of Mammoth Lakes Public	On a daily basis during grading	Submit a daily construction report during grading

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
IV. BIOLOGICAL RESOURCES					
<u>Mitigation Measure BIO-1:</u> To avoid impacts to nesting birds, roosting bats, and other special status species mammals, pre-construction surveys for these species are required. If it is not possible to avoid construction or other disturbances during the breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-disturbance survey for tree nesting raptors and other migratory birds and for bats as well in all trees within 250 feet of the footprint of the project as for special status species mammals in the project area no more than 14 days prior to the onset of ground disturbance. If nesting migratory birds or any other protected species is detected on the site during the survey, a suitable activity-free buffer shall be established around all active nests by the Town of Mammoth or approved contractor. The precise dimension of the buffer (up to 250 ft.) shall be determined at that time and may vary depending on locations and species. Buffers shall remain in place for the duration of the breeding season or until it has been	Town of Mammoth Lakes Public Works/Qualified Biologist	Conduct pre-construction surveys as required, if occupied nests are identified, establish buffer zones and monitor in consultation with CDFW	Town of Mammoth Lakes Public Works in contract with a Qualified Biologist	No more than 30 days prior to ground disturbance for tree-nesting raptors, roosting bats.	Submit a biological survey/report for the project file

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Implementation of the above mitigation measures would mitigate impacts to migratory birds, including tree nesting raptors, as well as to special status species mammals to a less than significant level.					
<u>Mitigation Measure BIO-2:</u> Ensure maintenance of water quality by using Best Management Practices for surface water management. Although, a Stormwater Pollution Prevention Plan (SWPPP) is not required for this project, typical construction water quality BMPs should be noted on plans prior to the issuance of a development permit.	Contractor/ Town of Mammoth Lakes	During construction activities	Town of Moraga of Public Works	On a daily basis during grading activities	Prior to the issuance of a development permit.
<u>Mitigation Measure BIO-3:</u> The footprint affected by the project should be minimized by the contractor through construction limit fencing in order to protect habitat and vegetation in the project area. Pre-construction surveys should be conducted for any SSS plants that may occur on the project site by a qualified biologist. These surveys shall be conducted during the appropriate blooming period for those species. The project area shall be limited to 0.95 acres delineated in the APE and all areas outside shall be	Town of Moraga Department of Public Works and Project Contractor	Prior to construction	Qualified Biologist	During and Post construction	During the appropriate blooming period for those species.

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
protected with construction limit fencing.					
<u>Mitigation Measure BIO-4:</u> Implementation of Mitigation Measure BIO-1	Town of Mammoth Lakes Public Works/Qualified Biologist	Conduct pre-construction surveys as required, if occupied nests are identified, establish buffer zones and monitor in consultation with CDFW	Town of Mammoth Lakes Public Works in contract with a Qualified Biologist	No more than 30 days prior to ground disturbance for tree-nesting raptors, roosting bats.	Submit a biological survey/report for the project file
V. CULTURAL RESOURCES					
<i>There are no potentially significant impacts related to Cultural Resources.</i>					
VI. GEOLOGY AND SOILS					
<i>There are no potentially significant impacts related to Geology and Soils.</i>					
VII. GREENHOUSE GAS EMISSIONS					
<u>Mitigation Measure GHG-1:</u> The proposed project will temporarily increase greenhouse gas emissions during construction activities. The following mitigation measures reduce the impact to less than significant. - Use of heavy machinery will be minimized to the fullest extent possible during construction activities. - Vehicles will be turned off when not in use rather than remain in an idling state. - Heavy haul trips will be augmented to	Project Contractor	Prior to issuance of grading permit	Town of Mammoth Lakes Public Works Department	Prior to issuance of grading permit and through the duration of the project	Contractor's construction management plan should be provided to the Town of Mammoth lakes for review and approval. The plans shall incorporate the measures recommended in the mitigation.

Mitigation Measures	Implemented By	When Implemented	Monitored By	Monitoring Action and Frequency	Verification By/Date
reduce emissions and increase fuel efficiency.					
VIII. HAZARDS AND HAZARDOUS MATERIALS					
<i>There are no potentially significant impacts related to hazards and hazardous materials.</i>					
IX. HYDROLOGY AND WATER QUALITY					
<i>There are no potentially significant impacts related to Hydrology and Water Quality.</i>					
X. LAND USE AND PLANNING					
<i>There are no potentially significant impacts related to land use and planning.</i>					
XI. MINERAL RESOURCES					
<i>There are no potentially significant impacts related to mineral resources.</i>					
XII. NOISE					
<i>There are no potentially significant impacts related to noise</i>					
XIII. POPULATION AND HOUSING					
<i>There are no potentially significant impacts related to population and housing.</i>					
XIV. PUBLIC SERVICES					
<i>There are no potentially significant impacts related to public services.</i>					
XV. RECREATION					
<i>There are no potentially significant impacts related to recreation.</i>					
XVI. TRANSPORTATION/TRAFFIC					
<i>There are no potentially significant impacts related to transportation and traffic.</i>					
XVII. UTILITIES AND SERVICE SYSTEMS					
<i>There are no potentially significant impacts related to Utilities and Service Systems.</i>					

Attachment E
RESPONSE TO COMMENTS

APPENDIX E

RESPONSE TO COMMENTS

Response to Comments

The Draft IS/MND was posted to the State Clearinghouse website and available for public comment from September 02, 2016 to October 03, 2016 (State Clearinghouse #2016092007). Written comment letters were submitted by the California Department of Fish and Wildlife, Inland Deserts Region and the Lahontan Regional Water Quality Control Board. Comments and responses are summarized below and original agency comment letters are attached.

Department of Fish and Wildlife

1. *Comment: The findings of the ISMND conclude that the Project has the potential to impact threatened, sensitive or rare animal species, riparian habitat, wetlands, and migratory wildlife habitats; however, the document does not describe how impacts will occur, what types of impacts will occur, timing/duration of impacts, or acreage of impacts. The document should describe and quantify potential impacts to habitats and species, and an accompanying map showing the areas of impact should be included. The ISMND should include a discussion of both direct and indirect impacts to wildlife movement and connectivity as well as how those impacts will be mitigated.*

Response: In order to further describe potential impacts of the project, modifications were made to the Project Description, a Figure 3: Area of Potential Effect Map was added, and discussion was added to Section IV: Biological Resources items a, b & d. Based on feedback from CDFW, language was added to Section IV: Biological Resources items a, b & d describing that all migratory species would be protected during project construction and implementation.

2. *Comment: The ISMND states that the Project has been designed to avoid any impacts to the approximately 4.1 acres of jurisdictional Waters of the US that occur within the immediate vicinity of the project area, and would have a less than significant impact. It also states that special status species, such as Owens tui chub (State and federally endangered), may occur in aquatic habitats downstream of the Project site, and they could be harmed if water pollutants move downstream of the Project site and into these habitats. However, the document does not specify how project design will lead to avoidance of such impacts to justify a less than significant conclusion. CDFW recommends revising Mitigation Measure Bio-2 to provide more details regarding how impacts will be avoided; "typical construction water quality BMPs should be noted on plans prior to the issuance of a development permit" is not sufficient to reduce impacts to less than significant.*

Response: Details regarding temporary BMPs were added to the Project Description and Mitigation Measure Bio-2 was amended to ensure potential impacts to biological resources are reduced to less than significant. An APE map was added to further clarify how impacts to jurisdictional waters will be avoided.

3. *Comment: Mitigation Measure Bio-3 does not provide enough details for CDFW to assess whether it will reduce impacts to a less than significant level. CDFW recommends that the Lead*

Agency revise to specify the project footprint size before it is minimized, as well as what it will be reduced to. As with Bio-2 above, stating that an action "should" be done does not constitute a mitigation measure.

Response: Language was added to the Project Description and Mitigation Measure Bio-3 was amended to provide consistency with Figure 3: Area of Potential Effect Map which delineates the project footprint.

4. Comment: *The Natural Environment Study (NES) also lacks sufficient detail for CDFW to assess potential impacts to biological resources. It refers to a California Natural Diversity Database (CNDDDB) search, but does not specify which quads were searched, nor does it include the results of the search. Please include list or table of species with potential to occur, whether habitat is/isn't present at project site and justification for a conclusion that Project will have less than significant impact on the species.*

Response: Additional discussion was added to Section IV: Biological Resources items a & b to identify the specific USGS Quads in which the CNDDDB search was performed. The CNDDDB special status species that occurred within 1-mile of the project area are shown on NES Figure 2: Special Status Species.

5. Comment: *Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.*

Response: Comment noted.

6. Comment: *Mitigation Measure Bio-1 proposes conducting migratory bird clearance surveys no more than 30 days prior to the start of construction if commencement occurs during the nesting season. CDFW recommends that pre-construction surveys be required no more than three days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. Surveys should include all suitable nesting habitats in the Project area, including the ground.*

Response: Based on Feedback from CDFW, migratory bird clearance surveys were reduced to 14 days prior to the start of construction in Mitigation Measure Bio-1 in order to allow for project planning operations.

7. Comment: *The ISMND lacks any analysis on impacts to the Round Valley mule deer herd or any other migratory mule deer herd within the Mammoth Lakes vicinity, which does not have a formal designation as a species of concern but whose population faces a number of threats related to various types of development and vehicle collisions. The ISMND should discuss potential presence of deer and their habitat (e.g., for foraging, migration, etc.), as well as how deer could be impacted and how impacts would be mitigated (e.g., timing of project construction).*

Response: Based on feedback from CDFW, additional discussion is provided in Section IV: Biological Resources items a, b & d describing that all migratory species would be protected during project construction and implementation.

8. Comment: *The project is located just south of Mammoth Creek, and in the vicinity approximately 4.1 acres of jurisdictional Waters of the US, which includes wetlands. While the NES indicates that a Streambed Alteration Agreement will be required for this Project, the ISMND does not provide information regarding what impacts may occur that would require it, but rather says that the project has been designed to avoid any impacts without describing how. Any project that may substantially alter a lake or streambed will require notification to CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity (as defined in Fish and Game Code section 1601(d)) to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris or waste where it may pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, watercourses with a subsurface flow, and hydraulically connected floodplains of a body of water.*

Response: This project will not affect any WOUS and no Streambed Alteration Agreement will be required. This was clarified in the Project Description and in Section IV: Biological Resources items a & b. Additionally an APE map was added to delineate the area that the project would impact.

Lahontan Regional Water Quality Control Board

1. Comment: *Section IV, Biological Resources, and Section IX, Hydrology and Water Quality, indicate construction would not impact waters of the state, and impacts to hydrology and water quality were determined to be "less than significant." We disagree with the finding that the Project will not have a significant impact on hydrology and water quality. The IS/MND discusses repairs necessary to a bridge, but a detailed description of bridge repairs was not provided, nor*

was this aspect of the Project provided in the Project description. In fact, the only indication of the location of a bridge is a figure provided with the Cultural Resources Technical Memo, and the location is drawn outside the Project Area. Without adequate mitigation, construction of a bridge may alter drainage patterns, which could lead to impacts to waters of the State that, ultimately, may require additional mitigation. Therefore, hydrology and water quality should be evaluated in the environmental document and mitigation measures identified that reduce potential hydrology and water quality impacts to a less than significant level.

Response: The Project Description and Section IV: Biological Resources and Section IX, Hydrology and Water Quality were modified to show how potential impacts to hydrology and water quality are less than significant.

2. Comment: *Activities such as construction of a bridge and paving the MUP may increase run-off velocities in the Project area. Increases in flow velocities can lead to hydromodification, which typically results in stream channel instability, water quality degradation, changes in groundwater recharge processes, impacts to aquatic habitats, and disconnecting of a stream channel from its floodplain. Therefore, we request the Town develop mitigation measures to reduce flow velocities to pre-project levels, which will help to avoid hydromodification.*

Response: Section IX: Hydrology / Water Quality c, d, & e was modified to highlight how vegetated areas adjacent to the MUP will be maintained in order to infiltrate runoff from the MUP prior to reaching Mammoth Creek and ensuring that there will be no hydro-modification.

3. Comment: *Storm water management should be considered a significant component of the Project, yet the IS/MND does not specifically identify features to control storm water onsite or prevent pollutants from non-point sources from entering and degrading surface waters or groundwater. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are to maintain a landscape functionally equivalent to predevelopment hydrologic conditions and to minimize generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite filtration.*

Response: Section IX: Hydrology / Water Quality a & f was modified to highlight that adequate BMPs to protect resources will be implemented as a component of the project to avoid significant impacts.

4. Comment: *Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to*

the existing and/or potential beneficial uses of the water. It is these objectives and standards that should be used when evaluating thresholds of significance for Project impacts.

Response: Section IX: Hydrology / Water Quality a & f was modified to highlight that adequate BMPs to protect resources will be implemented as a component of the project to avoid significant impacts.

5. Comment: *To ensure that no net loss of function and value will occur as a result of Project implementation, we request that site facilities, equipment staging areas, and excavated soil stockpiles be micro-sited outside stream channels and floodplain areas. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing the surface waters. Equipment should use existing roadways to the extent feasible.*

Response: A Figure 3: Area of Potential Affect Map was added and additional clarifications were made to Section IX: Hydrology / Water Quality a & f highlighting that adequate BMPs to protect resources will be implemented as a component of the project to avoid significant impacts.

6. Comment: *Vegetation clearing should be kept to a minimum. Where feasible, existing vegetation should be mowed so that after construction the vegetation could reestablish and help mitigate for potential storm water impacts.*

Response: Additional modifications were made to Section IX: Hydrology / Water Quality c, d, & e highlighting how vegetated areas adjacent to the MUP will be maintained in order to infiltrate runoff from the MUP prior to reaching Mammoth Creek and ensuring that there will be no hydro-modification.

7. Comment: *Temporary impacts should be restored (recontoured and revegetated) to match pre-Project conditions.*

Response: Comment noted.

8. Comment: *Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board or State Water Board. Early consultation with Water Board staff regarding these types of permits is highly encouraged.*

Response: No Streambed alteration agreement or 401 Certification will be necessary for the project as there are no impacts to WOUS.

9. Comment: *Land disturbance or more than 1-acre, including linear construction projects, may require a CWA, section 402(p) storm water permit, under National Pollutant Discharge*

Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or an individual storm water permit obtained from the Lahontan Water Board.

Response: Additional modifications have been made to the Project Description to clarify that the project will be less than 1-acre in size therefore not requiring a General Construction Storm Water Permit.

10. Comment: *Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO -2003-0003, both issued by the Lahontan Water Board.*

Response: Additional modifications have been implemented into the Project Description to clarify that the project will not require water diversions or de-watering activities.

Original Agency Comment letters

See Next Page



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 29, 2016

Jamie Robertson
Town of Mammoth Lakes
437 Old Mammoth Lakes Road, Suite R
Mammoth Lakes, CA 93546

Subject: **Mammoth Creek Gap Closure Project
Initial Study and Mitigated Negative Declaration
SCH# 2016092007**

Dear Ms. Robertson:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Initial Study (IS) and Mitigated Negative Declaration (MND) for the Mammoth Creek Gap Closure Project (Project) (State Clearinghouse No. 2016092007) prepared by the Town of Mammoth Lakes (Lead Agency). Pursuant to The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et. seq.; hereafter CEQA Guidelines), CDFW has reviewed the ISMND and offers comments and recommendations on those activities involved in the Project that are within CDFW's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096, and 15204).

CEQA Role

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

CDFW will also act as a Responsible Agency based on its regulatory authority regarding any discretionary actions (CEQA Guidelines § 15381) such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, §§ 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (ITP) for take of endangered, threatened, and/or candidate species (Fish & G. Code §§ 2050 et seq.).

Project Description

The Project is located adjacent to Mammoth Creek near the intersection of Old Mammoth Road and Minaret Road in Mammoth Lakes, CA. The Project involves the construction of a Class I Multi-use Path (MUP) that will be designed to connect to an existing MUP on the west side of Minaret Road. The MUP will be 10 feet wide, and will be paved with asphalt of sufficient strength to support snow removal equipment. The MUP will run east-west, approximately

paralleling Old Mammoth Road on the south side of Mammoth Creek and north of Old Mammoth Road, approximately 919 feet in length. Construction staging will occur within the footprint and the Town's Right-of-Way near the Project.

Comments and Recommendations

CDFW offers the following comments and recommendations to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, impact on biological resources:

Request for additional information/clarification:

The findings of the ISMND conclude that the Project has the potential to impact threatened, sensitive or rare animal species, riparian habitat, wetlands, and migratory wildlife habitats; however, the document does not describe how impacts will occur, what types of impacts will occur, timing/duration of impacts, or acreage of impacts. The document should describe and quantify potential impacts to habitats and species, and an accompanying map showing the areas of impact should be included. The ISMND should include a discussion of both direct and indirect impacts to wildlife movement and connectivity as well as how those impacts will be mitigated.

The ISMND states that the Project has been designed to avoid any impacts to the approximately 4.1 acres of jurisdictional Waters of the US that occur within the immediate vicinity of the project area, and would have a less than significant impact. It also states that special status species, such as Owens tui chub (State and federally endangered), may occur in aquatic habitats downstream of the Project site, and they could be harmed if water pollutants move downstream of the Project site and into these habitats. However, the document does not specify how project design will lead to avoidance of such impacts to justify a less than significant conclusion. CDFW recommends revising Mitigation Measure Bio-2 to provide more details regarding how impacts will be avoided; "typical construction water quality BMPs should be noted on plans prior to the issuance of a development permit" is not sufficient to reduce impacts to less than significant.

Mitigation Measure Bio-3 does not provide enough details for CDFW to assess whether it will reduce impacts to a less than significant level. CDFW recommends that the Lead Agency revise to specify the project footprint size before it is minimized, as well as what it will be reduced to. As with Bio-2 above, stating that an action "should" be done does not constitute a mitigation measure.

The Natural Environment Study (NES) also lacks sufficient detail for CDFW to assess potential impacts to biological resources. It refers to a California Natural Diversity Database (CNDDDB) search, but does not specify which quads were searched, nor does it include the results of the search. Please include list or table of species with potential to occur, whether habitat is/isn't present at project site, and justification for a conclusion that Project will have less than significant impact on the species.

Nesting Birds: Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of

the Fish and Game Code (FGC) afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Mitigation Measure Bio-1 proposes conducting migratory bird clearance surveys no more than 30 days prior to the start of construction if commencement occurs during the nesting season. CDFW recommends that pre-construction surveys be required no more than three days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. Surveys should include all suitable nesting habitats in the Project area, including the ground.

Deer: The ISMND lacks any analysis on impacts to the Round Valley mule deer herd or any other migratory mule deer herd within the Mammoth Lakes vicinity, which does not have a formal designation as a species of concern but whose population faces a number of threats related to various types of development and vehicle collisions. The ISMND should discuss potential presence of deer and their habitat (e.g., for foraging, migration, etc.), as well as how deer could be impacted and how impacts would be mitigated (e.g., timing of project construction).

Lake and Streambed Alteration (LSA) Program:

The project is located just south of Mammoth Creek, and in the vicinity approximately 4.1 acres of jurisdictional Waters of the US, which includes wetlands. While the NES indicates that a Streambed Alteration Agreement will be required for this Project, the ISMND does not provide information regarding what impacts may occur that would require it, but rather says that the project has been designed to avoid any impacts without describing how. Any project that may substantially alter a lake or streambed will require notification to CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity (as defined in Fish and Game Code section 1601(d)) to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris or waste where it may pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, watercourses with a subsurface flow, and hydraulically connected floodplains of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake or Streambed Alteration Agreement is required. A Lake or Streambed Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of a Lake or Streambed Agreement constitutes a "project", and is subject to CEQA (Pub. Resources Code §21065); CDFW is thus bound by its role as a Responsible Agency to independently evaluate and approve the environmental document prepared by the Lead Agency, pursuant to California Code of Regulations section 15096 (f). To facilitate issuance of a Lake or Streambed Agreement, the environmental document should fully identify the potential impacts to all lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended to ensure timely preparation and execution of a Lake or Streambed Alteration agreement, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Thank you for the opportunity to provide comments on the Initial Study and Mitigated Negative Declaration for the Mammoth Creek Gap Closure Project. Please contact Rose Banks, Environmental Scientist, with questions regarding this letter and further coordination at (760) 873-4412 or Rose.Banks@wildlife.ca.gov.

Sincerely,



for

Leslie MacNair, Regional Manager
Inland Deserts Region

Cc: State Clearinghouse, Sacramento
Chron

Lahontan Regional Water Quality Control Board

October 3, 2016

File: Environmental Doc Review
Mono County

Jamie Robertson
Town of Mammoth Lakes
P.O. Box 1609
437 Old Mammoth Road, Suite R
Mammoth Lakes, CA 93546
Email: jrobertson@townofmammothlakes.ca.gov

Comments on the Draft Initial Study and Mitigated Negative Declaration for the Mammoth Creek Gap Closure Project, Mono County, State Clearinghouse Number 2016092007

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project) on September 7, 2016. The IS/MND was prepared by Nichols Consulting Engineers (NCE) on behalf of the Town of Mammoth Lakes (Town) and circulated for public comment in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, are providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the information provided, we recommend the IS/MND be revised to include an analysis of potential impacts to hydrology and water quality that may result from Project implementation. Further, we encourage the Town to integrate elements into the Project that: 1) promote watershed management; 2) support low impact development (LID); 3) reduce the effects of hydromodification; and 4) provides incentive for projects that avoid or enhance/restore wetlands and other water resources. Our comments are outlined below.

PROPOSED PROJECT

Generally, the proposed Project includes construction of a multi-use path (MUP) that will connect from Minaret Road to an existing MUP on the west side of Minaret Road in the Town of Mammoth Lakes. The MUP will run east-west, paralleling Old Mammoth Road on the south side of Mammoth Creek and to the north of Old Mammoth Road. The MUP will be ten feet wide and paved with asphalt.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

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

SPECIFIC COMMENTS ON THE ENVIRONMENTAL REVIEW

Our specific comments on the Project and DEIR are outlined below.

1. Section IV, Biological Resources, and Section IX, Hydrology and Water Quality, indicate construction would not impact waters of the state, and impacts to hydrology and water quality were determined to be "less than significant." We disagree with the finding that the Project will not have a significant impact on hydrology and water quality. The IS/MND discusses repairs necessary to a bridge, but a detailed description of bridge repairs was not provided, nor was this aspect of the Project provided in the Project description. In fact, the only indication of the location of a bridge is a figure provided with the Cultural Resources Technical Memo, and the location is drawn outside the Project Area. Without adequate mitigation, construction of a bridge may alter drainage patterns, which could lead to impacts to waters of the State that, ultimately, may require additional mitigation. Therefore, hydrology and water quality should be evaluated in the environmental document and mitigation measures identified that reduce potential hydrology and water quality impacts to a less than significant level.
2. Activities such as construction of a bridge and paving the MUP may increase run-off velocities in the Project area. Increases in flow velocities can lead to hydromodification, which typically results in stream channel instability, water quality degradation, changes in groundwater recharge processes, impacts to aquatic habitats, and disconnecting of a stream channel from its floodplain. Therefore, we request the Town develop mitigation measures to reduce flow velocities to pre-project levels, which will help to avoid hydromodification.

3. Storm water management should be considered a significant component of the Project, yet the IS/MND does not specifically identify features to control storm water onsite or prevent pollutants from non-point sources from entering and degrading surface waters or groundwater. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are to maintain a landscape functionally equivalent to predevelopment hydrologic conditions and to minimize generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite filtration.
4. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water. It is these objectives and standards that should be used when evaluating thresholds of significance for Project impacts.
5. To ensure that no net loss of function and value will occur as a result of Project implementation, we request that site facilities, equipment staging areas, and excavated soil stockpiles be microsituated outside stream channels and floodplain areas. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing the surface waters. Equipment should use existing roadways to the extent feasible.
6. Vegetation clearing should be kept to a minimum. Where feasible, existing vegetation should be mowed so that after construction the vegetation could reestablish and help mitigate for potential storm water impacts.
7. Temporary impacts should be restored (recontoured and revegetated) to match pre-Project conditions.

PERMITTING REQUIREMENTS

A number of individual projects that may be implemented as part of the proposed Project have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

8. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board or State

Water Board. Early consultation with Water Board staff regarding these types of permits is highly encouraged.

9. Land disturbance or more than 1 acre, including linear construction projects, may require a CWA, section 402(p) storm water permit, under National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or an individual storm water permit obtained from the Lahontan Water Board.
10. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board.

Please be advised of the permits that may be required, as outlined above. The specific Project activities that may trigger these permitting actions should be identified in the appropriate sections of the DEIR. Should Project implementation result in activities that trigger these permitting actions, the Project proponent must consult with Water Board staff. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. Obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7305 (Brianna.St.Pierre@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (Patrice.Copeland@waterboards.ca.gov). Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse Number and Project name in the subject line.



Brianna St. Pierre, PG
Engineering Geologist

cc: State Clearinghouse (SCH 2016092007) (state.clearinghouse@opr.ca.gov)
California Department of Fish and Wildlife, Region 6 (AskRegion6@wildlife.ca.gov)