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Governor’s Office of Planning & Research

February 6, 2024

February 06 2024

STATE CLEARINGHOUSE

Mireya Turner
Director, Community Development Department
Lake County
255 N Forbes Street
Lakeport, CA 95453
LakeCounty2050@lakecountyca.gov

Subject: Lake County General Plan and Local Area Plans Update
ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2024010158

Dear Mireya Turner:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of a draft Environmental Impact Report (DEIR) from Lake County for the Lake County General Plan and Local Area Plans Update (Project) in Lake County pursuant 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, plants and their habitats. 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 (Fish & G. 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 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.

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.

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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 Lake County, positioned within the Pacific Coastal ranges approximately 100 miles north of San Francisco, 90 miles northwest of Sacramento, and 35 miles east of the Pacific Ocean. Lake County is bounded by Mendocino County to the west, Yolo, Colusa, and Glenn Counties to the east, and Sonoma and Napa counties to the south. The major roadways that traverse the county include State Route 20, which joins up with Highway 101 and Interstate 5, and State Routes 29, 53, and 175.

The Project consists of updating the 2008 General Plan and all eight of the County's Local Area Plans, which were adopted at various times between 1988 and 2010. The General Plan, as required by State law, contains eight elements: land use, circulation, housing, open space, noise, safety, conservation, and environmental justice. The County's eight Local Area Plans comprehensively cover the entire county and provide additional guidance for potential future development. The County's updated General Plan and Local Area Plans include goals, policies, and actions that set the long-term plan (blueprint) for potential future development in unincorporated Lake County. The project will build off the current General Plan and Local Area Plans and provide a framework for land use, transportation, and conservation decisions, and direct future growth within unincorporated Lake County (DEIR study area) through the year 2050.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist Lake County in adequately identifying and/or mitigating future projects significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on proposed projects with respect to impacts on biological resources. CDFW recommends that the following policies are adopted by the County in order to reduce impacts to biological resources from future development to a less than significant level and provide more protection for sensitive resources within the County of Lake.

- The County shall promote the preservation and restoration of contiguous areas of natural habitat throughout the county and support their integration with existing and future regional preserves;

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- The County shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;
- The County shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with State and federal regulations in perpetuity;
- The County shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and federal regulations protecting wetland resources, and if applicable, special-status species such as bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), western pond turtle (*Emys marmorata*), foothill yellow-legged frog – north coast distinct population segment (DPS) (*Rana boylei pop. 1*), California red-legged frog (*Rana draytonii*), yellow warbler (*Setophaga petechia*), California spotted owl (*Strix occidentalis occidentalis*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), with special emphasis on Clear Lake hitch (*Lavinia exilicauda chi*). Additionally, the County shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net loss of value and/or function;
- The County shall ensure appropriate conservation of Clear Lake hitch (*Lavinia exilicauda chi*) (CLH) and its habitat in Clear Lake and associated tributaries. The County shall support and pursue the removal of fish passage barriers (organic and man-made) throughout the CLH historic range and where possible enhance critical CLH spawning habitat through improved flow capacity, removal of invasive vegetation, and scheduled maintenance to prevent the buildup of trash and debris. Additionally, the County will disclose the potential of a project to take State-listed species and how the impacts will be avoided, minimized, and mitigated.
- The County shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and federal regulations protecting foraging habitat for those species known to utilize this habitat;

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- The County shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the county that provide habitat for common native, and special-status wildlife species;
- The County shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;
- The County shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the County shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the Project site. Survey Reports shall be prepared and submitted to the County and CDFW or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with State and federal law;
- The County will thoroughly analyze future projects potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed the County will define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The County shall analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, the County shall analyze a projects cumulative impacts and determine if that contribution would result in a significant impact.
- The County will adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of projects. Mitigation will be roughly proportional to the level of

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impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § 15126.4(a)(4)(B), 15064, 15065, and 16355).

- The County shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the county; and
- The County shall support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements.
- Lake county supports the Cache Creek watershed including Clear Lake and its associated tributaries including but not limited to Middle Creek, Scotts Creek, Manning Creek, Adobe Creek, Kelsey Creek, Cole Creek and Cache Creek. Lake county also supports portions of the Eel River watershed including Lake Pillsbury, as well as portions of the Putah Creek watershed including St. Helena Creek and Putah Creek, the County will fully identify a project's potential impacts to the lakes and streams and/or their associated vegetation and wetlands throughout the county. If it is determined a project will result in significant impacts to these resources the County shall coordinate with CDFW to provide appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level. Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may 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 where it may pass into any river, stream or lake.
- The County shall comply with all applicable laws related to nesting birds and birds of prey. Potential habitat for nesting birds and birds of prey is present throughout Lake County. The County shall analyze all potential activities that may incur a direct or indirect take to nongame nesting birds within the county and provide appropriate avoidance, minimization, and/or mitigation measures to avoid take. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The County shall also include specific avoidance and minimization measures that will be implemented should a nest be located within a project site. In addition to larger, protocol level survey efforts and scientific assessments, final preconstruction surveys may be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

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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 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 effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Lake County 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.)

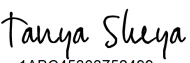
CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall 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 Notice of Preparation of the DEIR for the Lake County General Plan and Local Area Plans Update and recommends that Lake County address CDFW's comments and concerns in the forthcoming DEIR. 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 Ben Huffer, Environmental Scientist at (916) 216-6253 or benjamin.huffer@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tanya Sheya
Environmental Program Manager

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ec: Dylan Wood, Senior Environmental Scientist (Supervisory)
Ben Huffer, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>