State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
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May 5 2025

Amber Stoerp
Environmental Scientist
California Department of Transportation, District 9
500 South Main Street
Bishop, CA 93514

Subject: Initial Study/Mitigated Negative Declaration
Keough Pavement (Project)
State Clearinghouse No. 2025040133

Dear Amber Stoerp:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from California Department of Transportation (Caltrans) District 9 for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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, we appreciate 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.

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.

[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.

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 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans, District 9

Objective: The objective of the Project is to upgrade drainage, realign Big Pine Canal, and to reconstruct and rehabilitate the entire existing pavement area of US 395 from the south junction with State Route 168 (post mile 100.8) to 0.1 mile north of Warm Springs Road (post mile 113.0). In addition, 3 feet of shoulder backing will be provided at the edge of pavement and there will be vegetation removal from the shoulders. New 6-foot-wide, paved bike lanes between the vehicular mainline and right-turn pocket will also be constructed at the intersections of US 395 and Keough Hot Springs Road (post mile 107.97) and US 395 and Gerkin Road (post mile 112.66). Primary Project activities include pavement work, guardrail replacements, installing rock slope protection, replacing culverts and associated inlets and outlets, and realigning Big Pine Canal at post mile 101.34. A temporary water diversion and dewatering using gravel bags is anticipated at Big Pine Canal.

Location: The Project site is located along US 395 from post miles 100.80 to 113.00 in Inyo County, California.

Timeframe: The IS/MND states it will take 100 working days for the Project to be completed with a potential start date in 2027. No other information regarding the timeframe is provided.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below 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.

Specific Comments

COMMENT #1: Impacts to Nesting Birds

Section 2.1.4, Page 15

Issue: The Project includes suitable habitat for nesting birds. Consequently, measure BIO-1 considers a preconstruction nesting bird survey during the nesting season. However, measure BIO- 1 defines the nesting season as generally being from February 1 to September 30, but the timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. CDFW recommends the completion of a nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Specific Impact: The Project will remove vegetation and cause ground disturbance, which could result in impacts to nesting birds including death, displacement, and loss of foraging, nesting, and refugia habitat.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures for all nests, all eggs, and any raptors or migratory birds as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the Mitigation Measure below, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final IS/MND to ensure impacts to birds are mitigated to a level of less than significant.

BIO-1 Preconstruction Nesting Bird Surveys (Revised)

~~If the project occurs between February 1 and September 30,~~ ~~Caltrans staff~~ ***Regardless of the time of year, a qualified biologist*** will conduct pre-construction surveys for nesting and migratory birds within 72 hours of construction start. If active nests are identified within buffer areas (~~100~~ ***500*** feet), ongoing monitoring or no work buffers ***shall*** ~~may~~ be implemented until nesting activities have completed. ***The Project site will need to be re-surveyed if there is a lapse in construction activities for more than 3 days.***

COMMENT #2*:* Desert Kit Fox (*Vulpes macrotis)*

Issue: The Project is located within the range of desert kit fox, a species of special concern and 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.

Specific issue: The IS/MND does not address desert kit fox even though the Natural Environment Study (NES) prepared for the Project identifies open desert habitat as being present and sagebrush scrub as being one of the vegetation communities onsite both of which provide suitable habitat for desert kit fox. The staging of construction equipment, vehicles, foot traffic and construction activities may result in the collapse of occupied burrows and result in direct mortality and/or injury to desert kit fox.

Why impact would occur: Project construction and activities may result in injury or mortality of desert kit fox.

Evidence impact would be significant: The desert kit fox is a species of special concern (SSC) and is protected from take by CDFW Code 14 CCR section 460. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. Desert kit fox is a SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Recommended potentially feasible mitigation measure(s) to reduce impacts to less than significant: CDFW recommends that surveys following a CDFW approved kit fox protocols be conducted over all areas proposed to be directly or indirectly affected by the Project to determine the presence or absence of this species and the number of desert kit fox that are present. If desert kit fox is found, or have the potential to occupy the Project site, CDFW recommends Caltrans require species-specific mitigation to offset impacts and avoidance, minimization, and monitoring measures aimed at

avoiding direct impacts to desert kit fox be incorporated into the IS/MND. 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 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. CDFW recommends the following Mitigation Measure be added to the MND:

MM BIO-9: Desert Kit Fox

No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, A CDFW approved Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox individuals, dens, and sign. Permittee shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Permittee shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results. Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Permittee shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care. Permittee shall block off inactive dens within the buffer zone with rocks and sticks to discourage use during Project activities and remove when construction is complete. The Designated Biologist shall periodically check the inactive burrows remain blocked and are not reoccupied.

COMMENT #3: Burrowing Owl (Athene cunicularia)

Issue: On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. The Project may impact burrowing owls and its habitat. CDFW is concerned that the IS/MND does not sufficiently identify Project impacts to burrowing owl since no burrowing owl habitat assessments or focused surveys were conducted.

Specific Issue: The NES identifies the Project area as having open desert habitat with burrows present as well as supporting suitable foraging and/or nesting habitat for burrowing owl. Burrowing owls have a high potential to move into disturbed sites prior to and during construction activities. Burrowing owls frequently move into disturbed areas since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities.

Why impact would occur: According to CNDDB, the Project is located within the current burrowing owl range. Additionally, when comparing the Project site against habitat characteristics of burrowing owl there are no distinct physical barriers or habitat qualities that would preclude burrowing owl from occurring on site. For these reasons, CDFW recommends Caltrans conduct protocol level burrowing owl surveys following the 2012 *Staff Report on Burrowing Owl Mitigation* to ensure adequate evaluation of Project impacts to burrowing owls are included in the IS/MND.

Evidence impact would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

Burrowing owl surveys provide information needed to determine the potential effects of the proposed Project 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.

Recommended potentially feasible mitigation measures to reduce impacts to less than significant: CDFW recommends that prior to commencing Project activities, focused and pre-construction surveys for burrowing owl be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 or most recent version). The surveys shall include 100 percent coverage of the Project site and 500-meter buffer in adjacent habitat. To support Caltrans in reducing impacts to burrowing owl to a level less than significant, CDFW offers the following mitigation measure:

BIO-10: Burrowing Owl Surveys

To avoid construction-level impacts to unidentified burrowing owls on-site, qualified biologists shall conduct focused burrowing owl surveys during the breeding and non-breeding season in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). The survey shall cover the Project site and a 500-meter buffer, where legally accessible. A preconstruction survey shall be conducted within 14 days prior to the start of construction activities (see below).

Pre-construction take avoidance surveys for this species shall be conducted within 14 days prior to the start of ground disturbance and 24 hours prior to construction to determine the presence or absence of this species within the Project footprint. A report shall be submitted by a qualified and agency-approved biologist to CDFW. The Project footprint shall be clearly demarcated in the field by the Project engineers and biologist prior to the commencement of the pre-construction take avoidance surveys. The surveys shall follow the guidance of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). Depending on the Project activity type and associated disturbance, a minimum avoidance buffer distance of 50 meters (165 feet) to 100 meters (330 feet) during the nonbreeding season (September through January) and 100 meters (330 feet) to 250 meters (825 feet) during the breeding season (February through August) shall be maintained between active burrows and construction activities. A qualified biologist shall monitor the burrowing owls for any sign of distress and adjust the buffers as necessary to ensure no take occurs.

If active burrows are present within the Project footprint and complete avoidance is infeasible, the Project proponent shall not undertake Project activities and Project activities shall be postponed until the appropriate authorization (i.e. CESA incidental take permit under the California Fish and Game Code § 2081) is obtained.

Should permanent loss of western burrowing owl habitat occur the ratio of acquisition to loss must be at a minimum of 1:1. The ratio shall be higher for

occupied and irreplaceable habitats. 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. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include 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.

Additional Comments:

COMMENT #4 Water Diversion Plan and Stranded Aquatic Life

CDFW appreciates the incorporation of BIO-3, regarding submitting a "De-watering and Diversion Plan" to CDFW for approval. CDFW recommends the revisions below (edits are in ~~strikethrough~~ and additions in ***bold italics***) in consideration of Fish and Game Code section 1602. CDFW also recommends the inclusion of BIO-11 regarding stranded aquatic life.

BIO-3 De-watering and Diversion Plan (Revised)

Prior to initiation of Project activities a ~~A~~ "De-Watering and Diversion Plan" will be prepared and submitted to the California Department of Fish and Wildlife for approval. ***Water diversion plans shall include detailed designs, estimated flow diversion rates, intake screening sizes appropriate to avoid the impingement of any aquatic species with the potential to occur, and estimated dates of diversion. If baseline conditions in the field require changes, modifications, or alterations to a previously approved Water Diversion Plan, Caltrans shall contact CDFW via email for approval of any changes to the diversion plan prior to implementing changes***.

BIO-11 Stranded Aquatic Life

Prior to diverting waterways, a CDFW approved biologist shall use hand tools (e.g. rake) to remove and check submerged aquatic vegetation for stranded aquatic life from the area that will be dewatered. The CDFW approved biologist shall check for stranded aquatic life as the water level in the dewatered area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include backpack electrofishing, fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released in the channel immediately downstream of the water diversion outlet.

COMMENT #5

American Badger (*Taxidea taxus*)

The Project occurs within the range of the American badger, a SSC. CDFW recommends the Project complete surveys for American badger over the Project area proposed to be directly or indirectly affected by the Project activities and that the results of such surveys be included in the IS/MND, along with avoidance, minimization, and mitigation measures, if appropriate.

If American badger are found, or have the potential to occupy the Project site, CDFW recommends the Caltrans require species specific mitigation to offset impacts and avoidance, minimization and monitoring measures aimed at avoiding direct impacts to American badger be incorporated into the IS/MND. Avoidance and minimization measures should include 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 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.

COMMENT #6

Streambed Impacts

While the IS/MND recognizes the need to notify pursuant to Fish and Game Code section 1602, the IS/MND did not adopt a mitigation measure requiring notification. Thus, CDFW recommends the adoption of the measure below in the final IS/MND.

Mitigation Measure: BIO-12 Lake and Streambed Alteration

If Project construction activities occur within a streambed, then CDFW shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist Caltrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Gabriella Tolley, Environmental Scientist at Gabriella.Tolley@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Brandy Wood
4D759253408941E...

Brandy Wood
Environmental Project Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento

Attachment A: Mitigation and Monitoring Reporting Plan

CDFW recommends the following language be incorporated into the final IS/MND for the Project.

Mitigation Measure		**Timing**	**Responsible Party**
BIO-1: Preconstruction Nesting Bird Surveys	Regardless of the time of year, a qualified biologist will conduct pre-construction surveys for nesting and migratory birds within 72 hours of construction start. If active nests are identified within buffer areas (500 feet), ongoing monitoring or no work buffers shall be implemented until nesting activities have completed. The Project site will need to be re-surveyed if there is a lapse in construction activities for more than 3 days.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
BIO-9: Desert Kit Fox	No more than fourteen (14) days and no less than three (3) days prior to the beginning of surface disturbance, A CDFW approved Designated Biologist shall conduct a pre-Project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox	Prior to commencing ground or vegetation disturbing activities	Project Proponent

	individuals, dens, and sign. Permittee shall provide the results of the survey to CDFW prior to start of Project activities. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Permittee shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results. Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Permittee shall reschedule Project activities or submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care. Permittee shall block off inactive dens within the buffer zone with rocks and sticks to discourage use during Project activities and remove when construction is complete. The Designated Biologist shall periodically check the inactive burrows remain blocked and are not		

	reoccupied.		
BIO-10: Burrowing Owl Surveys	To avoid construction-level impacts to unidentified burrowing owls on-site, qualified biologists shall conduct focused burrowing owl surveys during the breeding and non-breeding season in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). The survey shall cover the Project site and a 500-meter buffer, where legally accessible. A preconstruction survey shall be conducted within 14 days prior to the start of construction activities (see below). Pre-construction take avoidance surveys for this species shall be conducted within 14 days prior to the start of ground disturbance and 24 hours prior to construction to determine the presence or absence of this species within the Project footprint. A report shall be submitted by a qualified and agency-approved biologist to CDFW. The Project footprint shall be clearly demarcated in the field by the Project engineers and biologist prior to the commencement of the pre-construction take avoidance surveys. The	Prior to commencing ground or vegetation disturbing activities	Project Proponent

	surveys shall follow the guidance of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). Depending on the Project activity type and associated disturbance, a minimum avoidance buffer distance of 50 meters (165 feet) to 100 meters (330 feet) during the nonbreeding season (September through January) and 100 meters (330 feet) to 250 meters (825 feet) during the breeding season (February through August) shall be maintained between active burrows and construction activities. A qualified biologist shall monitor the burrowing owls for any sign of distress and adjust the buffers as necessary to ensure no take occurs. If active burrows are present within the Project footprint and complete avoidance is infeasible, the Project proponent shall not undertake Project activities and Project activities shall be postponed until the appropriate authorization (i.e. CESA incidental take permit under the California Fish and Game Code § 2081) is obtained. Should permanent loss of western burrowing owl habitat occur the ratio of		

	acquisition to loss must be at a minimum of 1:1. The ratio shall be higher for occupied and irreplaceable habitats. 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. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include 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.		
BIO-3: De-watering and Diversion Plan	Prior to initiation of Project activities a “De-Watering and Diversion Plan” will be prepared and submitted to the California Department of Fish and Wildlife for approval. Water diversion plans shall include detailed	Prior to commencing ground or vegetation disturbing activities	Project Proponent

	designs, estimated flow diversion rates, intake screening sizes appropriate to avoid the impingement of any aquatic species with the potential to occur, and estimated dates of diversion. If baseline conditions in the field require changes, modifications, or alterations to a previously approved Water Diversion Plan, Caltrans shall contact CDFW via email for approval of any changes to the diversion plan prior to implementing changes.		
BIO-11 Stranded Aquatic Life	Prior to diverting waterways, a CDFW approved biologist shall use hand tools (e.g. rake) to remove and check submerged aquatic vegetation for stranded aquatic life from the area that will be dewatered. The CDFW approved biologist shall check for stranded aquatic life as the water level in the dewatered area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include backpack electrofishing, fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released in the	During Project Activities	Project Proponent

	channel immediately downstream of the water diversion outlet.		
BIO-12: Lake and Streambed Alteration	If Project construction activities occur within a streambed, then CDFW shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to commencing ground or vegetation disturbing activities	Project Proponent