

## Notice of Exemption

---

**To:** Office of Planning and Research  
PO Box 3044  
1400 Tenth Street, Room 2  
Sacramento, CA 95812-3044

**From:** California Department of Fish and Wildlife  
Inland Deserts Region  
Bishop Field Office  
787 N. Main Street, Suite 220  
Bishop, CA 93514

**Project Title:** By-Day Creek Forest Heath Project

**Project Location:** The project will be located on the By-Day Creek Ecological Reserve in Mono County, State of California. The Project is located 5 miles northwest of the community of Bridgeport in portions of Sections 21, 22, and 28, in Township 5 North, Range 24 East, Mount Diablo Base Meridian. It is mapped on the Mount Jackson 7.5 Minute USGS topographic quadrangle.

**Project Description:** The California Department of Fish and Wildlife (“CDFW”) proposes to thin overstocked conifer stands, prune lower branches to remove hazardous ladder fuels, and reduce surface fuels throughout the 460 acre By-Day Creek Ecological Reserve (BDCER) to reduce vertical and horizontal continuity of fuels and remove competition from many small, closely spaced, fire-vulnerable species into a smaller number of resilient larger trees, thereby improving overall fire resiliency.

The proposed treatments are derived from a forest management plan drafted by a registered professional forester in 2023. Specifically, trees 1-16 inches in diameter at breast height (dbh) will be thinned to improve spacing to 10 to 20 feet. The lower limbs of remaining trees will be pruned up to 18 feet high, but less than 50% of live crown. All cut and pre-existing slash material will be removed from a 100-foot buffer of By-Day Creek and all slash generated will be disposed of via pile burning, chipping, mastication or lopped and scattered. Some slash may be used to make wildlife piles at least 200 feet apart.

No new roads will be constructed. Work will be completed by hand crews and low-impact ground-based chippers, mowers, or similar equipment may be used for processing cut material.

Bird clearance surveys will be conducted within 21 days prior to initiating any project activities. Biological and vegetation surveys of the project area will also be conducted within 21 days of any work conducted to evaluate the current site conditions and to assess the presence/absence of special status plant or animal species. If special status plants, wildlife nursery sites, or active nests are found they will be appropriately buffered, or the treatment will be deferred or modified.

Pre-project surveys and project activities will commence in late summer 2023, or as access permits. Operations will continue, based on crew availability, until completed. Pile burning will occur as weather conditions permit.

**Name of Public Agency Approving Project:** California Department of Fish and Wildlife

**Person or Agency Carrying out Project:** California Department of Fish and Wildlife

**Exempt Status:**

- Ministerial:
- Declared Emergency:
- Emergency Project:
- Categorical Exemption: 14 CCR, Section 15304, 15307, and 15308

**Reasons why Project is exempt:**

The project is *Class 4, §15304* (Minor Alterations to Land) Exempt; the Project will result in minor alterations to land and vegetation on an officially designated ecological reserve that will result in improvement of habitat for fish and wildlife resources.

The project is *Class 7, §15307* (Actions by Regulatory Agencies for Protection of Natural Resources) Exempt; the Project includes actions taken by CDFW for the protection of natural resources on a designated ecological reserve to reduce the potential for high severity wildfire impacts on By-Day Creek and Lahontan Cutthroat trout.

The project is *Class 8, §15308* (Actions by Regulatory Agencies for Protection of the Environment) Exempt; the Project includes actions taken by CDFW for the protection of the environment on a designated ecological reserve to protect and improve wildlife habitat and reduce the potential for high severity wildfire impacts within the By-Day Creek Ecological Reserve.

Field and office review by CDFW staff and contracted environmental specialists confirmed that no exceptions apply that would preclude the use of a notice of exemption for this project. The Department has concluded that no significant environmental impact would occur to aesthetics, agriculture and forestland/timberland, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resource, noise, population and housing, public services, recreation, transportation/traffic, or utilities and service systems. Documentation of the environmental review completed by the CDFW is kept on file at the Bishop Field office.

**Lead Agency Contact Person:** Aaron Johnson, CDFW, (760) 920-7473

**Signature:** DocuSigned by:  
*Chris Hayes* **Date:** 6/7/2023  
52BC6E6CB38384BD...  
*Chris Hayes, Environmental Program Manager*

Signed by Lead Agency

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