

Keough Pavement

Inyo County, California

District 9-INY-395-post miles 100.80 to 113.00

EA 09-39630/Project ID 0923000022

State Clearinghouse Number: 2025040133

Initial Study with Negative Declaration

Volume 1 of 2



Prepared by the
State of California Department of Transportation

June 2025



General Information About This Document

[The document preparer has been updated since the draft Initial Study with Proposed Negative Declaration circulated for public comment.]

Document prepared by: Amber Stoerp, Environmental Scientist

The Initial Study circulated to the public for 30 days between April 4, 2025, and May 4, 2025. Comments received during this period are included in Appendix B. Elsewhere, language has been added throughout the document to indicate where a change has been made since the circulation of the draft environmental document. Minor editorial changes and clarifications have not been so indicated.

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The California Department of Transportation (Caltrans) proposes to rehabilitate pavement, upgrade existing drainage facilities, improve bicyclist access, and perform other work on US 395 from post miles 100.80 to 113.00 in Inyo County, California.

**INITIAL STUDY
with Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation
and
Responsible Agencies: California Transportation Commission

Alexeya Williams

Alexeya Williams

Acting Deputy District Director, Planning and Environmental Analysis
California Department of Transportation District 9
CEQA Lead Agency

6/10/2025

Date

The following individual can be contacted for more information about this document:

Amber Stoerp, Environmental Scientist
500 South Main Street
Bishop, California 93514
Email: amber.stoerp@dot.ca.gov
Phone: 760-937-4666



Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2025040133

District-County-Route-Post Mile: 09-INY-395-100.80/113.00

EA/Project Number: 09-39630/0923000022

Project Description

The California Department of Transportation (Caltrans) proposes to rehabilitate pavement, upgrade existing drainage facilities, improve bicyclist access, and perform other work on US 395 from post miles 100.80 to 113.00 in Inyo County, California.

Determination

An Initial Study has been prepared by Caltrans District 9. On the basis of this study, it is determined that the proposed action will not have a significant effect on the environment for the following reasons:

The project would have no effect on Aesthetics, Agriculture and Forestry, Air Quality, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The project would have less than significant effects on Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality.

Alexeya Williams

Alexeya Williams

Acting Deputy District Director, Planning and Environmental Analysis
California Department of Transportation District 9

6/10/2025

Date

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Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) proposes to rehabilitate pavement, upgrade existing drainage facilities, improve bicyclist access, and perform other work on US 395 from post miles 100.80 to 113.00 in Inyo County, California.

1.2 Purpose and Need

The project “purpose” is a set of objectives the project intends to meet. The project “need” is the transportation deficiency that the project was initiated to address.

1.2.1 Purpose

The purpose of the project is to:

- Restore the facility to a state of good repair so the roadway will be in a condition that requires minimal maintenance.
- Extend the service life of the facility and improve ride quality.
- Restore existing drainage facilities.
- Improve bicyclist access.

1.2.2 Need

Address Pavement Needs

According to the Caltrans Pavement Condition Survey Report (PaveM), the pavement between post miles 100.8 and 113 .0 (48.8 lane miles) is exhibiting major pavement distress, and minor pavement rehabilitation is needed.

Address Drainage

Culverts within the project limits have exceeded their expected useful service life and need to be replaced. If left unaddressed, the culverts will continue to deteriorate, resulting in erosion of the highway fill slope and potential road failure at these locations. Also, erosion has been identified at a culvert at post mile 110.57. The northbound side slope surrounding the culvert is eroding and needs to be reinforced with rock slope protection.

Address Big Pine Canal

At post mile 101.34, the Big Pine Canal is eroding the highway fill slope on the northbound side of the road. The outside of the northbound roadway is being undermined by high discharge velocities encouraging and accelerating erosion to the Big Pine Canal. The slope from the edge of pavement to the flow line has eroded to the point of compromising the integrity and efficacy of the guardrail, and further erosion could undermine the pavement.

Improve Bicyclist Access

Southbound intersections on US 395 at Keough Hot Springs Road (post mile 107.97) and Gerkin Road (post mile 112.66) do not provide dedicated space for bicycle travel.

1.3 Project Description

The project includes reconstruction and rehabilitation of 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 incidental and limited vegetation removal from the shoulders.

The project proposes to add new 6-foot-wide, paved bike lanes between the vehicular mainline and right-turn pocket. This feature is proposed 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).

All signs will be replaced to meet current standards. Signs with white background will be replaced with signs with retroreflective sheeting.

Culverts within the project limits have exceeded their expected useful service life. Table 1-1 shows the culverts that are proposed for replacement.

Table 1-1: Drainage Work

Location Number	Caltrans Culvert Number	Post Mile	Existing Culvert	Proposed Culvert
1	483954010120	101.20	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacement at inlet
2	483954010735	107.35	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacement at outlet
3	483954010826	108.26	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacements
4	483954010930	109.30	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacement at outlet
5	483954011002	110.02	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacement at outlet
6	483954011014	110.14	24-inch diameter corrugated metal pipe	In kind replacement of existing culvert and flared end section replacement at outlet
7	483954011195	111.95	18-inch diameter corrugated metal pipe with flared end section	24-inch diameter corrugated metal pipe with flared end section
8	483954011120	112.01	18-inch diameter corrugated metal pipe with flared end section	24-inch diameter corrugated metal pipe with flared end section
9	483954011270	112.70	18-inch diameter corrugated metal pipe without flared end section	24-inch diameter corrugated metal pipe and add flared end section on outlet
10	483954011057	110.57	Not applicable	Outlet rock slope protection

The culverts all sit at a shallow depth beneath the travel way and require in kind replacement or an increased culvert diameter as specified in Table 1-1 above. The end treatments associated with the inlets and outlets will be replaced where needed. When possible, culverts will be replaced during dry and non-flowing conditions. The pavement will be sawcut to access the culverts for replacements.

The Big Pine Canal at post mile 101.34 will be realigned to address ongoing issues related to headward erosion along the channel banks. The project will

involve modifications to the canal's alignment to optimize hydraulic efficiency and reduce erosion impacts. Construction activities may require temporary measures, such as dewatering and water diversion using gravel bags to manage water flow effectively during work. Alternatively, initial construction could be sequenced to maintain the current water flow while new sections of the canal are constructed. Coordination with the Los Angeles Department of Water and Power for water flow management is ongoing.

Existing drainage inlets will be raised and replaced at the locations listed in Table 1-2.

Table 1-2: Drainage Inlets Raised and Replaced

Drainage Inlet Number	Location along U.S. Route 395 (post mile)
483954010279002	102.79
483954010307002	103.07
483954010319002	103.19
483954010403	104.03
483954010488002	104.88
483954010506002	105.06
483954010573002	105.73
483954010625002	106.25
483954010658002	106.58
483954010735002	107.35
483954010791002	107.91
483954010849002	108.49
483954011029002	110.29
483954011057002	110.57
483954011115002	111.15
483954011254002	112.54
483954011270002	112.70

Midwest guardrail systems will be new or replaced. Table 1-3 shows the locations of the guardrail systems.

Table 1-3: Locations of New and Existing Guardrail Replacements

Begin Post Mile	End Post Mile	Length (feet)	Northbound	Southbound	Type
101.26	101.31	262	X	No value	New Guardrail
101.31	101.36	243	X	No value	Replace Existing
101.34	101.35	28	No value	X	New Guardrail
101.35	101.43	487	No value	X	Replace Existing
101.43	101.49	261	No value	X	New Guardrail

Proposed staging areas are within the Caltrans right-of-way on disturbed shoulders, disturbed dirt pullouts, or paved pullouts. See Table 1-4 below for the locations of proposed staging areas.

Table 1-4: Post Miles of Proposed Staging Areas

Category	Post Mile
Locations for staging areas along US 395	108.90 and 111.32
Locations for staging area along State Route 168 East	18.57

The Project Vicinity Map and Project Location Map follow on the next pages.

Figure 1-1 Project Vicinity Map

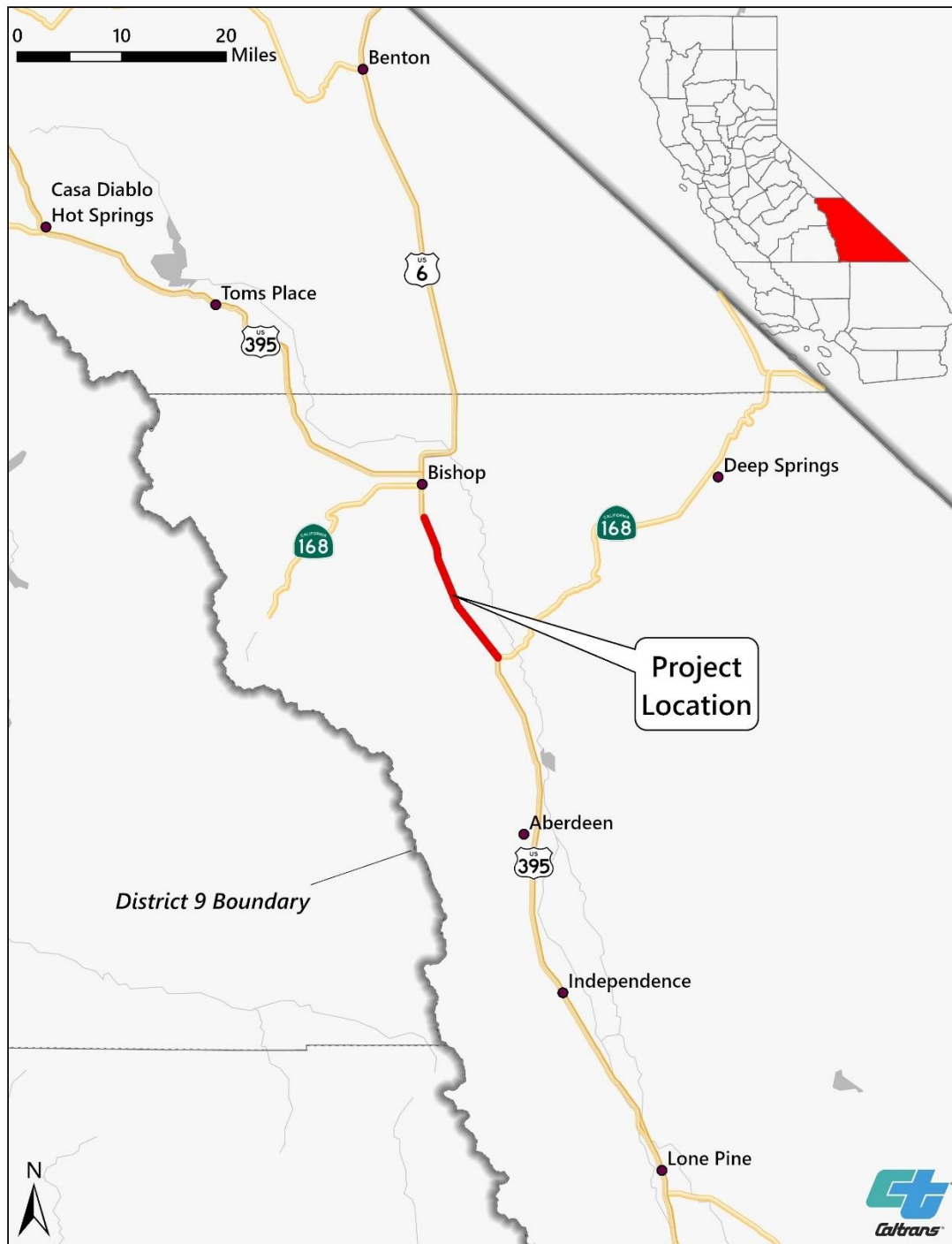
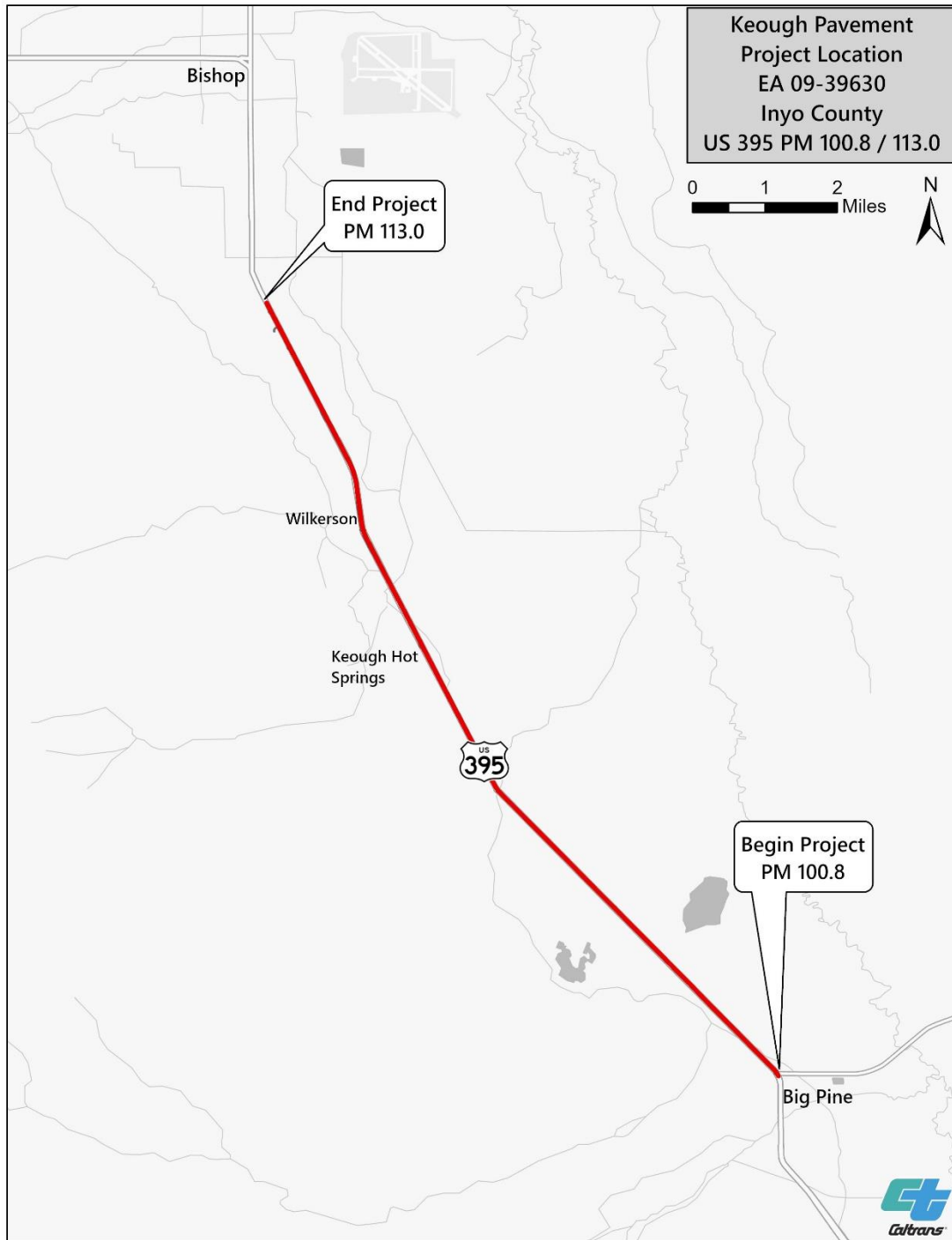


Figure 1-2 Project Location Map



1.4 Project Alternatives

One build alternative and a no-build alternative are under consideration for the project.

1.4.1 Build Alternative

The build alternative will repair existing pavement, upgrade existing drainage facilities, and improve bicyclist access. For a detailed description of work, please refer to Section 1.3 (Project Description).

This project contains a number of standardized project specifications that are used on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed project. These measures are listed later in this chapter under “Standard Measures and Best Management Practices Included in All Build Alternatives.”

1.4.2 No-Build (No-Action) Alternative

The no-build alternative would maintain the existing facilities within the project limits on US 395 as they are. Selection of the no-build alternative would result in no project-related construction activities taking place. The no-build alternative would not meet the project purpose and need because it would not address pavement, drainage, or bicycle improvements, or replace other highway features on the proposed segment of US 395 within the project limits.

1.5 Identification of a Preferred Alternative

[This section on the identification of a preferred alternative has been added since circulation of the Initial Study with Proposed Negative Declaration for public review and comment for 30 days from April 4, 2025, to May 4, 2025].

After review of all comments received during the 30-day public comment period, the Project Development Team selected the build alternative as the preferred alternative for the Keough Pavement project. The build alternative was chosen because it will address the purpose and need of the project. The build alternative will rehabilitate pavement, upgrade existing drainage facilities and improve bicyclist access on US 395, from post miles 100.80 to 113.00, in Inyo County, California.

1.6 Standard Measures and Best Management Practices Included in All Build Alternatives

This project will include a list of Caltrans standard measures that are typically used on all Caltrans projects. Caltrans standard measures are considered features of the project and are evaluated as part of the project. Caltrans standard measures are not implemented to address any specific effects, impacts or circumstances associated with the project, but are instead implemented as part of the project’s design to address common issues encountered on projects. The measures listed below are those related to

environmental resources and are applicable to the project. These measures can be found in Caltrans 2024 Standard Specifications.

- 7-1 Legal Relations and Responsibility to the Public
- 10-4 Water Usage
- 10-5 Dust Control
- 10-6 Watering
- 12-1 Temporary Traffic Control
- 12-3 Temporary Traffic Control Devices
- 12-4 Traffic Control Systems
- 13-1 Water Pollution Control
- 13-2 Water Pollution Control Program
- 13-3 Stormwater Pollution Prevention Plan
- 13-4 Job Site Management
- 13-6 Temporary Sediment Control
- 13-7 Temporary Tracking Control
- 13-10 Temporary Linear Sediment Barriers
- 14-1 Environmental Stewardship
- 14-2 Cultural Resources
- 14-6 Biological Resources
- 14-7 Paleontological Resources
- 14-8 Noise and Vibration
- 14-9 Air Quality
- 14-10 Solid Waste Disposal and Recycling
- 14-11 Hazardous Waste and Contamination
- 14-12 Other Agency Regulatory Requirements
- 17-2 Clearing and Grubbing

- 18-1 Dust Palliatives
- 20-1 Landscape
- 20-3 Planting
- 20-4 Plant Establishment Work
- 21-2 Erosion Control Work

1.7 Discussion of the NEPA Categorical Exclusion

This document contains information regarding compliance with the California Environmental Quality Act (CEQA) and other state laws and regulations. Separate environmental documentation, supporting a Categorical Exclusion determination, has been prepared in accordance with the National Environmental Policy Act. When needed for clarity, or as required by CEQA, this document may contain references to federal laws and/or regulations (CEQA, for example, requires consideration of adverse effects on species identified as a candidate, sensitive, or special-status species by the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service—that is, species protected by the Federal Endangered Species Act).

1.8 Permits and Approvals Needed

The following permits, licenses, agreements, and certifications are anticipated for project construction:

Agency	Permit/Approval	Status
California Department of Fish and Wildlife	1602 Lake and Streambed Alteration Agreement	To be obtained before construction.
California Water Resources Control Board, Lahontan Regional Water Quality Control Board	Section 401 Water Quality Certification	To be obtained before construction.
U.S. Army Corps of Engineers	Section 404 Permit for filling or dredging waters of the United States	To be obtained before construction.

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Significant and Unavoidable Impact, Less Than Significant Impact With Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A “No Impact” answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

“No Impact” determinations in each section are based on the scope, description, and location of the proposed project as well as the appropriate technical report (bound separately in Volume 2), and no further discussion is included in this document.

2.1.1 Aesthetics

Considering the information in the Visual Impact Assessment Questionnaire dated January 2, 2025, the following significance determinations have been made:

Except as provided in Public Resources Code Section 21099:

Question—Would the project:	CEQA Significance Determinations for Aesthetics
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact

Question—Would the project:	CEQA Significance Determinations for Aesthetics
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No Impact

2.1.2 Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Based on a search of the California Department of Conservation's Important Farmland Mapping Tool, there are no designated Prime, Unique or Farmlands of Statewide Importance in or near the project limits. The project will not have any effect on protected farmlands, including those under the Williamson Act, or convert any farmlands to non-agricultural use (<https://maps.conservation.ca.gov/DLRP/CIFF>).

Impacts to timberland are analyzed as required by the California Timberland Productivity Act of 1982 (California Government Code Sections 51100 et seq.), which was enacted to preserve forest resources. Searches of the California Department of Forestry and Fire Protection website and the California Department of Conservation website show no designated timberlands or Timber Protection Zones in or near the project vicinity.

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?	No Impact

2.1.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Considering the information in the Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology Technical Memorandum dated December 11, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Air Quality
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact

Question—Would the project:	CEQA Significance Determinations for Air Quality
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

2.1.4 Biological Resources

[This section has been edited since the draft Initial Study with Proposed Negative Declaration circulated for public comment.]

Considering the information in the Natural Environment Study Minimal Impacts dated March 12, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration Fisheries?	Less Than Significant Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant Impact

Question—Would the project:	CEQA Significance Determinations for Biological Resources
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

Affected Environment

The Natural Environment Study established a biological study area for the project, defined as the area that may be directly, indirectly, temporarily, or permanently impacted by construction and construction-related activities. The biological study area includes the project impact area where indirect and direct impacts from construction activities may occur. The project's biological study area extends 50 feet from the proposed off-pavement construction areas. The biological study area was delineated to ensure all species and habitats with the potential to occur within the project impact area, including potential access routes and staging areas, were properly surveyed to assess potential impacts of proposed project activities.

Question a): Special-Status Animal and Plant Species

Migratory and Nesting Birds

According to the Migratory Bird Treaty Act, it is unlawful to pursue, hunt, take, capture, or kill; attempt to take, capture or kill; or to possess or sell migratory birds. The law also applies to live and dead birds and grants full protection to any bird parts including feathers, eggs, and nests. The Migratory Bird Treaty Act protects over 800 species of birds that occur in the U.S. The law protects all species of nesting birds.

Apart from the Swainson's hawk discussed separately below, there were no other special-status bird species or nests observed during field surveys. The common species observed during field surveys include the American kestrel (*Falco sparverius*), California quail (*Callipepla californica*), common raven (*Corvus corax*), European starling (*Sturnus vulgaris*), red-winged blackbird (*Agelaius phoeniceus*), red-tailed hawk (*Buteo jamaicensis*), western kingbird (*Tyrannus verticalis*), and western meadowlark (*Sturnella neglecta*).

Swainson's Hawk

The Swainson's hawk is listed as a threatened species under the California Endangered Species Act. The diet of the Swainson's hawk in California is varied, but consists mostly of small rodents called voles; however, other small mammals, birds, and insects are also eaten. Swainson's hawks often nest near waterways and riparian habitat. They also use lone trees in agricultural fields or pastures and roadside trees when available and adjacent to suitable foraging habitat. Suitable habitat may occur adjacent to the biological study area, including scattered trees and livestock pastures. Regular weekly Swainson's hawk nesting surveys were conducted throughout the 2024 nesting season, and a breeding pair was identified nesting about 100 feet from the project impact area.

Monarch Butterfly

The Monarch butterfly is listed as a candidate species under the Federal Endangered Species Act. The black and orange Monarch butterfly is known for its astonishing long-distance annual migration and reliance on milkweed as its host plant. Though genetically similar, there are two subpopulations of Monarchs in North America, with the eastern population overwintering in Mexico and breeding in the midwestern states, and the western population overwintering in coastal California and fanning out across the west from Arizona to Idaho to breed. There is potential for Monarch butterfly presence in the biological study area during migration season due to the common occurrence of milkweed within the Owens River Valley. Monarch butterfly individuals or sign were not observed during field surveys in 2024; however, milkweed was present within the biological study area.

Question b): Riparian Habitat and Jurisdictional Water Resources

Waters, wetlands, and riparian habitats have various protections and permit requirements under state and federal agencies, including the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, and the Regional Water Quality Control Board. An aquatic resource delineation was conducted between November and December of 2024 within the biological study area and determined the presence of multiple aquatic resources (including the Big Pine Canal) classified as riverine system, emergent wetlands, and intermittent drainages. Survey results indicate the presence of Waters of the State, Waters of the U.S. and 1602 jurisdictional resources occurring within the project impact area, including the Big Pine Canal and various proposed culvert replacements.

The intermittent drainages identified during field surveys are largely non-vegetated and highly disturbed with limited riparian habitat present. These drainages are dry most of the year and are active only during spring run-off and in response to large storms. A small cluster of approximately 600 square feet of willows was observed at Culvert 1 at post mile 101.20 during the aquatic resource delineation. The willows identified at Culvert 1 have a breast height diameter of less than 4 inches and will be trimmed in preparation of the replacement of the culvert and flared end section. No other riparian habitat was found within the project impact area.

The Big Pine Canal is a highly regulated channelized perennial stream that crosses through the project area, generally flowing in a north to south direction that parallels the Owens River. Baker Creek and Big Pine Creek are perennial streams that flow into the Big Pine Canal and eventually into the Owens River, which is considered a traditional navigable water. The proposed project includes the realignment of the Big Pine Canal, with habitat characterized by sparse vegetation, controlled flows with a mud and algae channel bottom.

Environmental Consequences

Response to a) Less Than Significant Impact: Special-Status Animal and Plant Species

Migratory and Nesting Birds

The project's construction activities are not anticipated to result in permanent impacts to migratory and nesting birds; however, nesting birds may be found in the project impact area prior to construction. There are no anticipated permanent impacts to migratory and nesting birds once construction of the project is complete. Minimal vegetation removal, including trimming of willows around Culvert 1, is anticipated for the culvert replacement and may result in temporary impacts from the displacement of birds that were reliant on the willows for nesting habitat. If a nest is found, the implementation of the avoidance and minimization measures discussed below will be implemented. There will be a less than significant impact on migratory and nesting birds resulting from this project.

Swainson's Hawk

The project is not anticipated to result in temporary or permanent impacts to the Swainson's hawk. An active Swainson's hawk nest was identified during the 2024 nesting season about 100 feet from the project impact area. Swainson's hawks are known to reuse nests year to year following the annual migration north. There is potential for a Swainson's hawk to reuse the nest during future nesting seasons. Nesting bird surveys will be conducted 72 hours prior to the start of construction. If a nest is found in the project impact area, the implementation of the avoidance and minimization measures discussed below will be implemented. There will be a less than significant impact on Swainson's hawks resulting from this project.

Monarch Butterfly

The project is not anticipated to result in temporary or permanent impacts to the Monarch butterfly. Incidental observations of this species and its host plant milkweed could occur during construction. Therefore, standard avoidance and minimization measures are being proposed to ensure impacts to this species will not occur as a result of the project.

*Response to b) Less Than Significant Impact**Riparian Habitat and Jurisdictional Water Resources*

The project will impact approximately 0.235 acre of Waters of the U.S., 0.319 acre of Waters of the State (under Lahontan Regional Water Quality Control Board jurisdiction), and 0.319 acre of California Department of Fish and Wildlife jurisdictional waters. These impacts will result from the replacement of four culverts, installation of rock slope protection at post mile 110.57, riparian vegetation trimming at post mile 101.20, and the realignment of the Big Pine Canal at post mile 101.34. These acreages represent a calculated estimation of the jurisdictional area within the project impact area and are subject to change following the U.S. Army Corps of Engineers' verification process. Placement of fill material within jurisdictional features would require permitting pursuant to Sections 404 and 401 of the federal Clean Water Act and Section 1602 (Lake and Streambed Alteration Agreement) of the California Fish and Game Code. Riparian vegetation will temporarily be impacted due to the proposed culvert replacement at post mile 101.20. Willows are hardy plants that regenerate quickly. Currently, the 600 square feet of riparian vegetation adjacent to the roadway do not offer high quality habitat to native wildlife species; adjacent open space has many acres of native vegetation available that provides a higher quality habitat. Table 2-1 shows the estimated impacts (in acreage) to each aquatic resource.

Table 2-1. Aquatic Resource Impacts

Resource Type	Impact Area (acres)	Regulatory Jurisdiction
River	0.285	U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board
Intermittent Drainage	0.034	California Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board
Riparian Vegetation	0.001	California Department of Fish and Wildlife
Total Resources	0.319	U.S. Army Corps of Engineers: 0.235 acre, California Department of Fish and Wildlife: 0.319 acre, Lahontan Regional Water Quality Control Board: 0.319 acre

Avoidance, Minimization, and/or Mitigation Measures

While the project does not have the potential to result in significant impacts requiring implementation of avoidance, minimization and/or mitigation measures, the following avoidance and minimization measures will be implemented to reduce impacts that have been determined to be less than significant:

Question (a):

BIO-1: If the project occurs between February 1 and September 30, Caltrans staff 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 feet), ongoing monitoring or no work buffers may be implemented until nesting activities have completed (Caltrans Standard Special Provision 14-6.03A).

BIO-2: Pre-construction surveys for Monarch butterfly individuals will be conducted during the blooming period for milkweed (Caltrans Standard Special Provision 14-6.03A General Species Protection). If Monarch butterfly individuals are found within the project impact area, the Caltrans biologist will determine the best course of action to reduce impacts to the particular life stage.

Question (b):

BIO-3: A full-time qualified Biologist will be onsite for all construction activities occurring in aquatic resources and will oversee the establishment and enforcement of environmentally sensitive areas (Caltrans Standard Special Provision 14-6.03D General Species Protection).

BIO-4: 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 (Caltrans Standard Special Provision 14-6.03C Fish Protection).

BIO-5: A qualified Biologist will be present onsite prior to and during all temporary water diversion activities (Caltrans Standard Special Provision 14-6.03C Fish Protection).

BIO-6: Pump screens will be used during clear water diversion and will be in compliance with Caltrans Standard Specifications for Species Protection 14-6.02 and Fish Protection 14-6.03C.

BIO-7: The Biologist will also provide a Biological Resource Information Program (BRIP) training to all construction personnel about the environmentally sensitive area, permits, and the resources present onsite (Caltrans Standard Special Provision 14-6.03A General Species Protection).

BIO-8: To limit the importation of invasive species to the project area, Caltrans Standard Special Provision Section 14-6.05 will be implemented. This includes

specifications for preventing the introduction and spread of invasive species to and from the job site.

2.1.5 Cultural Resources

Considering the information in the Archaeological Survey Report dated January 2025, the Historical Resources Evaluation Report dated January 2025, and the Historic Property Survey Report dated February 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Cultural Resources
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

2.1.6 Energy

Considering the information in the Climate Change Analysis dated February 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Energy
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

2.1.7 Geology and Soils

Considering the information in the Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology Technical Memorandum dated December 11, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	No Impact
ii) Strong seismic ground shaking?	No Impact
iii) Seismic-related ground failure, including liquefaction?	No Impact
iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

2.1.8 Greenhouse Gas Emissions

Considering the information in the Climate Change Analysis dated February 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact

Affected Environment

The project is in Inyo County near the community of Keough Hot Springs, Big Pine and Bishop on US 395. The project is in a rural area, with a tourism- and recreation-based economy. US 395 is the main transportation route to and through the area for both passenger and commercial vehicles. The Inyo County Local Transportation Agency guides transportation development in the project area. The Inyo County General Plan Circulation, Safety, and Traffic elements address greenhouse gases in the project area.

Environmental Consequences

Response to a) Less Than Significant Impact

Construction emissions cannot be avoided with any construction process, and construction activities will generate some level of emissions. The project will take an estimated 100 working days to complete, with a potential start date in the year 2027. Construction-related greenhouse gas emissions were calculated using the Caltrans Construction Emissions Tool (CAL-CET2021 v1.0). The tool was developed to use Caltrans-specific equipment activity data and the best available equipment emissions information to improve estimates of transportation-related construction emissions, fuel consumption, and electricity consumption, and to support transportation and air quality planning.

The project is estimated to emit a total of 72.3 tons of CO₂ gases over the life of the project, with a daily average of 0.72 pound of CO₂ per day. The project will not increase the vehicle capacity of the roadway. Because the project will not increase the number of travel lanes on US 395, no increase in vehicle miles traveled will occur. Vehicle miles traveled is the number of miles traveled by motor vehicles on roadways in a given time period. While some greenhouse gas emissions during the construction period will be unavoidable, no increase in operational greenhouse gas emissions is expected. Operational greenhouse gas emissions occur outside of construction activities and are produced during normal highway use.

Avoidance, Minimization, and/or Mitigation Measures

While the project does not have the potential to result in significant impacts requiring implementation of avoidance, minimization and/or mitigation

measures, the following avoidance and minimization measures shall be implemented to reduce impacts that have been determined to be less than significant:

GHG-1: For improved fuel efficiency from construction equipment: Maintain equipment in proper tune and working condition, use right sized equipment for the job and use equipment with new technologies.

GHG-2: Use recycled water or reduce consumption of potable water for construction.

GHG-3: Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment.

2.1.9 Hazards and Hazardous Materials

Considering the information in the Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology Technical Memorandum dated December 11, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

2.1.10 Hydrology and Water Quality

Considering the information in the Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology Technical Memorandum dated December 11, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation onsite or offsite;	Less Than Significant Impact

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	No Impact
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
(iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

Affected Environment

See Biological Resource Section 2.1.4 for a discussion of the Affected Environment for Riparian and Jurisdictional Water Resources.

Environmental Consequences

Response to a) and c)(i) Less Than Significant Impact

Preliminary analysis has determined that the waters within the project vicinity are jurisdictional to both the U.S. Army Corps of Engineers and the Lahontan Regional Water Quality Control Board. The project scope includes the replacement of nine existing culverts, the realignment of the Big Pine Canal, and the placement of rock slope protection at post mile 110.57 to prevent erosion. The project activities meet the criteria for the U.S. Army Corps of Engineers' Nationwide 14 Permit. The Lahontan Regional Water Quality Control Board will be the agency that would issue the 401 Certification.

It has been estimated that the project activities noted above may result in permanent impacts to 0.235 acre under the jurisdiction of the U.S. Army Corps of Engineers and 0.319 acre under the Lahontan Regional Water Quality Control Board.

Avoidance, Minimization, and/or Mitigation Measures

BIO-3 through BIO-8: These measures, found in the Biological Resources (Section 2.1.4), will also serve to minimize impacts to surface water quality.

2.1.11 Land Use and Planning

Considering the information in the Community Impacts Memorandum dated January 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Land Use and Planning
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

2.1.12 Mineral Resources

Question—Would the project:	CEQA Significance Determinations for Mineral Resources
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact

2.1.13 Noise

Considering the information in the Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology Technical Memorandum dated December 11, 2024, the following significance determinations have been made:

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact

Question—Would the project result in:	CEQA Significance Determinations for Noise
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

2.1.14 Population and Housing

Considering the information in the Community Impacts Memorandum dated January 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Population and Housing
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

2.1.15 Public Services

Considering the information in the Community Impacts Memorandum dated January 6, 2025, the following significance determinations have been made:

Question:	CEQA Significance Determinations for Public Services
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?	No Impact
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

2.1.16 Recreation

Considering the information in the Community Impacts Memorandum dated January 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Recreation
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

2.1.17 Transportation

Considering the information in the Community Impacts Memorandum dated January 6, 2025, and the Climate Change Analysis dated February 6, 2025, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

2.1.18 Tribal Cultural Resources

Considering the information in the Archaeological Survey Report dated January 2025 and the Historic Property Survey Report dated February 2025, the following significance determinations have been made:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

2.1.19 Utilities and Service Systems

After review and consideration of the project's scope, in conjunction with the adjacent utilities and service systems, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

2.1.20 Wildfire

Considering the information in the Climate Change Analysis dated February 6, 2025, the following significance determinations have been made:

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

Question—Would the project:	CEQA Significance Determinations for Wildfire
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	No Impact

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No Impact

Chapter 3 Coordination

The Los Angeles Department of Water and Power and Caltrans are entering into a Cooperative Agreement to jointly address needs at the Big Pine Canal at post mile 101.34, just north of the town of Big Pine. At this time, the coordination effort would include cost and material sharing for design, construction, and potential environmental mitigation. While still in development, the scope of the coordination effort includes upsizing the existing drainage facility under the highway to a box culvert and realigning a portion of the canal to optimize hydraulic efficiency, and reduce erosion and maintenance needs for both agencies.

Appendix A Title VI Policy Statement

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49 | SACRAMENTO, CA 94273-0001
(916) 654-6130 | FAX (916) 653-5776 TTY 711
www.dot.ca.gov



September 2023

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a non-discriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 639-6392 or visit the following web page: <https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 879-6768 (TTY 711); or at Title.VI@dot.ca.gov.

A handwritten signature in black ink, appearing to read 'Tony Tavares'.

TONY TAVARES
Director

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Appendix B Comment Letters and Responses

This appendix has been added since the draft Initial Study with Proposed Negative Declaration was circulated for public review and comment.

This appendix contains the comments received during the public circulation and comment period from April 4, 2025, to May 4, 2025, retyped for readability. The comment letters are stated verbatim as submitted, with acronyms, abbreviations, and any original grammatical or typographical errors included. A Caltrans response follows each comment presented. Copies of the original comment letters and documents can be found in Volume 2 of this document.

The Initial Study with Proposed Negative Declaration was posted to the State Clearinghouse online website for the 30-day public comment period, from April 4, 2025, to May 4, 2025. In addition to public availability of the document via the State Clearinghouse online portal, the Initial Study with Proposed Negative Declaration was available for download from the Caltrans District 9 website. It was also available to view in printed format at the Bishop Branch Library, Big Pine Branch Library and Caltrans District 9 office during hours open to the public.

Caltrans received several comments during the 30-day comment and circulation period. All comments on the following pages have been retyped verbatim for readability. Caltrans District 9 would like to thank all the commenters for providing input to the Keough Pavement project. The Caltrans Project Development Team will continue with public outreach efforts throughout the life of the project.

Comment from Jay Hart, Adventure for Vets:

Thank you for moving forward with this project. We definitely need an improved roadway, and the addition of well-thought-out bike lanes will help keep veterans safe on guided or self-guided trips!

Response to Comment:

Thank you for your comment and support of the Keough Pavement project.

Comment from Cassie Summerfelt:

I'm a life long resident of Wilkerson along with my two children. We currently reside on Collins right off 395. I can see the old 395 from my front porch and can literally walk to it within 2 minutes. As if the alarming increase in traffic on the highway isn't enough....messing with the old highway will only bring much more unwanted traffic and people to my area. I already have to worry about some creep or weirdo on the highway spotting my kids outside or perhaps someone eyeballing the storage units I live by with plans to rob them at some point in time....adding more means of access and recreational activities will only magnify my concerns and anxiety. The one thing I love about Wilkerson is it's hidden, not well known and quiet. You guys are now going to be drawing more attention to our homes we so dearly love for its simplicity and isolation. All this just screams more out of towners, more [REDACTED] drivers speeding all over Wilkerson and threatening my children's safety and lives....they've killed multiple locals this year already...more random people who don't belong here near my home threatening my security. This is a horrible idea. Leave it as it is with all its hidden gems please. Instead focus more on getting speeding under control in our valley so no more locals have to be run down by these out of towners who don't cherish our valley the way us locals do please. Stop doing things to draw the danger in and focus on getting the dangers and insane speeding and road rage under control. The last thing I need is more out of towners even closer to my home calling me a [REDACTED] in front of my daughter and throwing drinks at my car cause I'm not driving fast enough for them. This idea is [REDACTED] please don't mess with this...I'm begging you.

Response to comment:

Thank you for your input on the Keough Pavement project. Work on the old 395 is not included in the scope of this project. This project will reconstruct and rehabilitate the existing pavement on US 395 from the south junction with State Route 168 to 0.1 mile north of Warm Springs Road. Bike lanes will be added at the intersections of US 395 and Keough Hot Springs Road and US 395 and Gerkin Road. The project does not propose work on local roads in Wilkerson.

Comment from Morris Dobbs:

Improving highways with the environment in mind is a good thing, but for the life of me I don't know why you have not spend the money to widen 395 (15 to 14). This is one of the most dangerous stretches of highway considering the amount of tourist travel to the High Sierra. Why hasn't this been a priority?

Response to comment:

Thank you for your input on the Keough Pavement project. Widening US 395 from State Route 15 to State Route 14 is not in District 9's jurisdiction and is outside the environmental study area, scope, and funding available for this project.

Comment from Ernest Smith:

Hwy 395 has long needed updating! Do it!

Response to comment:

Thank you for your comment and support on the Keough Pavement project.

Comment from Petr Pchelko:

This section of the road is totally fine, there's more important things to do, like the intersection of Wye rd and Hw 6

Response to comment:

Thank you for your input on the Keough Pavement project. The intersection of Wye Road and US 6 fall outside the environmental study area, scope, and funding available for this project. Caltrans is working on a Project Initiation Document for the intersection of Wye Road and US 6 for a future project.

Comment from W W:

Stop wasting money on bike lanes, they do not pay for these roads. There's plenty of roads and side roads throughout the county that need fixing

Response to comment:

Thank you for your input on the Keough Pavement project. Caltrans is dedicated to improving multimodal connectivity. Providing a 6-foot-wide dedicated bike lane will create a buffer between bicyclists and vehicles. This project is proposing a minor pavement rehabilitation to extend the life of the existing pavement. This is necessary to keep the facility in a state of good repair. Side roads are not part of the State Highway System and therefore are not maintained by Caltrans.

Comment from Amber Barker:

Please add signs for slower vehicles to stay in right lane. Only use left lane to pass

Response to comment:

Thank you for your input on the Keough Pavement project. The Project Development Team has taken your comment into consideration. “Slower Traffic Keep Right” signs can be included in this project.

Comment from Nick Lara, Mac’s sporting goods:

Weather is dry during the late fall and winter....Do the construction between November and February

Response to comment:

Thank you for your input on the Keough Pavement project. The main construction work on this project is minor pavement rehabilitation. Pavement work needs to occur during times of the year when temperatures are high enough to pave. Temperatures between November and February in the Eastern Sierra are not consistently stable enough to perform pavement work. Construction will need to occur during the traditional construction seasons of spring, summer, and fall.

Comment from James Truhls:

Seems like a good idea. But , when are you going to address the crosswalks in bishop?

Response to comment:

Thank you for your input and support on the Keough Pavement project. Addressing crosswalks in Bishop is outside the environmental study area, scope, and funding available for this project. The Bishop Pavement project is going into construction in June 2025 and includes upgrading and constructing pedestrian facilities. You can find more information regarding the Bishop Pavement project on our website at: <https://dot.ca.gov/caltrans-near-me/district-9/district-9-projects-list/bishop-pavement-project>

Comment from Beth Jeffery:

Please provide a pull-out lane coming from the Keough Rd. Its a hard left turn to the highway when the traffic is traveling that fast northbound.

A bike lane is appreciated.

Response to comment:

Thank you for your input on the Keough Pavement project. Improvements to the intersection of Keough Hot Springs Road and US 395 are outside of this project's scope and budget. The Project Development Team will take this comment into consideration for a future project.

Comment from Stefanie Bandini:

When you enter 395 from Keough's Hot Springs Road, it needs a merging lane on northbound 395, like from Gerkin Road (Sunland?) onto northbound 395. It's hard to see oncoming traffic on all 4 lanes when you want to go north to Bishop. One has to really step on it to get out of the way of traffic, which is coming up real fast out of nowhere.

Response to comment:

Thank you for your input on the Keough Pavement project. Improvements to the intersection of Keough Hot Springs Road and US 395 are outside of this project's scope and budget. The Project Development Team will take this comment into consideration for a future project.

Comment from Nancy Brown:

I don't really see why this section of road needs major improvement. Can you explain to the taxpayers why you're spending this money on this section of road? The only thing that I would suggest is a way to turn left from Keoughs to 395.

Response to comment:

Thank you for your input on the Keough Pavement project. The project is proposing a minor pavement rehabilitation to extend the life of the existing facility. This is necessary to keep the facility in a state of good repair. Without this work, the cost to taxpayers to rebuild the facility will be significantly more than the proposed project. Culvert maintenance work is also being proposed to protect and extend the service life of the existing facility. Improvements to the intersection of Keough Hot Springs Road and US 395 are outside of this project's scope and budget. The Project Development Team will take this comment into consideration for a future project.

Comment from Sherry Nostrant:

Is it possible to make a merging lane onto 395 from Keough's Hot Springs road?

Response to comment:

Thank you for your input on the Keough Pavement project. Improvements to the intersection of Keough Hot Springs Road and US 395 are outside of this project's scope and budget. The Project Development Team will take this comment into consideration for a future project.

Comment from H Anthony Harris:

Work further South on sections that have only one travel lane in each direction should be addressed!

Response to comment:

Thank you for your input on the Keough Pavement project. Work further south on sections that have only one travel lane is outside the environmental study area, scope, and funding available for this project.

Comment from Bill Osborne:

The Speeds on 395 are Very Excessive Daily with the amount of commercial vehicles and passenger vehicles coming from the north into Big Pine where the posted speed is 45mph at County rd./ 168 where a cyclist just lost his life. But 70mph is the common speed.

Dailey I'm at Big Pine School

If there is anyway to slow the traffic at the school zone with speeds pisted 25mph and 40-50 is observed and the record amount of people on SR 395 is Unbelievable

it was not designed to handle the amount of vehicles in 2025 that are on the road.

Response to comment:

Thank you for your input on the Keough Pavement project. Enforcing posted speed limits is outside the jurisdiction of Caltrans.

Comment from W W:

There's tons of other roads in horrible condition that need work first. Stop prioritizing and wasting money on bike lanes, especially when bicyclist contribute zero to the payment of the road

Response to comment:

Thank you for your input on the Keough Pavement project. This project is proposing a minor pavement rehabilitation to extend the life of the existing pavement. This is necessary to keep the facility in a state of good repair.

Caltrans is dedicated to providing multimodal access. Providing a 6-foot-wide dedicated bike lane will create a buffer between bicyclists and vehicles.

Comment from Adam Perez, Los Angeles Department of Water and Power:

Dear Ms. Segueria:

Subject: Comments on Keough Pavement Project No. 0923000022
Initial Study with Proposed Negative Declaration

The Los Angeles Department of Water and Power (LADWP) is providing comments on the State of California Department of Transportation's (State) Initial Study with Proposed Negative Declaration regarding the State's proposed *Keough Pavement Project No. 0923000022* (Project). The State proposes to rehabilitate pavement, upgrade existing drainage facilities, improve bicyclist access, and perform other work on US 395 from post mile 100.80 to 113.00 in Inyo County, California. The State's findings indicate the project would have no significant environmental effects, and any potential effects would not be a significant effect because of the revisions and mitigation incorporated. LADWP offers the following comments for consideration:

1.3 Project Description:

Culverts: State and LADWP staff have conferred and agreed on the following:

1. LADWP requests existing culverts be replaced to the maximum extent possible on this project, and upsized to handle higher flows and debris passage. Many of these culverts have surpassed their useful life expectancy and are undersized to handle high runoff flows as experienced last year following atmospheric river type storms in March 2023 and Tropical Storm Hilary in August 2023.
2. Any additional/new DI's or culverts being installed that are not already existing should include consultation with LADWP to ensure adequate hydraulic design and that drainage does not have a detrimental effect on LADWP waterways or facilities.
3. LADWP requests that the culverts at Big Pine Canal @ HWY 395 (approx. Post Mile 101.35) be replaced, and enlarged, with reinforced concrete box culverts (RCB). The existing culverts are +/-80yrs old per Caltrans As-Built drawings and are in need of replacement to ensure public safety and water conveyance in the Big Pine Canal.
4. LADWP requests the opportunity to review and comment on project design drawings and specifications at 30%, 60%, 90%, and final review

during the design process. This is to ensure that there are no conflicts with LADWP operations or facilities as a result of the project.

Although the initial study does not include any botanical surveys, Inyo County star-tulip (*Calochortus excavates*) has a rare plant rank of 1B.1, and has recorded occurrences within the project's biological study area near the intersection of Big Pine Canal and Hwy 395 (just south of PM 106.0). Please include pre-construction botanical survey in the avoidance and minimization measures.

Thank you for the opportunity to comment. If you have any question regarding these comments, please contact Ms. Elsa Jimenez, Property Manager, by email at elsa.jimenez@ladwp.com or by phone at (760) 873-0202.

Sincerely,

Adam Perez
Manager of Aqueduct

SRC:src
c: Ms. Elsa Jimenez

Response to comment:

Thank you for your input on the Keough Pavement project.

Response to comment 1: Culverts in poor condition have been identified by Caltrans Maintenance and Operations. The identified culverts are being replaced or upsized to handle higher flows.

Response to comment 2: New DI's or culverts are not being added to this project.

Response to comment 3: Caltrans will continue the cooperative agreement effort to pursue upgrading the culvert system at the Big Pine Canal.

Response to comment 4: As part of the collaborative effort, Los Angeles Department of Water can be included in the 30%, 60%, 90%, and final review during the design process.

In response to the comment regarding the Inyo County star-tulip, botanical surveys were conducted May 28 and May 30, 2024. No observations of this species were made during field surveys. Pre-construction botanical surveys will be conducted, and avoidance and minimization measures will be implemented the species is found.

Comment from Gabriella Tolley, California Department of Fish and Wildlife:

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.

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.

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 ~~striketrough~~ 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 CNDDDB, 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 ~~strike through~~ 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 Alteration 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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/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,
Brandy Wood
Environmental Project Manager

Response to comment:

Thank you for your comment on the Keough Pavement project.

Response to comment 1- Impacts to Nesting Birds: Surveys for nesting birds were performed prior to release of the draft environmental document, and as noted, no nesting birds were found within the project limits. Due to the uncertainty around the movement of species between these initial surveys and the start of construction activities, pre-construction surveys would occur. This is a common practice and helps ensure species have not moved into the area after initial surveys have been performed. The pre-construction surveys are a commitment by Caltrans to further avoid or minimize any impacts to nesting birds. Conducting surveys outside of typical nesting season within the Owens Valley is not a good use of taxpayer money as there is no substantial evidence that climate change would result in nesting outside of this period. California Department of Fish and Wildlife guidance for the typical breeding season for migratory birds is considered to occur between February 1 to September 1. Caltrans has already expanded pre-construction surveys to occur throughout the entire month of September, which is above and beyond what California Department of Fish and Wildlife recommends. Caltrans' inclusion of BIO-1 in the proposed project is considered sufficient to avoid impacts and take of migratory birds.

Due to the myriad scenarios in which noise would or would not impact any potential nest outside of the direct impact area, the nests would be identified during pre-construction surveys and evaluated by a qualified biologist. If indirect impacts from construction noise are reasonably expected, the biologist would implement a no-work buffer around the nest and procedures under BIO-1 would be followed. If the nest is not expected to be impacted by noise, the biologist will monitor the nest for flushing or other signs of stress to ensure construction noise is not impacting the nesting bird. Regardless of their locations, impacts to nesting birds are determined to be less than significant under CEQA, and the commitments included on this project are intended to further avoid or minimize any less than significant impacts.

Response to comment 2- Desert Kit Fox: Field surveys were conducted for general burrowing animals on May 28 and 30, 2024. No burrows were found that were potentially used by desert kit fox. No California Natural Diversity Database records for this species exist within the biological study area. An expanded species list was pulled on May 7, 2025, on the California Department of Fish and Wildlife's RareFind application using the following U.S. Geological Survey

quadrants: Laws, Westgard Pass, Uhlmeyer Springs, Tinemaha Reservoir, Fish Springs, Coyote Flat, and Tungsten Hills. Desert kit fox did not show up on the California Department of Fish and Wildlife's species list. In addition, the species is shown to not be present in the project area on the databasin.org website. Caltrans, as the CEQA lead agency, has determined based on field surveys and scientific research that the species does not occur in the project area. In addition, as the species is not on the species lists, it is not required to be analyzed. Since the species is not considered to be present in the project area, no impacts to the desert kit fox nor their associated habitat would occur, and no additional avoidance and minimization measures are warranted.

Response to comment 3- Burrowing Owl: The project impact area between the communities of Bishop and Big Pine is primarily contained within the paved road surface and highly disturbed and compacted road shoulder with the exception of the drainage areas where no suitable habitat is present. Field surveys were conducted for burrows on May 28 and 30, 2024. No burrows were found that were potentially used by western burrowing owls. Habitat within the Caltrans right-of-way, which could be considered open desert, is of lower quality than areas much farther out from the highway. Caltrans, as the CEQA lead agency, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact western burrowing owls or their burrows, and no additional measures are needed to protect the species.

Response to comment 4- Water Diversion Plan and Stranded Aquatic Life: Caltrans will incorporate the recommended revisions to BIO-3. Field surveys indicate that no special-status species are present within the canal. Caltrans will not include the recommended BIO-11 measure.

Response to comment 5- American Badger: Field surveys were conducted for general burrowing animals on May 28 and 30, 2024. No burrows were found that were potentially used by the American badger. No California Natural Diversity Database records for this species exist within the biological study area. An expanded species list was pulled on May 7, 2025 using California Department of Fish and Wildlife's RareFind application. The following U.S. Geological Survey quadrants were used: Laws, Westgard Pass, Uhlmeyer Springs, Tinemaha Reservoir, Fish Springs, Coyote Flat, and Tungsten Hills. The American badger was not present on any of the species lists pulled, and an analysis was not required. Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact American badgers nor their associated habitat. No additional avoidance and minimization measures are warranted.

Response to comment 6- Streambed Impacts: All required avoidance, minimization, or mitigation measures included in resource permits from the Regional Water Quality Control Board, California Department of Fish and Wildlife, and U.S. Army Corps of Engineers will be implemented.

List of Technical Studies Bound Separately (Volume 2)

Natural Environment Study Minimal Impacts. Caltrans, March 12, 2025.

Air, Noise, Hazardous Waste, Water Quality, Paleontology and Geology
Technical Memorandum. Caltrans, December 11, 2024.

Visual Impact Assessment Questionnaire. Caltrans, January 2, 2025.

Climate Change Analysis. Caltrans, February 6, 2025.

Community Impacts Memorandum. January 6, 2025.

Historical Property Survey Report. Caltrans, February 2025.

- Historic Resource Evaluation Report. Caltrans, January 2025.
- Archaeological Survey Report. Caltrans, January 2025.

To obtain a copy of one or more of these technical studies/reports or the
Initial Study, please send your request to:

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

Or send your request via email to: amber.stoerp@dot.ca.gov

Or call: 760-937-4666

Please provide the following information in your request:

Project title: Keough Pavement

General location information: On US 395 near Keough Hot Springs, California

District number-county code-route-post mile: 09-INYO-395-100.80/113.00

EA 09-39630/Project ID number: 0923000022