



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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Sent via email

April 25, 2023

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Mr. Michael Errante, Inyo County Director of Public Works
Inyo County Local Transportation Commission
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**Subject: Comments on the *Inyo County Regional Transportation Plan 2019-2039*,
State Clearing House Number 2019079053**

Dear Ms. Davis and Mr. Errante:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the *Inyo County Regional Transportation Plan 2019-29* (Plan), State Clearinghouse No. 2019079053, prepared for Inyo County (Lead Agency). Pursuant to the California Environmental Quality Act and CEQA Guidelines¹ (Cal. Code Regs., tit. 14, § 15000 et. seq.; hereafter CEQA Guidelines), CDFW has reviewed the document and offers comments and recommendations on those activities (Project) included in the Plan that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code (FGC) (CEQA Guidelines, §§ 15086, 15096, and 15204).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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(a.) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the FGC. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the FGC.

PLAN DESCRIPTION SUMMARY

The Plan describes multiple Projects located in and throughout Inyo County, California. Project activities include the expansion of United States Route 395 (U.S. 395) in the Olancho-Cartago area from two lanes to four lanes, convert the remaining sections of the U.S. 395 and State Route (SR) 14 corridor to four lanes between Southern California and the Eastern Sierra, and general road maintenance, rehabilitation and improvement activities throughout Inyo County, including: bridge replacement and maintenance, reconstructing roadways, repaving existing paved roads, adding sidewalks where none exist, widening existing road shoulders, adding paved bike lanes and constructing new bike paths, installing signs, adding wider turning lanes for large vehicles and vehicles towing trailers, adding additional paved truck parking at current rest stops and general public transit improvements.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Inyo County in adequately identifying and/or mitigating significant, or potentially significant impacts on biological resources if Projects described in the Plan are carried out.

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal

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species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including *Significant Natural Areas* identified under Chapter 12 of the FGC, in the vicinity of the proposed Project. Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an 'absence' database. CDFW recommends that it be used as a starting point in gathering information about the potential presence of species within the general area of the Project site.

3. A complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (FGC § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service (USFWS), where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Mohave ground squirrel (*Xerospermophilus mohavensis*)

Project construction and activities may result in direct and indirect impacts to Mohave ground squirrel (MGS), a state listed threatened species, because some of the projects occur within its range. CDFW recommends that a qualified permitted biologist conduct

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protocol surveys for MGS following the methods described in the *Mohave Ground Squirrel Survey Guidelines* (CDFG 2003) during the appropriate survey season prior to Project implementation, including any vegetation- or ground-disturbing activities. Results of the MGS surveys should be submitted to CDFW. Please note MGS surveys are valid for one year and should be conducted within a year of start of ground-disturbing activities. If MGS are found within the Project area during surveys, CDFW recommends Inyo County develop species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the MGS. If MGS are found within the Project area during surveys or construction activities, and complete avoidance is not possible CDFW recommends the Project proponent acquire a CESA Incidental Take Permit (ITP) prior to any vegetation- or ground-disturbing activities. Any take of MGS without take authorization would be a violation of FGC section 2080.

Agassiz's Desert Tortoise (*Gopherus agassizii*)

Project construction and activities may result in direct and indirect impacts to Agassiz's desert tortoise (DT), as many of the proposed projects occur within the range of DT; a state and federally-listed threatened species. CDFW recommends that Inyo County complete protocol level surveys for DT for those projects that occur within the range of the DT by surveying over all areas (i.e., 100 percent coverage) proposed to be directly or indirectly affected by the Project, using appropriately qualified biologists, following the United States Fish and Wildlife Service's (USFWS) *Desert Tortoise Field Manual*, accessible here:

https://www.fws.gov/nevada/desert_tortoise/documents/field_manual/Desert-Tortoise-Field-Manual.pdf. To reduce the likelihood of nonconcurrence with proposed surveys, methodology, and qualifications of biologists, CDFW recommends working with the USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning your work (USFWS, 2018).

CDFW recommends that biologists retained to complete DT protocol level surveys submit their qualifications to CDFW and the USFWS prior to initiation of surveys. Should Inyo County desire CDFW to pre-approve the qualifications of biologists conducting protocol level DT surveys, CDFW requests information by provided on the *Desert Tortoise Authorized Biologist Qualifications Form* (Section 3.2) of the USFWS *Desert Tortoise Field Manual* for all biologists participating in survey efforts to the following email address: Amy.Chandos@wildlife.ca.gov

Western Joshua Tree (*Yucca brevifolia*)

Project construction and activities may result in direct and indirect impacts to the western Joshua tree (*Yucca brevifolia*) (WJT), a Candidate for Threatened CESA-listed species. CDFW recommends that Inyo County quantify WJT presence on project areas through focused surveys. The WJT survey results should identify and provide: a) the GPS coordinates and accompanying map of each WJT within the Project area; b) the age class of each WJT; c) the number of clonal WJT associated with each parent plant and the methodology used to make this determination; d) a unique numbering system for each WJT, and e) geo-referenced, representative photos of parent trees, clones, and

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general distribution of WJT across the Project site. Furthermore, Inyo County should include: 1) an impact analysis assessing potential Project impacts to WJT within a 186-foot buffer zone of WJT (Vander Wall et al. 2006), 2) implementing a 300-foot buffer around WJT not scheduled for removal to avoid impacts to WJT, and 3) a mitigation strategy for Project impacts to WJT individuals, WJT seedbank, and indirect impacts to WJT. Indirect impacts to WJT include destruction of WJT's obligate pollinating moth (yucca moth; *Tegeticula synthetica*), while it is dormant in the soil or while it is in its flight phase, which would impact the ability of WJT to sexually recruit new individuals (Sweet et al. 2019). Destruction or modification of WJT habitat in the Project area could also disrupt the seed dispersal behavior of rodents, which is the primary way that WJT seeds are buried at a soil depth suitable for successful germination (Waitman et al. 2012). Destruction or modification of WJT habitat in the Project area could also eliminate nurse plants that are critical for WJT seedling survival (Brittingham and Walker 2000). CDFW recommends Inyo County 1) adequately identify and disclose impacts (i.e., direct, indirect, and cumulative) to WJT as noted above, 2) propose mitigation to offset those impacts to WJT, and 3) demonstrate that impacts to WJT are less than significant and, for the purposes of CESA permitting, are fully mitigated.

California Burrowing Owl (*Athene unicularia*)

Project construction and activities may result in direct and indirect impacts to California burrowing owl, a species of special concern. Project sites have the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CDFW recommends that Inyo County follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW's website: <https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- A habitat assessment;
- Surveys; and
- An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with FGC sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

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Within the 2012 Staff Report, the minimum habitat replacement recommendation was purposely excluded as it was shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide.

If burrowing owls are found to occupy one of the Project sites and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance.

CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of two artificial burrow constructed to one natural burrow collapsed (2:1) as minimization for the potentially significant impact of evicting burrowing owls. Burrowing owls may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect burrowing owls if they return. CDFW also recommends that when temporary or permanent burrow exclusion and/or burrow closure is implemented, burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed and approved by CDFW; permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the Staff Report; site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided; and excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site.

If burrowing owls are found to occupy a Project site and avoidance is not possible, CDFW recommends mitigation for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. CDFW

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recommends permanent protection of mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, development, and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Bats

Project construction and activities may result in direct and indirect impacts to bats. Direct impacts include removal of structures or vegetation occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), light, and vibrations caused by heavy equipment. Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC. An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022b).

CDFW recommends site-specific field surveys should be conducted to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. The Project biologist shall conduct bat surveys during favorable weather conditions only. Two spring surveys (April through June) and two winter surveys (November through January) should be performed by qualified biologists. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys should be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation should be used during all dusk emergence and pre-dawn re-entry surveys. If active hibernacula or maternity roosts are identified in the work area or 500 feet extending from the work area during pre-construction surveys, they shall be avoided to the extent feasible. For maternity roosts, Project construction shall

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only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30). Maternity roosts shall not be evicted, excluded, removed, or disturbed.

CDFW recommends a minimum 500-foot no-work buffer shall be provided around hibernacula. The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review prior to construction activities. The Project Biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of Project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques.

Desert kit fox (*Vulpes macrotis*)

Project construction and activities may result in direct and indirect impacts to desert kit fox, a protected species pursuant to Title 14 of the California Code of Regulations Section 460, which prohibits the take of the species at any time. CDFW recommends surveys, following CDFW-approved protocols, be conducted over all areas proposed to be directly or indirectly affected by the Project to determine presence/absence and numbers of desert kit fox. If desert kit fox is found, CDFW recommends Inyo County provide species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at avoiding direct impacts to the desert kit fox. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

American Badger (*Taxidea taxus*)

Project construction and activities may result in direct and indirect impacts to American badger, because some of the proposed projects occur within the range of the American badger, a California species of special concern. CDFW recommends Inyo County

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complete surveys for American badger in areas proposed to be directly or indirectly affected. If American badger are found, CDFW recommends Inyo County develop species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger. Avoidance and minimization measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements and methods of exclusion/passive relocation to be conducted, and methods and timing of den excavation.

Ring-tailed cat (*Bassariscus astutus*)

Some of the proposed projects occur within the range of the ring-tailed cat, a California species of special concern and fully protected species. CDFW recommends Inyo County complete surveys for ring-tailed cats where potential habitat exists. If ring-tailed cats are found, or have the potential to occupy the Project site, CDFW recommends Inyo County develop species-specific mitigation to avoiding impacts to the ring-tailed cat. Avoidance measures should include pre-activity surveys following CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided.

Nesting Birds

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 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.

If construction or vegetation removal cannot be avoided during the bird nesting season, the Project proponent should implement avoidance and minimization measures to ensure compliance with all nesting bird laws. If construction or vegetation clearing must occur during the nesting bird season, CDFW recommends that pre-construction surveys for nesting birds be conducted no more than three days prior to vegetation clearing or

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ground disturbance activities associated with the Project. Instances of bird nesting could be missed if surveys are conducted sooner. Nesting bird surveys should be carried out in all potential nesting habitat, not just areas with trees and shrubs, as some species nest directly on the ground.

California Endangered Species Act (CESA)

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA ITP be obtained if the Project has the potential to result in “take” (FGC Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project. It is the policy of CESA to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. CDFW must comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA.

Lake or Streambed Alteration Agreement Program

Any project that may substantially alter a lake or streambed will require notification to CDFW per FGC section 1602. FGC section 1602 requires an entity (as defined in FGC 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 Alteration Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW’s issuance of a Lake or Streambed Alteration 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 CEQA

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document prepared by the Lead Agency, pursuant to California Code of Regulations section 15096 (f). To facilitate issuance of a Lake or Streambed Alteration 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>.

General Comments

CDFW would like to offer the following general comments:

- Ensure any equipment refueling, and any concrete or equipment washout occurs at least 150 feet from any FGC section 1600 resource
- Ensure that FGC section 1600 resource can flow in their natural direction and are not cut-off or redirected by construction, equipment, or staging activities
- Conduct all appropriate biological surveys such as relevant plant, bird, nesting bird, mammal, or herpetological surveys prior to construction or vegetation clearing
- Avoid listed species habitats during staging and construction activities and meet CDFW mitigation requirements as applicable.
- Ensure minimal obstruction to large and small animal movement across roadways via the construction of walls, fencing, or other barriers unless barriers are to exclude animal movement by design and have designated areas where animals may move off of the roadway (i.e., deer fencing with designated jump-throughs).
- During construction activities, check daily for small animal entrapment in trenches, holes, buckets, dumpsters, and other areas or equipment where small animals, such as lizards or squirrels, may fall into but not be able to escape from.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Thank you for the opportunity to provide comments on the *Inyo County Regional Transportation Plan 2019-2039*. Please contact Amy Chandos, Environmental Scientist, with questions regarding this letter and further coordination at (760) 937-3924 or Amy.Chandos@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

Cc:

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