

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2026-096-R6**

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**Project:** Mammoth Lakes 395 Wildlife Crossing  
**Location:** Mono County  
**Lead Agency:** California Department of Transportation, District 9  
**Lead Agency Contact:** Ryan Spaulding; [Ryan.spaulding@dot.ca.gov](mailto:Ryan.spaulding@dot.ca.gov)

### **Background**

Project Location: The Mammoth Lakes 395 Wildlife Crossing (Project) includes one overcrossing, one undercrossing, and wildlife exclusionary fencing along an approximate 10.5-mile section of United States Route 395 (US-395), between Crowley Lake Drive (Post Mile [PM] 18.03) and Hot Creek Hatchery Road (PM 22.74) in Mono County. The southern terminus of the Project is at 37.601499, -118.802089, and northern terminus at 37.629489, -118.864095.

Project Description: The Lead Agency proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend. The Project is designed to benefit native mule deer (*Odocoileus hemionus*) through the restoration of natural mule deer migration corridors. Additional native species that will benefit from the Project include Owens sucker (*Catostomus fumeiventris*), willow flycatcher (*Empidonax traillii*), gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), spotted skunk (*Spilogale gracilis*), long-tailed weasel (*Mustela frenata*), raccoon (*Procyon lotor*), coyote (*Canis latrans*), greater sage-grouse (*Centrocercus urophasianus*), black-tailed jackrabbit (*Lepus californicus*), cottontail rabbit (*Sylvilagus audubonii*), black bear (*Ursus americanus*), and mountain lion (*Puma concolor*). The Project includes a wildlife overcrossing near McGee Creek (PM 19.67), an undercrossing at Convict Creek (PM 20.23), and exclusionary fencing to direct wildlife toward the crossings. Additionally, the undercrossing, overcrossing, and fencing will minimize wildlife mortality and wildlife–vehicle conflicts. The crossing locations were chosen based on a Wildlife Crossing Study Report prepared by the California Department of Fish and Wildlife (CDFW). The study examined GPS-collared deer movements, camera traps, and wildlife–vehicle collision data to determine priority areas for crossing structures to restore the migration patterns of mule deer.

The McGee Creek Overcrossing will be approximately 140 feet wide and will vary in length from 142 to 153 feet. The design of the overcrossing bridge will incorporate aesthetic treatments and native landscaping to blend in with the surrounding environment. Rocks or

form liners designed to mimic rocks may be used at bridge arches to create a visually appealing overpass that complements the surrounding landscape while reducing the visual disruption for both wildlife and the motoring public. Soil from roadway excavation, including duff and topsoil, will be placed on the bridge deck to a depth suitable for plant growth. Native plant landscaping will be included on the bridge structure, providing vegetated space with open paths to allow safe passage for large animals such as mule deer and bears, while logs, rocks/boulders, and earth berms will provide cover and protection from predators for smaller species. Wildlife fencing, vegetation, and landforms will guide wildlife to the structure and prevent intrusions onto the roadway.

For the Convict Creek Undercrossing, an existing 60-inch diameter concrete culvert and an 8-foot wide by 8-foot-tall box culvert will be removed and replaced with a three-span southbound and northbound bridge approximately 42.5 feet wide by 102 feet long. A minimum of 13-foot-high embankment fill will be excavated to allow for Convict Creek to flow under US-395. A three-span bridge will require support columns to be constructed within the channel. Convict Creek will have creek banks sloped at 1.5:1 with rock slope protection and riprap reinforcement lining the new channel banks. Wildlife exclusionary fencing would be tied into both sides of the structure entrance to direct wildlife through the crossing corridor.

Existing right-of-way fencing will be replaced with 8-foot-tall wildlife exclusionary fencing along both sides of US-395 from Crowley Lake Drive (PM 18.03) to Hot Creek Hatchery Road (PM 22.74). Sections of new wildlife exclusionary fencing will be installed between PM 19.47 and PM 19.50 from the existing right-of-way fencing alignment to direct smaller wildlife to an existing 3-foot-diameter metal culvert. Cattle guards will be installed where the fencing crosses adjacent asphalt and dirt roads to prevent deer and other wildlife from entering the roadway. Approximately 26 wildlife escape ramps (jump-outs) will be installed within the right-of-way at various locations to allow deer or other wildlife entering the roadway to exit. The jump-outs will allow wildlife to get over the fencing and exit the roadway corridor.

Tribal Engagement: Beginning in April 2023, the Lead Agency engaged with seven tribes under National Historic Preservation Act Section 106 and Assembly Bill 52 processes. Tribal representatives from the Mono Lake Kootzaduka'a Tribe and Bridgeport Indian Colony participated in the archaeological field survey conducted in September and October 2023. Additionally, tribal representatives from the Bishop Paiute Tribe requested to be kept informed of project developments in August 2024. The Lead Agency continues to hold recurring virtual meetings with interested tribes. The Lead Agency will provide updated design drawings as they become available (i.e., 60%, 95%, and 100% design drawings) and intends to have tribal monitors present during Project implementation.

Interested Party Coordination: Beginning in 2015, The Lead Agency has worked closely with CDFW to strategically identify ideal wildlife crossing locations. In addition, the following outreach and coordination efforts have occurred:

- Coordination with the Bureau of Land Management (BLM), United States Forest Service (USFS), United States Geological Survey, and the local Bi-State population of



CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

## **Discussion**

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The Project's exclusive purpose is to restore mule deer migration corridors and facilitate other wildlife species' movements along an approximate 10.5-mile section of US-395 in the Mammoth Lakes region. Moreover, installation of an overpass and underpass, used in conjunction with directional fencing, is designed to increase mule deer habitat connectivity and reduce mule deer mortality rates across the US-395 barrier. Additional species will also benefit from increased habitat connectivity, including gray fox, striped skunk, spotted skunk, long-tailed weasel, raccoon, coyote, greater sage grouse, black-tailed jackrabbit, cottontail rabbit, black bear, and mountain lion, all of which have been documented attempting to cross or as roadkill in the Project area. Increased habitat connectivity may reduce population isolation and inbreeding while also promoting genetic diversity and species health. Additionally, the conversion of the Convict Creek culverts to a bridge will restore riparian and streambed habitat in Convict Creek, allowing for increased riparian and aquatic connectivity.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Project may result in incidental public health and safety benefits. The Project is anticipated to result in reduced wildlife-vehicle conflicts along US-395, providing incidental public safety benefits for motorists traveling along the 10.5-mile stretch of US-395. Additionally, improving wildlife connectivity along US-395 may incidentally benefit recreational hunting opportunities in the region.

- C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net

benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency: The Project will improve opportunities for mule deer and other wildlife species to shift in range and distribution, which will improve access to climate-resilient refugia and water sources in the Mammoth Lakes region. The installation of the overpass and undercrossing will restore safe migration corridors to core habitats, thus providing long-term benefits to species' resilience and fragmentation due to climate change. Reduced habitat fragmentation will also allow for increased genetic exchange, reducing inbreeding depression and population isolation while also increasing species' resilience and population numbers. As the negative effects of climate change occur, such as drought and/or intense heat events, this will improve native species resiliency to survive in the long-term.

Long-term Net Benefits to Biodiversity: Currently, US-395 acts as a passage barrier for native wildlife species. Completion of the Project will result in enhanced wildlife connectivity within an important migratory corridor, improving the dispersal of wildlife species within the Mammoth Lakes region that will result in long-term net benefits to biodiversity. By improving connectivity along the 10.5-mile stretch of US-395, multiple wildlife species, including greater sage grouse, mountain lion, black bear, bobcat, coyote, gray fox, and raccoon populations will benefit from improved access to suitable habitat, preventing genetic bottlenecks and increasing genetic diversity.

The project will also enhance existing stream and riparian habitats utilized by many fish and wildlife species. The existing Convict Creek culvert is undersized and does not allow adequate fish passage or riparian vegetation connectivity. By removing the existing culvert and constructing a bridge span, the creek bed and channel will be enhanced, and riparian vegetation will be connected under the bridge corridor. Replacing the culvert with a bridge undercrossing structure will allow for aquatic species connectivity under US-395 and result in long-term net benefits to biodiversity within the riparian corridor.

Wetland habitats present around Convict Creek will be enhanced by providing a wider creek bed that allows seasonal inundation for wetland plants and soils. Wetlands are important habitat for many mammals and nesting bird species and are rare in the Great Basin Desert.

Long-term Net Benefits to Sensitive Species Recovery: Owens sucker, a CDFW Species of Special Concern, is expected to benefit in the long-term from improved habitat quality and quantity, and from the connection of suitable habitat upstream and downstream of US-395 in Convict Creek. Additionally, the connected and expanded riparian habitat from the replacement of the Convict Creek culvert with an open-span bridge will potentially benefit willow flycatcher, listed as endangered under the California Endangered Species Act, which has been documented upstream and west of the Project area. Potential benefits to the Bi-State population of greater sage grouse may result from the improved ability to move over and under US-395, where they have been documented in roadkill surveys.

Procedures for the Protection of the Environment: Measures will be implemented to ensure the protection of the environment during implementation of the Project. These measures include, but are not limited to, pre-construction surveys (plant, nesting bird, bat); installation of Environmentally Sensitive Area (ESA) fencing to protect rare plants if found during pre-construction surveys; a biologist will conduct Biological Resource Information Program training for contractors to ensure understanding of ESA boundaries, permit requirements, and sensitive resources; implementation of appropriate no-work buffers and/or monitoring as determined by the biologist for nesting birds; a daily no-work window may be implemented during greater sage grouse lekking season within the Project area; water diversion and de-watering plans will be reviewed by regulatory agencies; and invasive weed control. The Lead Agency will follow standard Best Management Practices as well as all conditions outlined in required permits.

Ongoing Management for the Protection of the Environment: In accordance with Assembly Bill 2344, The Lead Agency will conduct ongoing operations, maintenance, and monitoring of wildlife passage features. Operations and maintenance may include activities to maintain open crossings. As with all structures managed by the Lead Agency, the crossings will be periodically inspected by bridge engineers for damage and appropriate preservation work will be conducted to extend their service life.

- D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

Project work is composed solely of installing, maintaining, and monitoring wildlife crossings and directional fencing. The overcrossings and undercrossing have independent utility and are not connected to any existing or future Lead Agency project and will only serve to provide suitable wildlife overcrossings and habitat. There will be no other construction or maintenance activities connected to this project other than the long-term inspection and maintenance of the structures themselves in order to extend the life cycle of the overcrossings. All Project work will be directly related to the construction of either the wildlife overcrossings or the wildlife directional fencing.

### **Scope and Reservation of Concurrence**

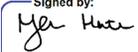
This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public

agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

**Other Legal Obligations**

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

**CDFW Director's Certification**

Signed by:  
  
By: \_\_\_\_\_  
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Date: 3/16/2026

Meghan Hertel, Director  
California Department of Fish and Wildlife