

Jul 13 2023**STATE CLEARINGHOUSE**

From: Huffer, Benjamin@Wildlife
To: [Eric Porter](#)
Cc: Wood, Dylan@Wildlife; [Wildlife R2 CEQA](#); [OPR State Clearinghouse](#)
Subject: Vertical Bridge Monopine Tower; Use Permit (UP 23-01) and Initial Study (IS 23-02)
Date: Thursday, July 13, 2023 1:10:20 PM
Attachments: [image001.png](#)

Dear Eric Porter:

The California Department of Fish and Wildlife (CDFW) received a an Initial Study (IS) from the County of Lake (County) for the Vertical Bridge Tower; 150' tall Monopole (Project).

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 may also act 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

The Project applicant is requesting approval of a Use Permit for the development of a new 150' tall monopole cell tower. The tower will be 'disguised' to look like a pine tree and will be inside a 24' x 92' fenced enclosure which will contain support equipment for the tower. The enclosure will be screened by an 8' tall screening fence.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: CDFW recommends submitting a notification of Lake or Streambed Alteration prior to project commencement.

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: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could 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.

If 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. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources.

Based on review of Project materials the Project area is within 10 feet of Kelsey Creek. As such, grading/fill and other infrastructure improvements (i.e. construction of the tower and access road) may trigger notification. Therefore, CDFW recommends the Project applicant submit a notification of Lake or Streambed Alteration prior to Project commencement. For more information on CDFW's LSA program including the online permitting portal, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Comment 2: CDFW recommends evaluation of potential impacts to Clear Lake hitch (*Lavinia exilicauda chi*)

The project is located within 10 feet of Kelsey Creek, a critical tributary and habitat for the state threatened Clear Lake Hitch (CLH). The IS does not include any discussion about this species. The IS should include an analysis of the potential presence of this species within the project site and any potential significant impacts from the proposed project. Without appropriate avoidance and minimization measures for CLH and its habitat, project-related activities involving ground and vegetation-disturbance could result in significant impacts. Potential significant impacts include but are not limited to the deposit of debris or material in the channel of Kelsey Creek, heavy equipment operating in close proximity to Kelsey Creek, equipment leaks, noise pollution and vibrations. To avoid impacts to CLH, project activities should occur during the Clear Lake hitch avoidance window, July 1st through December 31st.

Comment 3: CDFW requests clarification regarding Figure 4 – View of Site from Merritt Road

Figure 4 includes a caption stating, "Existing pine tree removed from this location." Please clarify

what activities this statement describes. (i.e. a pine tree was removed, will be removed etc.)

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents 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 types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

CONCLUSION

CDFW appreciates the opportunity to provide comments.

Questions regarding this email or further coordination should be directed to Ben Huffer, Environmental Scientist, at (916) 216-6253 or benjamin.huffer@wildlife.ca.gov.

Best regards,
Ben

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