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From: Huffer, Benjamin@Wildlife
Sent: Tuesday, December 12, 2023 1:02 PM
To: vfernandez@cityoflakeport.com
Cc: Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Wildlife R2 CEQA; Kilgour, Morgan@Wildlife
Subject: Lakeport EVA Bridge Project, SCH# 2023110379 **Governor's Office of Planning & Research**

December 12 2023

Dear Victor Fernandez:

STATE CLEARINGHOUSE

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Lakeport for the Lakeport EVA Bridge Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise 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. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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 site is located in the central-west portion of the City of Lakeport, linking Craig Avenue and Wrigley Street via a bridge across Forbes Creek. The Project site is located on APN 025-441-43 across approximately 1-acre.

The Project consists of the construction of an emergency vehicle access (EVA) bridge across Forbes Creek in Lakeport, Lake County, California. The proposed EVA bridge project (Project) involves construction on an approximately 1-acre parcel, which will link Wrigley Street to the south with Craig Avenue to the north.

The proposed bridge crossing Forbes creek is intended for emergency vehicle access only. At the existing end of Wrigley street, a 12-foot wide gravel access road will be constructed that will lead to the proposed bridge crossing of Forbes Creek. The 12-foot-wide gravel road will continue from the bridge and connect into Craig Ave and gates or removable bollards will be installed to prevent non-emergency vehicles from accessing the creek crossing. The bridge structure will

be 12-foot clear width with crash rated vehicle barrier railings. The bridge will be constructed of steel with either steel decking or concrete decking and the bridge will clear span the channel so that no work is necessary inside of the creek channel itself. The proposed bridge will sit on concrete abutments located a minimum of 5 feet beyond the top of the creek bank. It is anticipated that the abutments will either be drilled piers or spread footings. The bridge will be designed to HS20-44 load rating per AASHTO standards and will be designed so that the bottom of the bridge is a minimum of 1-foot above the 100-year stream flow elevation.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Lakeport in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

CDFW is primarily concerned with the project impacts to the Clear Lake Hitch (CLH) (*Lavinia exilicauda chi*), a species listed as *threatened* under CESA.

COMMENT 1: CLH Work Window, Mitigation Measures BIO-1: Protect Clear Lake hitch, p. 21

Issue: The work window provided in Mitigation Measure Bio-1 lacks necessary specificity. CLH may still be present in Clear Lake tributaries, including Forbes Creek, past June. Therefore, this measure may be insufficient in avoiding impacts to CLH and effectively reducing potential impacts to a level of less than significant.

Recommendation or Recommended Mitigation Measure: The CLH work window for Forbes Creek should be specifically identified as July 1 through December 31, or when the project area is completely dry.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the IS/MND for the Lakeport EVA Bridge Project to assist the City of Lakeport in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. 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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