

DEPARTMENT OF TRANSPORTATION

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August 20, 2012

Ken Brown
Lake County, Public Works Department
255 N. Forbes Street
Lakeport CA, 95453

01-LAK-01-0-CR
County of Lake
BRLO 5914(079)

Subject: Minor vegetation clearing for pre-construction engineering surveys.

Dear Mr. Brown:

During our field review it was indicated by the County that there would be a need to gather hydraulic survey data required to help in the draft design of the bridge replacement. It was observed that in order to complete this survey there would be the need for some minor vegetation removal to allow access for surveyors and survey equipment. This survey will be necessary in order to better define the scope of work for the bridge replacement project. This detailed scope of work will be necessary when carrying out the technical studies required in completing the NEPA process.

I have received the nesting bird survey and reconnaissance level plant survey for the habitat surrounding the First Street Bridge over Clover Creek (see attached). Based on the information provided in the survey Caltrans concurs that minor vegetation removal solely for the purpose of gathering hydraulic survey data for a draft design of the bridge replacement will have no effect on federally listed threatened and endangered species nor will it have an effect on migratory nesting birds. The following avoidance and minimization measures must be followed:

- All work will be conducted during the summer and fall, after the creek bed is dry, in order to avoid potential impacts to Clear Lake Hitch, foothill yellow-legged frog, and western pond turtle, and the potential for sedimentation or loss of fuels and lubricants into active stream flows.
- Limit clearing to no more than 50 feet upstream and downstream of the bridge. Vegetation removal should be limited to Himalayan blackberry, ivy, and giant reed on both sides of the bridge. There is to be no removal of trees, willows and blue elderberry shrubs (*Sambucus mexicana*).
- All vegetation will be removed by hand powered or manual equipment (i.e. machete, weed whacker, etc...).
- Removal of vegetation is to be limited to what is needed for the sole purpose of access for surveyors and surveying equipment.
- There is to be no ground disturbing activity as a result of minor vegetation removal.
- Access by foot only. No non hand held equipment is to be within the bed bank or channel of Clover Creek.

Please notify us when this survey takes place and when it has been completed. Prior to NEPA approval for the bridge replacement project a full Natural Environment Study will need to be conducted. Pending the results of the NES there is also potential for the need of a Biological Assessment. This will be required in order to fulfill the requirements of section 7 consultation under the Endangered Species Act if there are to be impacts to federally listed threatened and endangered species as a result of the bridge replacement activity.

If you have any questions please feel free to contact me (707) 445-6410.

Sincerely,



Brandon Larsen
Senior Environmental Planner
Office of Local Assistance

cc. Suzanne Theiss
Bob Baca



NORTHWEST BIOSURVEY

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August 16, 2012

Mr. Chantha Chap
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Lake County Department of Public Works
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Lakeport, CA 95453
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RE: Results of Riparian Passerine Survey and Reconnaissance-Level Plant Survey for Clover Creek Bridge in Upper Lake

Dear Mr. Chap:

Northwest Biosurvey staff conducted the above-referenced survey on the morning of August 15, 2012, in order to make recommendations regarding the potential occurrence of sensitive passerines or sensitive plant species at the Clover Creek Bridge crossing at 1st Street. Photos of the bridge taken during our inspection are included below.

SURVEY PROCEDURES

Plant Survey: A full floristic-level survey for sensitive plant taxa was not conducted. However, the streambanks and surrounding habitat was surveyed for potential sensitive plant habitat. Our field review included a reconnaissance of the stream bed for a distance of one hundred feet upstream and downstream of the bridge. Plant communities within and along the creek channel were recorded and an assessment was made of the potential of the site to provide habitat for riparian bird species with sensitive regulatory status. Prior to the survey a review of the current CNDDDB overlay for the Upper Lake USGS quad was made to assess the potential of the site to provide habitat for plants with sensitive regulatory status.

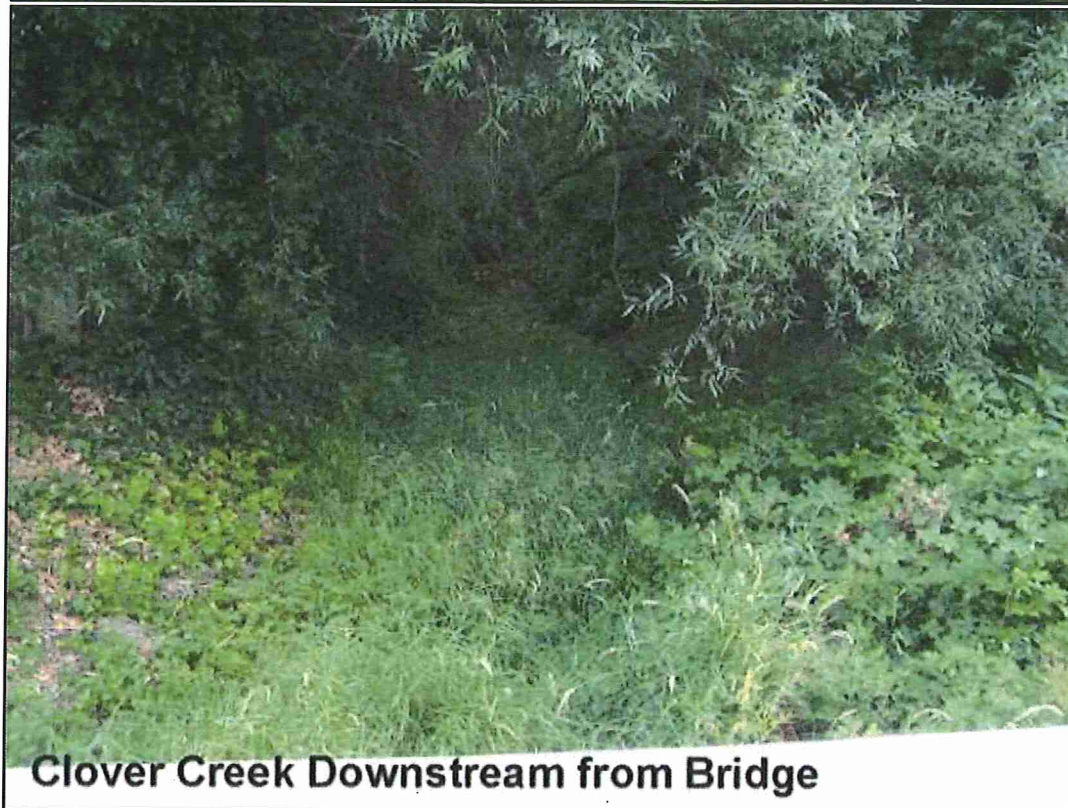
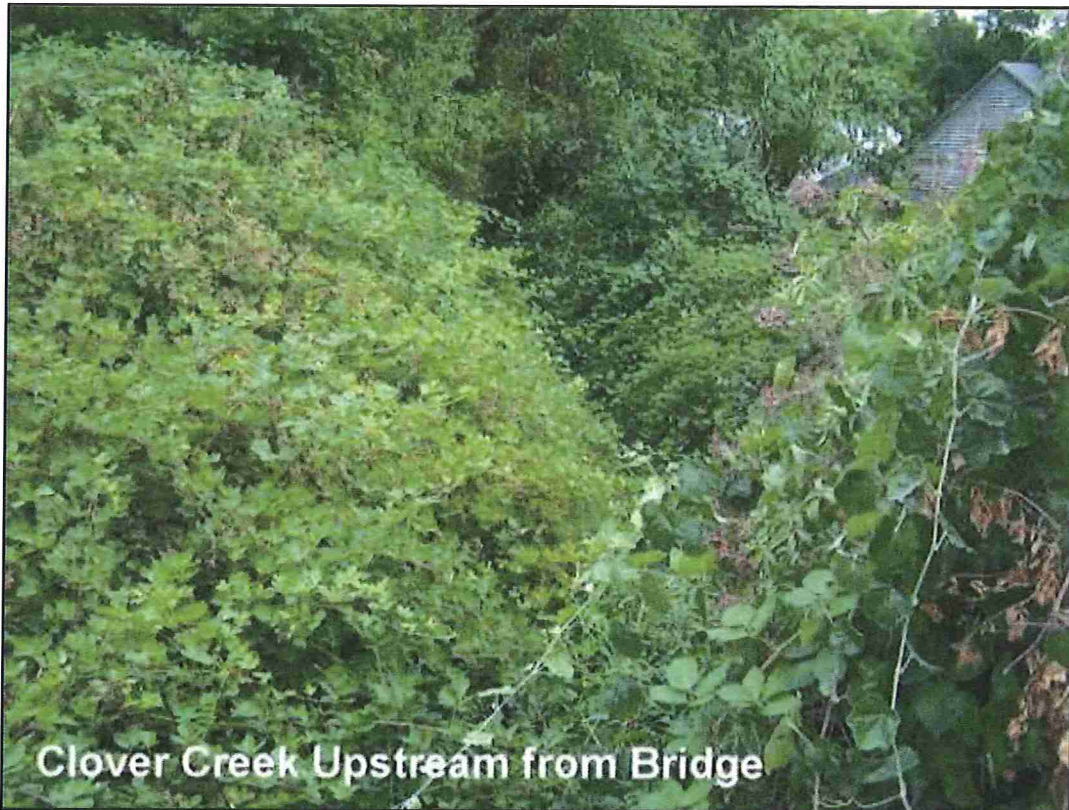
Passerine Survey: The survey procedure for the passerines is adapted from *Survey Techniques for Woodland Hawks in the Northeast*: Devaul, et al., 1988. This technique relies on a pedestrian survey for nests and the use of recorded calls followed by waiting periods for return calls from any individuals within the survey area. If return calls are received, a concerted effort is then made to locate the nest tree¹. This survey was conducted in the early morning.

OBSERVATIONS

Based on our inspection, the following findings are provided.

1. The three bird species with sensitive regulatory status -- yellow-breasted chat, yellow warbler, and common yellow-throat -- occur in the region in dense riparian willow thickets over water. This site lacks appropriate willow habitat and the channel was dry at the time of the inspection other than small isolated pools. None of the sensitive species was observed and no return calls were made to the recorded calls played at the time of the survey. The survey results for these birds were negative. Consequently, the site has a low potential to provide habitat for these sensitive birds. Bird species that were observed included Anna's hummingbird, northern mockingbird, scrub jays, and mourning doves.
2. The plant communities along the stream channel on both sides of the bridge are heavily dominated by Himalayan blackberry (*Rubus discolor*), with an upper canopy of red willow (*Salix laevigata*) on the downstream side. Other plants occurring within the plant community include the non-native German ivy (*Delairea odorata*) and giant reed (*Arundo donax*). Two blue elderberry shrubs (*Sambucus mexicana*) occur on the upstream side on the south bank: one near the bridge and a second 50-feet upstream; another shrub is located 30 feet from the bridge on the north bank on the downstream side. While a floristic-level botanical survey was beyond the scope of this assessment, we conclude that the site does not contain suitable habitat for any of the sensitive plant species known to occur in the region. Consequently, this site has a low potential to provide habitat for plants with sensitive regulatory status.
3. Regardless of the low potential for plants and wildlife with sensitive regulatory status to be present, riparian communities provide high value wildlife habitat for a wide spectrum of native wildlife and care should be taken to minimize disturbance within these habitats. Work should be avoided when streams are flowing. When flowing, Clover Creek may provide habitat for Clear Lake hitch, foothill yellow-legged frog, and western pond turtle, all California Species of Concern. Clover Creek was mostly dry within the project area at the time of this inspection.

¹ Nesting birds may deliberately avoid visiting their nest site if they are being observed by a perceived predator (human observer).



RECOMMENDATIONS

Based on the low potential for this segment of Clover Creek to provide habitat for plants with sensitive regulatory status or to provide habitat for sensitive wildlife during the summer and fall months (when the channel is dry), it is our opinion that the bridge maintenance project can be conducted without the need for further biological assessment. This recommendation is made with the following caveats:

1. All work should be conducted during the summer and fall, after the creek bed is dry, in order to avoid potential impacts to Clear Lake Hitch, foothill yellow-legged frog, and western pond turtle, and the potential for sedimentation or loss of fuels and lubricants into active stream flows.
2. Limit clearing to no more than 50 feet upstream and downstream of the bridge. Vegetation removal should be limited to Himalayan blackberry, ivy, and giant reed on both sides of the bridge. Avoid removal of trees and willows. Mitigation for elderberry is beyond the scope of this assessment but will be required by Caltrans environmental review staff.
3. Limit activities to the proposed project to those involving maintenance of the existing bridge and vegetation clearing. Use of cranes should be limited to the adjacent roadway with precautions to contain lost hydraulic fluid.

Sincerely,



Steve Zalusky
Principal Biologist