

Haggerty, Nicole@Wildlife

From: Kearns, Zachary@Wildlife
Sent: Tuesday, April 11, 2023 11:19 AM
To: Gevorgyan, Sara@Waterboards
Cc: Thomas, Kevin@Wildlife; Wilson, Billie@Wildlife; Sheya, Tanya@Wildlife; Maher, Michael@Wildlife; Wildlife R2 CEQA; Haggerty, Nicole@Wildlife
Subject: [CDFW Comments] April 11, 2023 - Lower Blue Lake Dam Seepage Mitigation and Weir Replacement Project



Hi Ms. Gevorgyan,

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (ISMND) for the Lower Blue Lake Dam Seepage Mitigation and Weir Replacement Project (project). CDFW is responding to the ISMND as a Trustee Agency for fish and wildlife resources (Fish & G. Code, §§ 711.7 & 1802, and CEQA Guidelines, §§ 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act (CESA) Permit for incidental take of endangered, threatened, and/or candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The project is located at approximately Latitude: 38.6089, Longitude: -119.9259, in Alpine County. The Pacific Gas & Electric Company (PG&E) is proposing to construct the Lower Blue Lake Dam Seepage Mitigation and Weir Replacement Project at Lower Blue Lake reservoir in Alpine County. In summer 2018, PG&E observed evidence of adverse seepage conditions developing on the downstream embankment face of the Lower Blue Lake Dam. In response, PG&E performed subsurface investigations of the dam embankment and foundation, which suggested that there are likely two sources of the observed seepage issues: (1) through the embankment fill itself during times of elevated water levels in the reservoir, and (2) through the native alluvium/glacial deposits left in place below the dam and spillway, which appear to be affected less by reservoir levels and more by groundwater conditions.

CDFW recommends the following items be addressed in the future planning of the project:

1. **Fully Protected Species.** A Fully Protected Species (Fish & G. Code § 4700) has the potential to occur within or adjacent to the project area, including, but not limited to: Wolverine (*Gulo luscus*). Fully protected species may not be taken or possessed at any time. Project activities should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area.
2. **Nesting Bird Survey timing.** CDFW recommends that nesting bird surveys be conducted if project activities are scheduled to occur between February 1 and August 31, to fully encapsulate the potential nesting season. CDFW typically recommends surveys occur in a minimum of a 500-foot radius for migrating birds, and a ½ mile radius for nesting raptors.
3. **Tree Roosting Bats:** Aerial imagery of the project site indicates that trees within the vicinity of the project may be suitable for tree roosting bats. If roost trees are removed during the colder months, bats may be in hibernation and unable to escape. To avoid potential impacts to both maternity colonies and hibernating bats, CDFW recommends that tree removal be scheduled either in the spring between approximately March 1 (or when evening temperatures are above 45°F) and April 15, or in fall between approximately September 1 and October 15 (or prior to evening temperatures dropping below 45°F and the onset of rainfall greater than one-half inch in 24 hours). If bats must be captured or relocated, a qualified biologist should capture injured bats by

hand-capture or other methods approved by CDFW. CDFW does not authorize the use of mist nets or harp traps as capture techniques.

4. **Passive Relocation and Entrapment Prevention:** At the end of each workday, an escape ramp should be placed at each end of any open excavation to allow wildlife that may become trapped to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than thirty (30) degrees. A qualified biologist or construction monitor should survey the project area to ensure wildlife incidentally trapped due to project activities are allowed to escape prior to project commencement.
5. **Lake and Streambed Alteration:** Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:
 - a. Substantially divert or obstruct the natural flow of any river, stream or lake;
 - b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
 - c. Deposit debris, waste, or other materials where it may pass into any river, stream, or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the environmental document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the project may avoid or reduce impacts to fish and wildlife resources. Notifications for projects involving (1) sand, gravel or rock extraction, or (2) timber harvesting operations must be submitted using paper notification forms. All other LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

6. **Upland Use Study:** CDFW would like to request a copy of the completed Upland Use Study for the Yosemite toad (*Anaxyrus canorus*) and for Sierra Nevada yellow-legged frog (*Rana sierrae*, SNF). Amphibian breeding and movement may take place later in the year during big water years. Specifically, given the big water year and ephemeral drainages being activated on the landscape, frogs may be more likely to move around to new locations. Additionally, delayed breeding movement patterns may overlap with the planned drawdown period, and amphibian surveys should be timed accordingly to account for those potential changes to avoid impacts to the species. CDFW also recommends that relocation sites be identified for stranded Yosemite toads and SNF.
7. **Lower Blue Lake Campgrounds:** The environmental document should identify and evaluate the effects of the drawdown on recreation if the Lower Blue Lake Campgrounds will be available for public use during project activities.

8. **Rainbow Trout Restocking:** CDFW recommends initiating dialogue on the possibility of considering restocking of Rainbow trout (*Oncorhynchus mykiss*) as part of an overall mitigation plan.
9. **Lahontan Cutthroat Trout Surveys:** Please identify the type of survey that was used to confirm no Lahontan Cutthroat Trout (*Oncorhynchus clarkii seleniris*) were below Lower Blue Lake. CDFW is concerned that big water years may inhibit any spawning trout from trying to spawn in Middle Creek from Lower Blue Lake. The environmental document should detail any potential changes to spawning habitat that may occur during the proposed drawdown periods in Middle Creek during big water years.

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications may be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the project and recommends that the County address CDFW's comments and concerns in the forthcoming CEQA document. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Zach Kearns, Environmental Scientist at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

Zach Kearns
Environmental Scientist
(916) 358-1134
1701 Nimbus Rd.
Rancho Cordova, CA 95670

