



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

December 5, 2019

Sent via email

DEC 05 2019

STATE CLEARINGHOUSE

Ashley Helms
Associate Engineer
Inyo County Public Works Department
168 N. Edwards, P.O. Drawer Q
Independence, CA 93526
ahelms@inyocounty.us

Subject: Mitigated Negative Declaration
North Round Valley Road Bridge over Pine Creek Bridge Replacement Project
State Clearinghouse No. 2019119037

Dear Ms. Helms:

The California Department of Fish and Wildlife (CDFW) received an Initial Study and Mitigated Negative Declaration (MND) from the Inyo County Public Works Department (County) for the North Round Valley Road Bridge over Pine Creek Bridge Replacement Project (Project) pursuant to 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

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.

Conserving California's Wildlife Since 1870

environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

Description: The Inyo County Department of Public Works (County) proposes to replace the existing North Round Valley Road Bridge over Pine Creek, which was damaged from high-velocity flows in Pine Creek. The County proposes to replace the structure with a single-span, precast/prestressed wide flange girder superstructure supported on high cantilever abutments founded on cast-in-drilled-hole concrete piles, approximately 85 feet in length. The existing horizontal and vertical alignments of North Round Valley Road will be maintained.

Location: The proposed Project site encompasses 2.85 acres in northwestern Inyo County, in Section 17 of the USGS 7.5-minute Rovana Quadrangle, Township 6 South, Range 31 East. The Project site is accessible from North Round Valley Road, via Pine Creek Road or Birchim Lane.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources.

Nesting Birds

Mitigation Measure BIO-2: Pre-Construction Bird Surveys proposes conducting surveys within 14 days before commencement of any construction activities during the migratory bird nesting season, which is identified as March 15 through July 31. CDFW recommends revising the measure to require pre-construction surveys no more than three (3) days prior to vegetation clearing or ground disturbing activities, as instances of nesting could be missed if surveys are conducted sooner. In addition, surveys should focus on all suitable nesting habitats within the Project area, not just trees and shrubs, as some species nest directly on the ground. CDFW also recommends revising the nesting season to be identified as February 1-September 15; however, CDFW does not recommend relying on seasonal restrictions alone to avoid impacts to nesting birds, as nesting dates vary from year to year and some species may nest year-round.

Lake and Streambed Alteration Program

CDFW agrees with the MND's identification of the need for a 1602 Lake and Streambed Alteration (LSA) Agreement. Fish and Game Code section 1602 requires an entity 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 debris, waste or other materials that could 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, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain 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 an LSA Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, 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>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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.

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.)

Ashley Helms, Associate Engineer
Inyo County Public Works Department
December 5, 2019
Page 4

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for the North Round Valley Road Bridge over Pine Creek Bridge Replacement Project to assist the Inyo County Public Works Department in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Rose Banks, Environmental Scientist, at (760) 873-4412 or Rose.Banks@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

cc: State Clearinghouse