

## Notice of Determination

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**To:**

Office of Planning and Research  
[CEQA Submit](#)

**From:**

Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd C-220  
Ontario, CA 91764  
Contact: Steven Recinos  
Email: [Steven.Recinos@wildlife.ca.gov](mailto:Steven.Recinos@wildlife.ca.gov)



**Lead Agency**

California Department of Transportation D9  
500 South Main Street  
Bishop, CA 93514  
Contact: Katie Rodriguez  
Email: [Katie.Rodriguez@dot.ca.gov](mailto:Katie.Rodriguez@dot.ca.gov)

**SUBJECT:** Filing of Notice of Determination pursuant to Public Resources Code section 21108

**State Clearinghouse Number:** 2021120068

**Project Title:** Rock Creek Pavement (Streambed Alteration Agreement No. EPIMS-MOO-43072-R6)

**Project Location:** The Rock Creek Pavement Project (project) is located at two locations in Mono County. One location is within an unnamed channel conveying runoff from U.S Highway 395 near Postmile (PM) 10.3 that dissipates near Lower Rock Creek, a tributary to Owens River, State of California; Latitude 37.562379, Longitude - 118.678021 (Location 1). The second location is near U.S Highway 395 near PM 10.8 at an unnamed channel associated with Lower Rock Creek, a tributary to Owens River, State of California; Latitude 37.565102, Longitude - 119.686012 (Location 2).

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement (EPIMS-MOO-43072-R6) pursuant to Fish and Game Code section 1602, to the project Applicant, California Department of Transportation District 9.

Project activities are anticipated to temporarily impact 0.003 acres at Location 1 and 0.001 acres at Location 2, and to permanently impact approximately 0.019 acres of Fish and Game Code Section 1602 resources at Location 1. Permanent impacts to Fish and Game Code section 1602 resources at Location 1 include streambed impacts and removal of a mature juniper. Temporary impacts to Fish and Game Code section 1602 at Location 2 include removal of riparian habitat, including Wood's rose and willow woodland.

The project at Location 1 is limited to widening of the Rock Creek Road/Owens River Road intersection to add a bike lane, right turn pockets, acceleration/deceleration lanes, and extend existing left turn pockets within the existing right of way (ROW). New embankments and cut slopes will be constructed to accommodate the lanes and pockets. The widening of the intersection will require extension of one culvert near PM 10.3. The culvert will be extended by 49.83 feet (ft) into the channel.

The project at Location 2 is limited to the extension of the existing chain up area by 200 to 300 feet from PM 10.6 towards PM 10.8. The project will construct solar powered lights with footings in the chain up area in the ROW. The extension will create a 2:1 or steeper embankment.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on February 21, 2024, and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

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1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the Mitigated Negative Declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan was not adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The Mitigated Negative Declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as a Responsible Agency is available at CDFW's regional office.

DocuSigned by:  
*Kim Freeburn*  
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Signature: \_\_\_\_\_ Date: 2/21/2024

Kim Freeburn, Environmental Program Manager

Date Received for filing at OPR: \_\_\_\_\_