



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



May 6, 2024

Governor's Office of Planning & Research

**May 07 2024**

**STATE CLEARINGHOUSE**

Rebeka Riesen, District 9 Environmental  
California Department of Transportation  
500 South Main Street  
Bishop, California 93514

Subject: Ridgecrest/Inyokern Pavement Project (EA 09-38330) (Project)  
Initial Study with Proposed Negative Declaration  
State Clearinghouse No. 2024040189

Dear Rebeka Riesen,

The California Department of Fish and Wildlife (CDFW) received an Initial Study with Proposed Negative Declaration (ND) from the California Department of Transportation (Caltrans) for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those 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. While the comment period may have ended, CDFW would appreciate it if you would still consider our comments.

### **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. (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. While the comment period may have ended, CDFW would appreciate it if you would still consider our comments.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, §21069; CEQA Guidelines, §15381). CDFW expects that it may need

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to exercise regulatory authority as provided by the Fish and Game Code. 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.), related authorization as provided by the Fish and Game Code may be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

**Bird Protection:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines, section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Caltrans

**Objective:** The Project proposes to rehabilitate pavement, upgrade pedestrian facilities, improve roadside safety features, and repair drainage systems on State Route 178.

**Location:** The proposed Project site is located east of the Scodie Mountains, north of the Black Hills and Spangler Hills, and southwest of the Argus Mountains in the Indian Wells Valley, with the town of Inyokern and City of Ridgecrest both residing in the project area in Kern County along State Route 178 between postmiles 88.6 and 104.6.

**Timeframe:** Project construction is estimated to occur in two phases. Phase one would start construction in 2027, while phase two would start construction in 2030.

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## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Based on the Project location and proposed Project activities in the Initial Study, CDFW is concerned regarding potential impacts to special-status species, including but not limited to, State candidate endangered Crotch's bumble bee (*Bombus crotchii*).

### Crotch's Bumble Bee

Crotch's bumble bee has been documented in the vicinity of the Project (CDFW 2024). The species is known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch or thatched grasses. Based on aerial imagery, the Project appears to contain habitat suitable to support Crotch's bumble bee.

CDFW recommends that a qualified biologist conduct a habitat assessment for Crotch's bumble bee for a biological study report to be included with the Initial Study with Proposed Negative Declaration. Foraging resources and potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs are advised to be documented as part of the assessment. In areas of suitable habitat, CDFW recommends that the Project require a qualified biologist to conduct a bumble bee survey following the CDFW-guidelines "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species" (CDFW 2003) to identify bumble bees and potential nesting sites during the vegetation blooming period prior to activities at Project sites. If any Crotch's bumble bees or a nest are detected, CDFW advises consultation with CDFW to develop adequate take avoidance measures, and if a nest is observed at any time, avoidance would include protection for underground overwintering queens. If avoidance of take is not feasible, CDFW advises take authorization via an Incidental Take Permit, pursuant to Fish and Game Code section 2081, subdivision (b).

## 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 CNDDDB. The CNDDDB field survey form

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can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

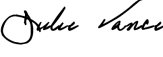
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, §753.5; Fish and Game Code, §711.4; Pub. Resources Code, §21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Grant Piepkorn, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 807-1459, or by electronic mail at [grant.piepkorn@wildlife.ca.gov](mailto:grant.piepkorn@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Julie A. Vance  
Regional Manager

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## REFERENCES

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.

CDFW. 2024. Biogeographic Information and Observation System, Version 6 (BIOS 6). <https://www.wildlife.ca.gov/Data/BIOS> (accessed April 26, 2024).