

From: Bryant, Claire@Wildlife
Sent: Monday, August 3, 2026 2:29 PM
To: Mark Roberts
Cc: Stanfield, Melissa@Wildlife; Kilgour, Morgan@Wildlife; Sheya, Tanya@Wildlife; Wildlife R2 CEQA
Subject: CDFW Comments on the DEIR for the Clearlake Airport Redevelopment Project (SCH No. 2024070264)

Dear Mark Roberts:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the City of Clearlake for the Clearlake Airport Redevelopment 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 within the southern area of the incorporated limits of the City of Clearlake in Lake County, California. The Project site is bound by the 18th Ave extension and Victor Street to the north, State Route 53 to the east, and Old Highway 53 to the south and west. Primary access to the site is via 18th Avenue and Old Highway 53. No off-site infrastructure improvements are anticipated within the Project.

The Project consists of a development plan for a 49.62-acre former airport site. The development would contain a mix of uses, included but not limited to healthcare facilities, multifamily housing, retail, restaurants, hotel, and open space. The Project would also include infrastructure improvements, including roads, utilities, sewer and water lines, storm water management, parking lots, streetlights and landscaping.

COMMENTS AND RECOMMENDATIONS

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

COMMENT 1: Burrowing Owl, Mitigation Monitoring and Reporting Program, Measure 4.3-1, 10-7

Issue: Mitigation measure 4.3-1 includes the development of a Burrowing Owl Exclusion and Mitigation plan if avoidance of an occupied burrow is infeasible, in consultation with CDFW. Burrowing Owls (*Athene cunicularia*) is a state candidate species for listing under CESA and as such, it is afforded full protection under the act. It is unlawful to take a State-listed endangered or threatened species (Fish & G. Code §2050 et seq.). Take is defined as "hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill" (Fish & G. Code §86). CESA take authorization, should be obtained if the proposed Project has the potential to result in take of Burrowing Owls. Excluding owls from their burrows may result in take.

Recommended Mitigation Measure: CDFW recommends that Measure 4.3-1 be revised to clarify that if Burrowing Owls are detected during pre-Project surveys, work shall be suspended, and CDFW notified. Work should not re-initiate until the Project has consulted with CDFW and can demonstrate compliance with CESA.

COMMENT 2: Nesting Birds and Raptors, Mitigation Monitoring and Reporting Program, Measure 4.3-2, 10-8

Issue: Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & G. Code section 3513. Fish & G. Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Ground disturbing and other construction activities could result in the take of migratory native bird species, including ground nesting species such as northern harrier (*Circus hudsonius*), California quail (*Callipepla californica*), and killdeer (*Charadrius vociferus*). Mitigation Measure 4.3-2 limits the required nesting bird surveys to the areas identified within Figure 4.3-6 as Woodland Areas; however, this approach may miss active nests within and adjacent to the rest of the Project area. In addition the work window stated in the mitigation measure (Feb 15-September 1) varies from the typical nesting period for migratory birds in California's Coastal Range.

Recommended Mitigation Measure: To mitigate potential impacts to nesting birds to a less-than-significant level, CDFW recommends Mitigation Measure 4.3-2 with the following language:

"Nesting Bird Survey. If Project activities are scheduled between February 1 and September 1 (the typical nesting season), a focused survey for nests shall be conducted by a qualified biologist within five calendar days prior to the start of Project activities. The qualified biologist shall survey a minimum

radius of 500-feet for migratory birds and 1/2-mile for raptors around the Project area that can be accessed by project proponent. The results of the survey shall be provided to the City of Clearlake upon completion. If no active nests are found, activities may proceed as scheduled.

Active Nests. If an active nest is found, active nests shall be avoided, and a no disturbance or destruction buffer shall be determined and established by a qualified biologist. The buffer shall be kept in place until after the breeding nesting season or the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the qualified biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

Project Delay. If a lapse in Project-related work of seven calendar days or longer occurs, the qualified biologist shall complete another focused survey before work can be reinitiated.

Project Proponent Responsibility. It is the project proponent's responsibility to comply with Fish and Game Code Sections 3503, 3503.5, and 3513, regardless of the time of year. This Agreement does not authorize take of birds, their nests, or their eggs.

COMMENT 3: Roosting Bats, Mitigation Monitoring and Reporting Program, Measure 4.3-3, 10-9

Issue: The DEIR recognizes the potential habitat for Pallid bat, Townsend's big-eared bat, and western red bat exists within the Project area. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1). These bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065); therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated. Mitigation Measure 4.3-3 requires pre-construction surveys seven days prior to the removal of any structures or trees on the development area, but does not outline adequate reporting requirements or mitigation measures to reduce the impacts to bat maternity or hibernation roosts if they are found onsite during the surveys.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure 4.3-3 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

"Prior to removal of any abandoned structure or trees within the Project area and prior to the issuance of any demolition permit or tree removal permit, **a habitat assessment shall be conducted by a qualified biologist experienced with surveying and identifying bat species and potentially suitable habitat. The habitat assessment shall include a visual inspection of suitable habitat features (e.g., trees, buildings, and other structures) for suitable bat roosting habitat within the Project area. If no suitable bat roosting habitats are identified, no further action by the Project proponent is required. If bat roosting habitat is present pre-construction surveys shall be performed..**

Bat Pre-Construction Surveys. A qualified biologist shall conduct a pre-construction survey for roosting bats within 10 days prior to the start of construction activity. The survey results shall identify: 1) the exact location of all roosting sites (location shall be adequately described and shown on a digital map with GPS coordinates), 2) the number of bats present at the time

of visit (count or estimate), 3) species of bat detected, if known (include how the species was identified), and 4) the type of roost(s) i.e., maternity, hibernaculum, night roost (rest at night while out feeding), or day roost (resting during the day). Results of the survey shall be submitted to City of Clearlake within seven calendar days of survey completion. If bats are detected during any survey, the project proponent shall implement the measures below.

1. **Bat Roost Buffer.** If roosts are occupied by day roosting bats, a qualified biologist shall establish an appropriate no-disturbance buffer around the roost(s), in coordination with CDFW, during maternity (May 1 to August 31) or hibernation (October 15 to April 1) seasons. The no-disturbance buffers shall be maintained until the qualified bat biologist determines the roost is no longer occupied. The project proponent shall clearly delineate bat roosts within the project area with posted signs demarking the avoidance areas using stakes, flags, and/or rope or cord. Bat roosts should be delineated with different materials than those used to mark project boundaries, or other avoidance zones. All personnel who enter the Project area shall be informed of the no-disturbance buffer. The project proponent will remove all materials used for delineation upon completion of the Project.
2. **Tree Trimming and/or Removal.** Tree trimming and or tree removal will be scheduled either (1) between approximately April 1 and May 1 or (2) between September 1 and October 15. Tree or Structure removal will occur at night when evening low temperatures are above 45°F and there is no forecasted rainfall. Tree trimming and/or removal may occur outside of this work window only after the qualified biologist confirms that the suitable habitat is not occupied.
3. **Structure Removal.** If a structure containing a bat day roost must be removed, a qualified bat biologist should prepare a passive exclusion plan in consultation with CDFW. The passive exclusion should be scheduled between April 1 and May 1 or between September 1 and October 15 when evening low temperatures are above 45°F and there is no forecasted rainfall.

If the Project results in the loss of a day roost, replacement roost habitat shall be designed to accommodate the displaced and impacted bat species. Impacted roost habitat shall be mitigated for at a ratio sufficient to compensate for the loss of the roosting colony. Replacement roost habitat shall be installed on- or off-site and a location approved by the qualified biologist or in consultation with CDFW.

The Project proponent shall be responsible for monitoring replacement bat habitat over a 5-year period for a minimum of three (3) years (e.g., years 2, 3, and 5) to determine whether bats are using the habitat, whether the habitat is functioning as intended, and identify any corrective actions that need to be made to improve its use by bats. Bat use shall be documented through a combination of visual observation (bats and bat sign), which could be conducted during the day when roosting bats are visible or at night during an emergence survey. Acoustic recordings shall be used in combination with emergence surveys to attempt to identify the species of bat(s) using the replacement habitat. The locations and amount of occupied habitat shall be recorded. Annual monitoring reports shall be sent to the City of Clearlake.

~~) approved biologist shall be conducted to identify the presence or absence of roosting bats within any structures and within any woodlands. If any Townsend's big-eared bats, pallid bats, or long-eared~~

~~myotis (or any other species of bat) are identified during roosting surveys, passive removal the roosting bats prior to disturbance to such structures or removal of trees associated with the woodland where the bats are roosting shall be implemented to avoid impacts to any bat species. Passive removal includes allowing roosting bats to freely leave the roost site (and structure). Once the roosting bats have been passively removed from the structure(s), the structure(s) would be closed off from recurring bat roosting, if possible, within the structure, and the proposed work within the structure(s) would no longer pose a risk to individuals of the species. Pre-construction roosting bat surveys are recommended to be implemented within 7 days of the removal of trees associated within the woodlands in the northern or southern sections of the project area and prior to any disturbance within any existing structure.~~

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:.

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 DEIR for the Clearlake Airport Redevelopment Project to assist City of Clearlake 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 Claire Bryant, Environmental Scientist, at (530) 333-7748 or claire.bryant@wildlife.ca.gov.

Sincerely,

Claire Bryant
Environmental Scientist
CDFW Region 2
(530) 333-7748

From: Mark Roberts <mroberts@clearlake.ca.us>

Sent: Wednesday, June 17, 2026 3:34 PM

Cc: Alan Flora <aflora@clearlake.ca.us>

Subject: Notice of Availability of a Draft Environmental Impact Report for the Clearlake Airport Redevelopment Project

Importance: High

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Good afternoon,

Notice is hereby given, the City of Clearlake (City), as the lead agency under the California Environmental Quality Act (CEQA), has prepared a Draft Environmental Impact Report (DEIR) for the Clearlake Airport Redevelopment Project.

In accordance with CEQA Guidelines, the City has prepared a Notice of Availability to invite agencies, organizations, and interested parties to review the DEIR and submit written comments during the review period.

Please refer to the attached Notice of Availability for additional information, including the public review period (*June 18th, 2026, through August 3rd, 2026*) and instructions for accessing the DEIR and supporting documents.

Should you have any questions regarding the DEIR or require assistance accessing the project documents, please let me know.

Sincerely,

Mark Roberts



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