

Haggerty, Nicole@Wildlife

From: Shun, Michael@Wildlife
Sent: Monday, October 14, 2024 2:52 PM
To: trish.turner@lakecountycal.gov
Cc: Wood, Dylan@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife; Wildlife R2 CEQA
Subject: Public Safety Tower/ FirstNet NLAKE01 (SCH: 2023120164) CDFW Comments

Dear Trish Turner:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Lake County Community Development Department, Planning Division for the Public Safety Tower/ FirstNet NLAKE01 (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.^[1]

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 at 3275 Hill Road, Lakeport, CA 95453; Assessor Parcel Number [APN] 005-015-410-000.

The Project consists of the construction of an 80-foot monopine cell tower designed to look like a pine tree, including 15 antennas, 15 radios, 3 surge suppressors, and three antenna mounts on a 35-foot by 35-foot level pad area. The area will be enclosed by a 6-foot tall chain link fence. A 20-foot by 398-foot all weather access road will be constructed to allow access to the cell tower.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Lake County Community Development Department, Planning Division 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 Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

CDFW is primarily concerned with the biological resource mitigation measure BIO-2: American badger.

COMMENT 1: American badger, Mitigation Measure BIO-2, page 19/44

Issue: American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Currently, the proposed mitigation measure states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BIO-2 for the American Badger be revised to the following:

American Badger Preconstruction Survey. The project proponent shall retain a qualified biologist to conduct an American badger preconstruction survey within 3 calendar days prior to the initiation of construction activities within suitable habitat for American badger. If no American badger individuals and/or burrows are found during the preconstruction survey, the biologist shall document the findings in a letter report to CDFW, and no further mitigation shall be required. If individuals and/or burrows are found, the project proponent shall consult with CDFW and a qualified biologist to determine an appropriate no disturbance buffer to avoid impacts to the den. If impacts cannot be avoided, den excavation and exclusion implementation shall take place between in the non-breeding season (typically September 1 through January 1) in consultation with CDFW.

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 MND for the Public Safety Tower/ FirstNet NLAKE01 to assist Lake County Community Development Department, Planning Division 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 letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

REFERENCES

Long, Charles A. 1973. *Taxidea taxus*. Mammalian Species. 26: 1-4. [25832]

Messick, John P.; Hornocker, Maurice G. 1981. Ecology of the badger in southwestern Idaho. Wildlife Monographs. 76: 1-53. [25831]

Thank you,

Michael Shun
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Senior Environmental Scientist (Specialist)
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^[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.