

## DEPARTMENT OF FISH AND GAME

Eastern Sierra-Inland Deserts Region

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December 1, 2003

Mr. Juan Torres  
California Department of Transportation  
2015 E. Sheilds, Suite 100  
Fresno, CA 93726

Subject: Environmental Assessment/Draft Environmental Impact Report for Mono Lake  
Shoulder Widening Project SCH # 2000111159

Dear Mr. Torres,

The Department of Fish and Game (Department) has reviewed the Environmental Assessment(EA)/Draft Environmental Impact Report(DEIR) for the above mentioned project. The proposed project includes widening U.S. Route 395 to include uniform 8-foot paved shoulders, upgrading five existing pullouts, creating one new scenic vista pullout, replacing existing culverts with larger culverts, and implementing rockfall /erosion controls between kilometer posts 85.0 and 90.0.

The Department is providing comments on the EA/DEIR as the State agency that has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code §1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)) and a Responsible Agency regarding any discretionary actions (CEQA Guidelines §15381) required by the Department. The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department finds the analysis of potential project-related impacts to biological resources inadequate. In general, the analysis is too vague and broad-brush. The document should include an account of each species that could occur in the project vicinity, a detailed description of the surveys, literature review, etc. conducted for each species, any specific reason as to why a survey was not conducted for a particular species, a detailed analysis of potential impacts the

project could have on the species, and specific mitigation measures proposed to reduce the impacts.

### **Specific comments**

The Summary Table (page ix) should include Wildlife Crossing as a potential impact with a yes in both the Alternative 1 and 2 columns, and a no in the No-Build Alternative column.

### **3.10 - 3.10.3 Wildlife**

**Impacts 3.10.2** The documents state “of the 24 special status species analyzed in this document, a ‘no effect’ determination was made for all them. However, the document does not include an analysis or discussion as to how this finding was made for each species. The document should be revised to include a detailed analysis for each species. Until an appropriate analysis is completed, the Department can not determine if any proposed mitigation is adequate to reduce potential impacts.

The EA/DEIR does not allow an assessment of the past or current wildlife road-kill situation within the project because no historical or current data is presented. The fact that no wildlife road-kill data was provided indicates that no data exists for the project area and/or that the existing data set is incomplete and not suitable for use in the analysis of impacts to deer from vehicle collisions. Any wildlife road-kill data available from the project area for the last 10-years should be provided within the EA/DEIR for independent review. At a minimum, this data should include date, species of wildlife, sex, age, and post-mile location.

The Department agrees that highways can be barriers to deer and that a wider shoulder width will increase visibility for both deer and motorists. The Department also agrees that a wider highway footprint has potential to increase wildlife mortality because animals have a wider vehicle travel-way to cross. The Department is concerned that potential impacts to wildlife from vehicle collisions focus not just on deer, but on all wildlife species residing within the project area. Wider shoulders and a greater travel width could increase mortality among less mobile wildlife species (small mammals, amphibians and reptiles) that may take longer to cross the travel way.

The EA/DEIR fails to recognize the impact of retaining walls as barriers to wildlife movement. Retaining walls can form barriers to movement for most wildlife species inhabiting the project area. Moreover, retaining walls constructed across movement corridors, such as riparian habitats, can limit the ability of less mobile species (e.g. amphibians) to adequately disperse into seasonal habitats required for breeding, foraging, and rearing of young. Moreover, wildlife-vehicle collisions can be exacerbated near the ends of such structure where animals are forced to cross the highway. Preference should be given to the use of fill slopes over walls.

**Mitigation 3.10.3** The Department disagrees with the statement “the potential for deer movement within the project limits does exist” Instead, the EA/DEIR must acknowledge that summer resident deer do reside in the project area because of the presence of suitable habitat. These summer resident deer cross the highway multiple times during the day, thereby

increasing their risk of collisions with vehicles. A study conducted by the Department (Taylor 1988) also indicates that deer from the Casa Diablo herd cross Highway 395 at the 4-lane section just north of Lee Vining in order to access summer range west of the highway. Other members of this herd migrate along the western flank of the project area as they move between summer range located between Lundy Canyon and Twin Lakes.

The Department supports rockfall protection measures that will not impede the movements of wildlife. The EA/DEIR states that Caltrans personnel will continue to monitor accident and road-kill data to document and record deer/vehicle mortality numbers. The Department supports continuing efforts to collect wildlife road-kill data within and for at least 1-mile beyond the north and south limits of the project area. However, the Department has several concerns with this mitigation measure as proposed. First, any road-kill data recorded from the project should include all wildlife species large enough to be discernable from the roadway. Many wildlife species have been documented within the project area including mule deer, mountain lion, black bear, coyote, raccoon, striped skunk, Sierra Nevada mountain beaver, to name but a few. Second, Caltrans maintenance personnel should not be used as the sole means of collecting road-kill data. History has repeatedly shown that when left to Caltrans maintenance personnel, road-kill data is typically collected in an incomplete and inconsistent manner. Any effort to assess wildlife road kill within the project area should be conducted through a well designed study that systematically searches the highway and adjacent shoulder areas for wildlife carcasses and/or other evidence of a wildlife/vehicle collision (e.g., blood spots, drag marks, glass and other car parts). This study should record site-specific information regarding the PM location and lane of travel of all road-kills observed. Additionally, efforts should be made to document any wildlife movement corridors within the project limits, especially where those that may be impeded by retaining walls. Riparian habitats typically serve as movement corridors because the dense security cover in which they provide. At least two years of pre-construction data should be gathered to accurately evaluate potential impacts of the project on wildlife crossing. If the pre-construction study indicates an increased potential for road-kill due to a wider travel-way and the blockage of wildlife movements from retaining walls, then wildlife crossing improvements should be incorporated into the proposed project, and not be deferred as separate project.

The EA/DEIR merely states that current data does not support the construction of separate wildlife crossing structures as part of the project. Again, any wildlife road-kill data from the project area available for the last 10-years should be provided within the EA/DEIR for independent review. At a minimum, all existing culverts in the project area should be enlarged to facilitate wildlife movements under the highway. It is recommended that the project incorporates at least 3 small mammal crossing per mile. These crossings can occur in the form of CSP or plastic culverts or reinforced concrete boxes (RCB).

**3.11 Threaten&d and Endangered Species** Again the document states there will be no impacts to sensitive wildlife species. However, no discussion of how this determination was made is included in the document. The document needs to be revised to include the information used to reach this conclusion in order for the Department to be able to determine its adequacy. In addition, this section states that should a mountain beaver move onto the project site, construction will stop until the beaver leaves the site. This mitigation is not adequate. The mitigation should at the very least include some education in identifying the species.

In conclusion, the proposed EA/DEIR should be revised to include an adequate analysis of potential impacts to biological resources and appropriate mitigation to reduce any impacts identified in the analysis. Thank you for the opportunity to comment on the proposed project. Questions regarding this letter should be directed to Ms. Adrienne Disbrow, Environmental Scientist, at (760) 873-4412.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Haynie". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael E. Haynie  
Deputy Regional Manager

cc: Adrienne Disbrow, CDFG  
State Clearinghouse, Sacramento  
Denyse Racine, CDFG