



BIOLOGICAL RESOURCES ASSESSMENT FOR DISNEY'S BOAT RENTALS PROJECT AT 2200 LAKESHORE BOULEVARD, LAKEPORT, CALIFORNIA

**Prepared: June 19, 2023
Revised: May 28, 2024**

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1. INTRODUCTION

1.1. PROJECT LOCATION AND DESCRIPTION

A Biological Resources Assessment was conducted on a 7-acre parcel (APN 026-031-29) at 2200 Lakeshore Boulevard, Lakeport, in Lake County, California (the Property). The proposed project is a boat rental facility by Disney's Boat Rentals ("Project"). Disney's Boat Rentals is proposing to relocate their existing business from downtown Lakeport to the Lakeshore Boulevard property. The Property is 6 acres in size and is bisected by Lakeshore Boulevard, with 750 feet of Clear Lake frontage.

The project first consists of a Tentative Parcel Map to create four parcels. Then, on the center parcel (Parcel #2, 4.5 acres), a Use Permit for the boat rental business will be obtained, along with Architectural and Design Review, for a boat rental office, dock, and fuel facility. A preliminary concept plan is shown in the Exhibits. Proposed is construction of an office building (30 feet by 30 feet in area) and a maintenance/dry storage structure (30 feet by 50 feet in area). The facilities will have a parking lot (ADA compliant), internal road, and crosswalk across Lakeshore Boulevard.

Two floating dock systems will be installed on the Property's shoreline—a customer dock and a fueling dock—subject to the issuance of a City shoreline development permit. There will be 4 pilings, 8" in diameter, for each dock, plus concrete anchor pads. The fueling dock will be supplied by a mobile fueling system (a trailer-mounted tank, 1,200 gallons) will be installed.

For this assessment, the Project Area was defined as the footprint of all of the proposed facilities, and this 5-acre area was the subject of the impact analysis. The entire 7-acre property was defined as the Study Area. The Study Area is defined to identify biological resources adjacent to the Project Area, and is the area subject to potential indirect effects from Project implementation.

1.2. SCOPE OF ASSESSMENT

This assessment provides information about the biological resources within the Study Area, the regulatory environment affecting such resources, any potential Project-related impacts upon these resources, and finally, to identify mitigation measures and other recommendations to reduce the significance of these impacts. The specific scope of services performed for this assessment consisted of the following tasks:

- Compile all readily-available historical biological resource information about the Study Area;
- Spatially query state and federal databases for any occurrences of special-status species or habitats within the Study Area and vicinity;
- Perform a reconnaissance-level field survey of the Study Area, including photographic documentation;
- Inventory all flora and fauna observed during the field survey;
- Characterize and map the habitat types present within the Study Area, including any potentially-jurisdictional water resources;
- Evaluate the likelihood for the occurrence of any special-status species;
- Assess the potential for the Project to adversely impact any sensitive biological resources;
- Recommend mitigation measures designed to avoid or minimize Project-related impacts; and
- Prepare and submit a report summarizing all of the above tasks.

1.3. REGULATORY SETTING

The following section summarizes some applicable regulations of biological resources on real property in California.

1.3.1. Special-status Species Regulations

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service implement the Federal Endangered Species Act of 1973 (FESA) (16 USC §1531 *et seq.*). Threatened and endangered species on the federal list (50 CFR §17.11, 17.12) are protected from “take” (direct or indirect harm), unless a FESA Section 10 Permit is granted or a FESA Section 7 Biological Opinion with incidental take provisions is rendered. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present in the project area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to the species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC §1536[3], [4]). Therefore, project-related impacts to these species or their habitats would be considered significant and would require mitigation. Species that are candidates for listing are not protected under FESA; however, USFWS advises that a candidate species could be elevated to listed status at any time, and therefore, applicants should regard these species with special consideration.

The California Endangered Species Act of 1970 (CESA) (California Fish and Game Code §2050 *et seq.*, and CCR Title 14, §670.2, 670.51) prohibits “take” (defined as hunt, pursue, catch, capture, or kill) of species listed under CESA. A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Section 2081 establishes an incidental take permit program for state-listed species. Under CESA, California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened and endangered species designated under state law (CFG Code 2070). CDFW also maintains lists of species of special concern, which serve as “watch lists.” Pursuant to requirements of CESA, an agency reviewing proposed projects within its jurisdiction must determine whether any state-listed species may be present in the Study Area and determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation.

California Fish and Game Code Sections 4700, 5050, and 5515 designates certain mammal, amphibian, and reptile species “fully protected”, making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The California Native Plant Protection Act of 1977 (CFG Code §1900 *et seq.*) requires CDFW to establish criteria for determining if a species or variety of native plant is endangered or rare. Section 19131 of the code requires that landowners notify CDFW at least 10 days prior to initiating activities that will destroy a listed plant to allow the salvage of plant material.

Many bird species, especially those that are breeding, migratory, or of limited distribution, are protected under federal and state regulations. Under the Migratory Bird Treaty Act of 1918 (16 USC §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbances must be reduced or eliminated during the nesting cycle. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs. Fish and Game Code §3511 designates certain bird species “fully protected”, making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. The Bald and Golden Eagle Protection Act (16 USC §668) specifically protects bald and golden eagles from harm or trade in parts of these species.

California Environmental Quality Act (CEQA) (Public Resources Code §15380) defines “rare” in a broader sense than the definitions of threatened, endangered, or fully protected. Under the CEQA definition, CDFW can request additional consideration of species not otherwise protected. CEQA requires that the impacts of a project upon environmental resources must be analyzed and assessed using criteria determined by the lead agency. Sensitive species that would qualify for listing but are not currently listed

may be afforded protection under CEQA. The CEQA Guidelines (§15065) require that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines (§15380) provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Plant species on the California Native Plant Society (CNPS) Lists 1A, 1B, or 2 are typically considered rare under CEQA. California “Species of Special Concern” is a category conferred by CDFW on those species that are indicators of regional habitat changes or are considered potential future protected species. While they do not have statutory protection, Species of Special Concern are typically considered rare under CEQA and thereby warrant specific protection measures.

1.3.2. Water Resource Protection

Real property that contains water resources are subject to various federal and state regulations and activities occurring in these water resources may require permits, licenses, variances, or similar authorization from federal, state and local agencies, as described next.

The Federal Water Pollution Control Act Amendments of 1972 (as amended), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into “waters of the United States”. Waters of the US includes essentially all surface waters, all interstate waters and their tributaries, all impoundments of these waters, and all wetlands adjacent to these waters. CWA Section 404 requires approval prior to dredging or discharging fill material into any waters of the US, especially wetlands. The permitting program is designed to minimize impacts to waters of the US, and when impacts cannot be avoided, requires compensatory mitigation. The US Army Corps of Engineers (USACE) is responsible for administering Section 404 regulations. Substantial impacts to jurisdictional wetlands may require an Individual Permit. Small-scale projects may require only a Nationwide Permit, which typically has an expedited process compared to the Individual Permit process. Mitigation of wetland impacts is required as a condition of the CWA Section 404 Permit and may include on-site preservation, restoration, or enhancement and/or off-site restoration or enhancement. The characteristics of the restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Under CWA Section 401, every applicant for a federal permit or license for any activity which may result in a discharge to a water body must obtain State Water Quality Certification that the proposed activity will comply with State water quality standards. The California State Water Resources Control Board is responsible for administering CWA Section 401 regulations.

Section 10 of the Rivers and Harbors Act of 1899 requires approval from USACE prior to the commencement of any work in or over navigable Waters of the US, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use, as a means to transport interstate or foreign commerce up to the head of navigation. Rivers and Harbors Act Section 10 permits are required for construction activities in these waters.

California Fish and Game Code (§1601 - 1607) protects fishery resources by regulating “*any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.*” CDFW requires notification prior to commencement, and issuance of a Lake or Streambed Alteration Agreement, if a proposed project will result in the alteration or degradation of “waters of the State”. The limit of CDFW jurisdiction is subject to the judgment of the Department; currently, this jurisdiction is interpreted to be the “stream zone”, defined as “*that portion of the stream channel that restricts lateral movement of water*” and delineated at “*the top of the bank or the outer edge of any riparian vegetation, whichever is more landward*”. CDFW reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by the CDFW and the applicant is the

Streambed Alteration Agreement. Projects that require a Streambed Alteration Agreement may also require a CWA 404 Section Permit and/or CWA Section 401 Water Quality Certification.

For construction projects that disturb one or more acres of soil, the landowner or developer must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

1.3.3. Tree Protection

At the State level, in areas inside timberland, any tree removal is subject to the conditions and requirements set forth in the Z'berg-Nejedly Forest Practice Act and the California Forest Practice Rules. If development of a project will result in the removal of commercial tree species, one of the following permits is needed: Less than 3 Acre Conversion Exemption; Christmas Tree; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; a Public Agency, Public and Private Utility Right of Way Exemption; a Notice of Exemption from Timberland Conversion Permit for Subdivision; or an Application for Timberland Conversion Permit.

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The City of Lakeport has a tree preservation ordinance (Chapter 17.21 of the City Code) that applies to proposals to develop land. Existing native trees on proposed development sites with a diameter of six inches or more including, but not limited to, oak, willow, cottonwood, and redwood shall not be cut down, removed, or otherwise destroyed except under permit. Protected trees should be avoided; where not possible to avoid, mitigation shall be implemented, which is a 1:1 replacement with a minimum fifteen-gallon tree in the same or similar species as the tree to be removed. If the trees that are removed are mature and healthy, there shall be a 1:1 replacement with a minimum twenty-four-inch root ball specimen in the species that is the same or similar to the tree removed. Trees planted as replacements shall be continually maintained or replaced if they fail to survive. Replacement trees shall be planted on the site where the preexisting tree was removed, or may be planted on a separate site at the discretion of the city.

2. ENVIRONMENTAL SETTING

The Study Area is located within the Inner North Coast Range geographic subregion, which is contained within the Northwestern California geographic subdivision of the larger California Floristic Province (Baldwin et al. 2012). This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. The Study Area and vicinity is in Climate Zone 2b “Warmer-Summer Intermountain Climate”, characterized by milder summers and longer and colder winters than in the Central Valley (Brenzel, 2012). The elevation ranges from approximately 1,320 feet to 1,340 feet above mean sea level. The Study Area is located within the Cache Creek River watershed. Portions of the Property is in a FEMA-designated flood zone. The land uses of the Study Area are: undeveloped lakefront land bisected by a transportation corridor and associated easements for sanitary sewer, water, and stormwater. Surrounding land uses are residential and commercial and water recreation.

3. METHODOLOGY

3.1. PRELIMINARY DATA GATHERING AND RESEARCH

Prior to conducting the field survey, the following information sources were reviewed:

- Any readily-available previous biological resource studies pertaining to the Study Area or vicinity
- Aerial photography of the Study Area (current and historical)
- United States Geologic Service 7.5 degree-minute topographic quadrangles of the Study Area and vicinity
- USFWS National Wetland Inventory
- USDA Natural Resources Conservation Service soil survey maps
- California Natural Diversity Database (CNDDDB), electronically updated monthly by subscription
- USFWS species list (IPaC Trust Resources Report).

3.2. FIELD SURVEY

Consulting biologist Dr. Geo Graening conducted a wildlife survey and botanical field survey on June 5, 2023. Weather conditions were cool and sunny. A full-coverage pedestrian survey was performed, and modified to account for differences in terrain, vegetation density, and visibility. All visible fauna and flora observed were recorded in a field notebook, and identified to the lowest possible taxon. Survey efforts emphasized the search for any special-status species that had documented occurrences in the CNDDDB within the vicinity of the Study Area and those species on the USFWS species list (Appendix 1).

When a specimen could not be identified in the field, a photograph or voucher specimen (depending upon permit requirements) was taken and identified in the laboratory using a dissecting scope where necessary. Dr. Graening holds the following scientific collection permits: CDFW Scientific Collecting Permit No. SC-006802; and CDFW Plant Voucher Specimen Permit 09004. Taxonomic determinations were facilitated by referencing museum specimens or by various texts, including the following: Powell and Hogue (1979); Pavlik (1991); (1993); Brenzel (2012); Stuart and Sawyer (2001); Lanner (2002); Sibley (2003); Baldwin et al. (2012); Calflora (2023); CDFW (2023b,c); NatureServe 2023; and University of California at Berkeley (2023a,b).

The locations of any special-status species sighted were marked on aerial photographs and/or georeferenced with a geographic positioning system (GPS) receiver. Habitat types occurring in the Study Area were mapped on aerial photographs, and information on habitat conditions and the suitability of the habitats to support special-status species was also recorded. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian zones, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats

3.3. MAPPING AND OTHER ANALYSES

Locations of species' occurrences and habitat boundaries within the Study Area were digitized to produce the final habitat maps. The boundaries of potentially jurisdictional water resources within the Study Area were identified and measured in the field, and similarly digitized to calculate acreage and to produce informal delineation maps. Geographic analyses were performed using geographical information system software (ArcGIS 10, ESRI, Inc.). Vegetation communities (assemblages of plant species growing in an area of similar biological and environmental factors), were classified by Vegetation Series (distinctive associations of plants, described by dominant species and particular environmental setting) using the CNPS Vegetation Classification system (Sawyer and Keeler-Wolf, 1995). Informal wetland delineation methods consisted of an abbreviated, visual assessment of the three requisite wetland parameters (hydrophytic vegetation, hydric soils, hydrologic regime) defined in the US Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987). Wildlife habitats were classified according to the CDFW's California Wildlife Habitat Relationships System (CDFW, 2021c). Species' habitat requirements and life histories were identified using the following sources: Baldwin et al. (2012); CNPS (2021), Calflora (2021); CDFW (2021a,b,c); and University of California at Berkeley (2021a,b).

4. RESULTS

4.1. INVENTORY OF FLORA AND FAUNA FROM FIELD SURVEY

All plants detected during the field survey of the Study Area are listed in the following table. The following animals were detected within the Study Area during the field survey:

mosquito (Culicidae); carp (dead carcass)(Cyprinidae); deer (discarded carcass) (*Odocoileus hemionus columbianus*); Brewer's blackbird (*Euphagus cyanocephalus*); red-winged blackbird (*Agelaius phoeniceus*); American crow (*Corvus brachyrhynchos*); California scrub jay (*Aphelocoma californica*); house sparrow (*Passer domesticus*); Bullock's oriole (*Icterus bullockii*); song sparrow (*Melospiza melodia*); yellow warbler (*Setophaga petechia*); American robin (*Turdus migratorius*); mallard (*Anas platyrhynchos*).

No federally-listed species were detected. No special-status species were detected.

Plants Identified During the Botanical Survey

| Common Name | Scientific Name |
|----------------------|-----------------------------------|
| Slender wild oat | <i>Avena barbata</i> |
| mustard | <i>Brassica</i> |
| brome | <i>Bromus</i> |
| Little quaking grass | <i>Briza minor</i> |
| Catalpa | <i>Catalpa</i> |
| Hawthorn | <i>Crataegus</i> |
| Dove weed | <i>Croton setiger</i> |
| Broom | <i>Cytisus</i> |
| Tall flatsedge | <i>Cyperus eragrostis</i> |
| Wild hyacinth | <i>Dichelostemma sp.</i> |
| fescue | <i>Festuca</i> |
| English ivy | <i>Hedera helix</i> |
| barley | <i>Hordeum</i> |
| Rush | <i>Juncus sp.</i> |
| Prickly lettuce | <i>Lactuca serriola</i> |
| Wild pea | <i>Lathyrus sp.</i> |
| Fremont's cottonwood | <i>Populus fremontii</i> |
| plum | <i>Prunus</i> |
| Valley oak | <i>Quercus lobata</i> |
| Wood rose | <i>Rosa gymnocarpa</i> |
| Himalaya blackberry | <i>Rubus armeniacus</i> |
| Whitestem raspberry | <i>Rubus leucodermis</i> |
| Curly dock | <i>Rumex crispus</i> |
| Red willow | <i>Salix laevigata</i> |
| Arroyo willow | <i>Salix lasiolepis</i> |
| Salsify | <i>Tragopogon</i> |
| Tule | <i>Schoenoplectus acutus</i> |
| Poison-oak | <i>Toxicodendron diversilobum</i> |
| Broad leaf cattail | <i>Typha latifolia</i> |
| Cocklebur | <i>Xanthium</i> |
| Vetch | <i>Vicia sp.</i> |

4.2. VEGETATION COMMUNITIES AND WILDLIFE HABITAT TYPES

4.2.1. Terrestrial Vegetation Communities

The following terrestrial vegetation communities occur in the Study Area (see Exhibits):

Ruderal/Disturbed / Oak woodland / Non-native grassland. Some of the upland areas of the Property consists of disturbed or converted natural habitat that is now either in a ruderal state, paved, or otherwise urbanized with gravel and fill dirt. Vegetation within this habitat type consists of native valley oaks (*Quercus lobata*) mixed with a variety of non-native ornamental species. The understory is largely non-native European grasses (*Bromus*, *Festuca*, *Hordeum*, *Avena*). This habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities; however, the canopy of the valley oak trees is utilized by a variety of birds. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

Riparian Forest.

Riparian vegetation is located along the intermittent drainage and along the shoreline, and consists primarily of stands of Goodding's willows (*Salix gooddingii*) and western buttonwillow (*Cephalanthus occidentalis*), with an understory of poison oak, wild rose, and blackberry brambles. The riparian vegetation can be classified as the Holland Type "Great Valley Mixed Riparian Forest," or as "61.216.00 Goodding's Willow – Red Willow Riparian Woodland" (CDFW 2019). On the lakeshore, The overstory contains primarily willow species and cottonwood.

Open Water.

The shoreline of Clear Lake contains aquatic plants, such as coontail (*Ceratophyllum* sp.), and emergent marsh (tule). The overstory contains willow species and cottonwood.

Freshwater marsh (lacustrine).

Patches of common tule (*Schoenoplectus acutus*) occurs along the shoreline and extends into open water. The freshwater marsh vegetation can be classified as the Holland Type "Coastal and Valley Freshwater Marsh," and "52.122.01 Schoenoplectus acutus" (CDFW 2019).

4.2.2. Wildlife Habitat Types

Wildlife habitat types were classified using CDFW's Wildlife Habitat Relationship System. The Study Area contains the following wildlife habitat types: Montane Hardwood-Conifer; Montane Riparian; Valley Oak Woodland; Annual Grassland; Riverine; Lacustrine; Urban; and Barren.

4.2.3. Critical Habitat and Special-status Habitat

No critical habitat for any federally-listed species occurs within the Project Area or the surrounding Study Area. The CNDDDB reported no special-status habitats within the Project Area or surrounding Study Area. The CNDDDB reported the following special-status habitats in a 10-mile radius outside of the Study Area: Clear Lake Drainage Cyprinid/Catostomid Stream; Clear Lake Drainage Resident Trout Stream; Clear Lake Drainage Seasonal Lakefish Spawning Stream; Coastal and Valley Freshwater Marsh; Northern Interior Cypress Forest, Northern Volcanic Ash Vernal Pool, Serpentine Bunchgrass.

During our field survey, no special-status habitats were detected within the upland portions of the Project Area. However, the surrounding Study Area contains the following special-status habitats: an intermittent channels and riparian forest, and along Clear Lake, emergent (tule) wetland and the lake itself.

4.2.4. Habitat Plans and Wildlife Corridors

Wildlife movement corridors link remaining areas of functional wildlife habitat that are separated primarily by human disturbance, but natural barriers such as rugged terrain and abrupt changes in vegetation cover are also possible. Wilderness and open lands have been fragmented by urbanization, which can disrupt migratory species and separate interbreeding populations. Corridors allow migratory movements and act as links between these separated populations.

No wildlife corridors exist within, or directly adjacent to, the Study Area because of existing wildlife barriers (property fences, sea walls, and the constant traffic on Lakeshore Boulevard). Fishery resources do exist at the edge of the Study Area in Clear Lake itself. The Study Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

4.3. LISTED SPECIES AND OTHER SPECIAL-STATUS SPECIES

For the purposes of this assessment, “special status” is defined to be species that are of management concern to state or federal natural resource agencies, and include those species that are:

- Listed as endangered, threatened, proposed, or candidate for listing under the Federal Endangered Species Act;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act of 1970;
- Designated as endangered or rare, pursuant to California Fish and Game Code (§1901);
- Designated as fully protected, pursuant to California Fish and Game Code (§3511, §4700, or §5050);
- Designated as a species of special concern by CDFW;
- Plants considered to be rare, threatened or endangered in California by the California Native Plant Society (CNPS); this consists of species on Lists 1A, 1B, and 2 of the CNPS Ranking System; or
- Plants listed as rare under the California Native Plant Protection Act.

4.3.1. Reported Occurrences of Listed Species and Other Special-status Species

A list of special-status plant and animal species that have occurred within the Study Area and vicinity was compiled based upon the following:

- Any previous and readily-available biological resource studies pertaining to the Study Area;
- Informal consultation with USFWS by generating an electronic Species List (Information for Planning and Conservation website at <https://ecos.fws.gov/ipac/>); and
- A spatial query of the CNDDDB using the standard 9 quadrangle boundary
- A query of the California Native Plant Society’s database *Inventory of Rare and Endangered Plants of California* (online edition).

The CNDDDB was queried and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (see exhibits). The CNDDDB reported no special-status species occurrences within the Project Area or the surrounding terrestrial Study Area. The CNDDDB did report 5 rare species within Clear Lake itself:

Western ridged mussel (*Gonidea angulata*)

CNDDDB Notes: “MULTIPLE HISTORICAL COLLECTIONS GIVE LOCALITY ONLY AS “CLEAR LAKE;” 1947 SPECIMEN FROM HORSESHOE BEND ON SE SHORE. 2009 RESURVEY SITE JKH09-009 FROM “ABOUT 2 MI S OF LUCERNE, CA 20 AT MILE MARKER 23.62....COLLECTED PRIOR TO 1909, PRIOR TO APR 1918, AND ON UNKNOWN DATE. 9 COLLECTED ON 29 JUL 1947. LOCALITY LISTED IN INGRAM (1948). NONE FOUND ON 19 JUL 2009.”

Clear Lake tule perch (*Hysterocarpus traskii lagunae*)

CNDDDB Notes: "FOUND IN 1873, 1894, 1946, 1948, 1953, 1959, 1961, 1962, 1963, 1964, 1965, 1968, 1969, 1972, 1973, 1976, 1977, 1978, 1979 & 2012. ALSO, A SET OF ELECTROFISHING SURVEYS IN 2014-2015 FOUND H. T. LAGUNAE MADE UP 7% OF THE COUNT OF FISH CAUGHT. MAPPED ACROSS THE EXTENT OF THE LAKE."

Clear Lake hitch (*Lavinia exilicauda chi*)

CNDDDB Notes: "COLLECTED 9 APR 1961 BY UCB ZOOLOGY 138 CLASS (CAS #72868) AND 8 APR 1962 BY P.R. NEEDHAM, & D.W. SEEGRIST & PARTY...FOUND ONLY IN CLEAR LAKE, LAKE CO, AND ASSOCIATED PONDS. SPAWNS IN STREAMS FLOWING INTO CLEAR LAKE."

Sacramento perch (*Archoplites interruptus*)

CNDDDB Notes: "11 FISH COLLECTED IN CLEAR LAKE AND KEPT IN AQUARIUM AT ELK GROVE, RECEIVED AT NATIONAL MUSEUM OF NATURAL HISTORY DECEMBER 1937. Location is = CLEAR LAKE, BETWEEN HIGHWAYS 20, 29 & 53, LAKE COUNTY. Population status = Possibly Extirpated."

Brownish dubiraphian riffle beetle (*Dubiraphia brunnescens*)

CNDDDB Notes: "2 SPECIMENS AT THE CALIFORNIA STATE COLLECTION OF ARTHROPODS (CDFA), COLLECTED BY H. CHANDLER 3 JUL 1946. 2 SPECIMENS COLLECTED 24 JUL 1969. POPULATION HIGH IN 1988 AND STABLE OVER SEVERAL YEARS OF MONITORING. COLLECTED FROM ROCKY POINT AND NICE, CLEAR LAKE. SHEPARD STATED IT IS ONLY KNOWN FROM THE NE SHORE OF CLEAR LAKE, BUT ROCKY PT IS NW. FURTHER, THERE IS ANOTHER ROCKY POINT FAR SE. MAPPED TO ENTIRE LAKE UNTIL BETTER LOCATION GIVEN. Habitat = INHABITS EXPOSED, WAVE WASHED WILLOW ROOTS."

Within a 10-mile buffer of the Study Area boundary, the CNDDDB reported additional special-status species occurrences, summarized in the table below along with any additional CNPS species.

A USFWS species list was generated online using the USFWS' IPaC Trust Resource Report System (see Appendix 1). This list is generated using a regional and/or watershed approach and does not necessarily indicate that the Study Area provides suitable habitat. The following listed species should be considered in the impact assessment:

- Northern Spotted Owl (*Strix occidentalis caurina*) Threatened
- Burke's Goldfields (*Lasthenia burkei*) Endangered

Migratory birds should also be considered in the impact assessment.

Special-status Species That Occur in the 9-Quadrangle Region

| Common Name Scientific Name | Status* | General Habitat | Microhabitat |
|--|----------|---|--|
| Red-bellied newt <i>Taricha rivularis</i> | CSSC | Found in coastal woodlands and redwood forests along the coast of Northern California | A stream or river dweller. Larvae retreat into vegetation and under stones during the day. |
| Foothill yellow-legged frog <i>Rana boylei</i> | CCT/CSSC | Partly-shaded, shallow streams & riffles with a rocky substrate in a variety of habitats. | Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis. |
| Double-crested cormorant <i>Phalacrocorax auritus</i> | WL | Colonial nester on coastal cliffs, offshore islands, & along lake margins in the interior of the state. | Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins. |
| Great blue heron <i>Ardea herodias</i> | CSSC | Colonial nester in tall trees, cliffsides, and sequestered spots on marshes. | Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows. |
| Osprey <i>Pandion haliaetus</i> | WL | Ocean shore, bays, fresh-water lakes, and larger streams. | Large nests built in tree-tops within 15 miles of a good fish-producing body of water. |
| Tricolored blackbird <i>Agelaius tricolor</i> | CT/CSSC | Highly colonial species, most numerous in Central Valley & vicinity. Largely endemic to California. | Requires open water, protected nesting substrate, & foraging area with insect prey within a few km of the colony. |
| Clear Lake hitch <i>Lavinia exilicauda chi</i> | CT | Found only in Clear Lake, Lake Co, and associated ponds. Spawns in streams flowing into Clear Lake. | Adults found in the limnetic zone. Juveniles found in the nearshore shallow-water habitat hiding in the vegetation. |
| Sacramento perch <i>Archoplites interruptus</i> | CSSC | Historically found in the sloughs, slow-moving rivers, and lakes of the Central Valley. | Prefers warm water. Aquatic vegetation is essential for young. Tolerates wide range of physio-chemical water conditions. |
| Silver-haired bat <i>Lasionycteris noctivagans</i> | CSSC | Primarily a coastal & montane forest dweller feeding over streams, ponds & open brushy areas. | Roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes & rarely under rocks. Needs drinking water. |
| Townsend's big-eared bat <i>Corynorhinus townsendii</i> | CSSC | Throughout California in a wide variety of habitats. Most common in mesic sites. | Roosts in the open, hanging from walls & ceilings. Roosting sites limiting. Extremely sensitive to human disturbance. |
| Pallid bat <i>Antrozous pallidus</i> | CSSC | Deserts, grasslands, shrublands, woodlands & forests. Most common in open, dry habitats with rocky areas for roosting. | Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites. |
| Humboldt marten <i>Martes caurina humboldtensis</i> | CE/CSSC | Occurs only in the coastal redwood zone from the Oregon border south to Sonoma County. | Associated with late-successional coniferous forests, prefer forests with low, overhead cover. |
| Fisher - West Coast DPS <i>Pekania pennanti</i> | CT/CSSC | Intermediate to large-tree stages of coniferous forests & deciduous-riparian areas with high percent canopy closure. | Uses cavities, snags, logs & rocky areas for cover & denning. Needs large areas of mature, dense forest. |
| American badger <i>Taxidea taxus</i> | CSSC | Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. | Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows. |
| Western pond turtle <i>Emys marmorata</i> | CSSC | A thoroughly aquatic turtle of ponds, marshes, rivers, streams & irrigation ditches, usually with aquatic vegetation, be | Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying |
| An isopod <i>Calasellus californicus</i> | CSSC | Known from Lake, Napa, Marin, Santa Cruz and Santa Clara Counties. | |
| Brownish dubiraphian riffle beetle <i>Dubiraphia brunneescens</i> | CSSC | Aquatic; known only from the NE shore of Clear Lake, Lake County. | Inhabits exposed, wave-washed willow roots. |
| Obscure bumble bee <i>Bombus caliginosus</i> | CSSC | Open grassy coastal prairies and Coast Range meadows. Nesting occurs underground as well as above ground in abandoned bird nests. | Food plants include <i>Ceanothus</i> , <i>Cirsium</i> , <i>Clarkia</i> , <i>Keckiella</i> , <i>Lathyrus</i> , <i>Lotus</i> , <i>Lupinus</i> , <i>Rhododendron</i> , <i>Rubus</i> , <i>Trifolium</i> , and <i>Vaccinium</i> . |
| Blennosperma vernal pool andrenid bee <i>Andrena blennospermatis</i> | CSSC | This bee is oligolectic on vernal pool <i>Blennosperma</i> . | Bees nest in the uplands around vernal pools. |
| Borax Lake cuckoo wasp <i>Hedychridium milleri</i> | CSSC | Endemic to central California. Only collection is from the type locality. | External parasite of wasp and bee larva. |
| Big-scale balsamroot <i>Balsamorhiza macrolepis</i> | 1B.2 | Chaparral, valley and foothill grassland, cismontane woodland. | Sometimes on serpentine. 90-1555 m. |
| Small-flowered calycadenia <i>Calycadenia micrantha</i> | 1B.2 | Chaparral, valley and foothill grassland, meadows and seeps. | Rocky talus or scree; sparsely vegetated areas. Occasionally on roadsides; sometimes on serpentine. 5-1500 m. |

| Common Name Scientific Name | Status* | General Habitat | Microhabitat |
|--|------------|---|--|
| Greene's narrow-leaved daisy <i>Erigeron greenei</i> | 1B.2 | Chaparral. | Serpentine and volcanic substrates, generally in shrubby vegetation. 80-1005 m. |
| Burke's goldfields <i>Lasthenia burkei</i> | FE/CE/1B.1 | Vernal pools, meadows and seeps. | Most often in vernal pools and swales. 15-600 m. |
| Colusa layia <i>Layia septentrionalis</i> | 1B.2 | Chaparral, cismontane woodland, valley and foothill grassland. | Scattered colonies in fields and grassy slopes in sandy or serpentine soil. 145-1095m. |
| Beaked tracyina <i>Tracyina rostrata</i> | 1B.2 | Cismontane woodland, valley and foothill grassland. | Open grassy meadows within oak woodland and grassland habitats. 90-790 m. |
| Bent-flowered fiddleneck <i>Amsinckia lunaris</i> | 1B.2 | Cismontane woodland, valley and foothill grassland. | 50-500m. |
| Serpentine cryptantha <i>Cryptantha dissita</i> | 1B.2 | Chaparral. | Serpentine outcrops. 330-730m. |
| Mayacamas popcornflower <i>Plagiobothrys lithocaryus</i> | 1A | Meadows? Valley and foothill grassland, cismontane woodland, chaparral? | Moist sites. 285-450m. |
| Watershield <i>Brasenia schreberi</i> | 2B.3 | Freshwater marshes and swamps. | Aquatic from water bodies both natural and artificial in California. |
| Konocti manzanita <i>Arctostaphylos manzanita ssp. elegans</i> | 1B.3 | Chaparral, cismontane woodland, lower montane coniferous forest. | Volcanic soils. 395-1615 m. |
| Anthony Peak lupine <i>Lupinus antoninus</i> | 1B.2 | Upper montane coniferous forest, lower montane coniferous forest. | Open areas with surrounding forest; rocky sites. 1220-2285 m. |
| Napa bluecurls <i>Trichostema ruygtii</i> | 1B.2 | Cismontane woodland, chaparral, valley and foothill grassland, vernal pools, lower montane coniferous forest. | Often in open, sunny areas. Also has been found in vernal pools. 30-590m. |
| Woolly meadowfoam <i>Limnanthes floccosa ssp. floccosa</i> | 4.2 | Chaparral, cismontane woodland, valley and foothill grassland, vernal pools. | Vernally wet areas, ditches, and ponds. 60-1335 m. |
| Glandular western flax <i>Hesperolinon adenophyllum</i> | 1B.2 | Chaparral, cismontane woodland, valley and foothill grassland. | Serpentine soils; generally found in serpentine chaparral. 150-1315 m. |
| Two-carpellate western flax <i>Hesperolinon bicarpellatum</i> | 1B.2 | Serpentine chaparral. | Serpentine barrens at edge of chaparral. 60-1005 m. |
| Marsh checkerbloom <i>Sidalcea oregana ssp. hydrophila</i> | 1B.2 | Meadows and seeps, riparian forest. | Wet soil of streambanks, meadows. 1100-2300 m. |
| Brandegee's eriastrium <i>Eriastrum brandegeae</i> | 1B.1 | Chaparral, cismontane woodland. | On barren volcanic soils; often in open areas. 425-840 m. |
| Tracy's eriastrium <i>Eriastrum tracyi</i> | CR/3.2 | Chaparral, cismontane woodland. | Gravelly shale or clay; often in open areas. 315-760 m. |
| Few-flowered navarretia <i>Navarretia leucocephala ssp. pauciflora</i> | FE/CT1B.1 | Vernal pools. | Volcanic ash flow, and volcanic substrate vernal pools. 400-855 m. |
| Rincon Ridge ceanothus <i>Ceanothus confusus</i> | 1B.1 | Closed-cone coniferous forest, chaparral, cismontane woodland. | Known from volcanic or serpentine soils, dry shrubby slopes. 75-1065 m. |
| Boggs Lake hedge-hyssop <i>Gratiola heterosepala</i> | FE/1B.2 | Marshes and swamps (freshwater), vernal pools. | Clay soils; usually in vernal pools, sometimes on lake margins. 10-2375 m. |
| Eel-grass pondweed <i>Potamogeton zosteriformis</i> | 2B.2 | Marshes and swamps. | Ponds, lakes, streams. 0-1860 m. |

*Definitions of Status Codes: FE = Federally listed as endangered; FT = Federally listed as threatened; FPE = Federally proposed for listing as endangered; FPT = Federally proposed for listing as threatened; FC = Candidate for Federal listing; MB = Migratory Bird Act; CE = California State listed as endangered; CT = California State listed as threatened; CSSC = California species of special concern; CR = California rare species; CFP = California fully protected species; CNPS (California Native Plant Society) List 1A = Plants presumed extinct in California by CNPS; CNPS List 1B = CNPS designated rare or endangered plants in California and elsewhere; and CNPS List 2 = CNPS designated rare or endangered plants in California, but more common elsewhere. Global Ranking: G1 = Critically Imperiled; G2 = Imperiled; G3 = Vulnerable. State Ranking: S1 = Critically Imperiled; S2 = Imperiled; S3 = Vulnerable.

**Copied verbatim from CNDDDB, unless otherwise noted.

4.3.2. Listed Species or Special-status Species Observed During Field Survey

During the field survey, no special-status species were detected within the Project Area or the surrounding Study Area.

4.4. POTENTIALLY-JURISDICTIONAL WATER RESOURCES

The USFWS National Wetland Inventory (see Exhibits) reported two water features within the Study Area: open water (Clear Lake); and a riverine feature (the intermittent channel).

A formal assessment for the presence of potentially-jurisdictional water resources within the Study Area was also conducted during the field survey. The aquatic resources delineation determined that the Property contains the following jurisdictional water features (see Exhibits):

- open water (Clear Lake)
- emergent (tule) marsh
- an unnamed intermittent channel

No vernal pools or other isolated wetlands were identified within the Study Area. There are several upland swales that are associated with road drainage and the City's stormwater sewer system. These swales do not exhibit ordinary high water marks or channel indicators. They are dominated by upland grasses and do not have channel characteristics. The swales are not jurisdictional water features.

5. IMPACT ANALYSES AND MITIGATION MEASURES

This section establishes the impact criteria, then analyzes potential Project-related impacts upon the known biological resources within the Study Area, and then suggests mitigation measures to reduce these impacts to a less-than-significant level.

5.1. IMPACT SIGNIFICANCE CRITERIA

The significance of impacts to biological resources depends upon the proximity and quality of vegetation communities and wildlife habitats, the presence or absence of special-status species, and the effectiveness of measures implemented to protect these resources from Project-related impacts. As defined by CEQA, the Project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a special-status species in local or regional plans, policies, or regulations, or by USFWS or CDFW
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by USFWS or CDFW
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved governmental habitat conservation plan.

5.2. IMPACT ANALYSIS

5.2.1. Potential Direct / Indirect Adverse Effects Upon Special-status Species

- *Will the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

No regionally-occurring special-status plant species were determined to have a medium or high potential to occur within the Study Area. The upland portions of the Project Area is urbanized and contains imported fill dirt and gravel and is dominated by non-native European grasses and forbs. Soils found within the Study Area are derived from alluvium, and lacustrine deposits. No soils derived from volcanic or serpentine parent materials are mapped in or adjacent to the Study Area. Special-status plants are not expected to thrive in the Project Area because of the preponderance of invasive and non-native plants, and habitat degradation associated with urbanization. Aggressive colonizers dominate aquatic habitats: tule, blackberry, coontail (*Ceratophyllum*), and willows. No special-status plant species are likely to occur within the Study Area, and no adverse impacts to special-status plant species are expected. No additional botanical surveys are deemed necessary.

Three listed or special-status animal species has the potential to occur in the aquatic portions of the Study Area: Brownish dubiraphian riffle beetle (in willow roots), and Clear Lake hitch and Sacramento

perch (in open water). However, implementation of the proposed project does not require the destruction of willow roots or disturbance to open water. Avoidance measures have been prescribed to reduce any indirect impacts to a less than significant level.

No direct impacts to known populations of special-status animal species are expected to occur from Project implementation. During the field survey, no listed species or special-status species were observed within the Study Area. Nevertheless, special-status animal species could migrate into the project areas after the field surveys cleared the project areas. This is a potentially-significant impact before mitigation.

Special-status bird species were reported in databases (CNDDDB and USFWS) in the vicinity of the Study Area. Suitable foraging or nesting habitat is present in the lacustrine portions of the Study Area (the tule marsh and riparian trees) for wading birds, such as Double-crested cormorant, Great blue heron, osprey, and tricolored blackbird. The upland portions of the Study Area (the mixed oak forest habitat) contain suitable nesting habitat for various upland bird species. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, Project construction is considered a potentially significant adverse impact to nesting birds before mitigation.

Recommended Mitigation Measures

To avoid impacts to Clear Lake Hitch, any work within the open water of Clear Lake should occur only in the window of time from October 15 through December 31. In addition, the Clear Lake Hitch will benefit from the revegetation plan that is prescribed in the following section, as new tule plantings will create habitat for Clear Lake Hitch.

Wildlife exclusion fencing should be erected between construction areas and the aquatic resources (intermittent stream and lake shoreline) to prevent animals from migrating into work areas. This fencing may be combined with erosion control fencing. Because special-status species that occur in the vicinity could migrate onto the Study Area between the time that the field survey was completed and the start of construction, a pre-construction survey for special-status species should be performed by a qualified biologist to ensure that special-status species are not present. If any listed species are detected, construction should be delayed, and the appropriate wildlife agency (CDFW and/or USFWS) should be consulted and project impacts and mitigation reassessed. With the implementation of these mitigation measures, adverse impacts upon special-status species would be reduced to a less-than-significant level.

If construction activities would occur during the nesting season (typically February through August), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds would be reduced to a less-than-significant level.

5.2.2. Potential Direct / Indirect Adverse Effects Upon Special-status Habitats or Natural Communities or Corridors

- *Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Study Area is not within any listed species' designated critical habitat. The Study Area contains sensitive habitats: intermittent channel, riparian forest, freshwater marsh, and the shoreline. Setbacks are already required from the channel and the shoreline. Project implementation is not expected to impact any special-status habitats other than some riparian habitat. This area of riparian habitat impact is estimated to be 508 square feet: the fuel tank pad (10 ft x 20 ft); the path to the dock (3 ft x 100 ft); and 2 anchors for the cables securing the floating dock (two 2 ft x 2 ft blocks). Riparian habitat is protected by CDFW under their Lakebed Alteration Program and by Lake County Ordinance Section 23-15 (which protects beach vegetation). Mitigation measures are prescribed to reduce this impact to a less than significant level.

Recommended Mitigation Measures

An erosion and sediment control plan should be implemented to protect riparian and aquatic habitats. This may already be required if the project must enroll under the State Water Quality Control Board's Construction General Permit. To protect sensitive habitats from gasoline spills, a tank containment crib and other spill control devices should be implemented. This may already be required by the Certified Unified Program during the permitting and licensing of the fueling station.

To mitigate for loss of riparian habitat, the following riparian habitat revegetation plan will be implemented.

To offset the loss of approximately 508 square feet of riparian habitat, new riparian vegetation will be installed onsite at a ratio of 2:1. This ratio is appropriate to restore ecosystem function. A map of the recommended revegetation area is shown in the Exhibits. The revegetation plan will consist of the planting of native riparian vegetation in an area of at least 1,016 square feet. Tule rhizomes and/or native willow cuttings should be the primary plants used for revegetation. The planting density will be 1 propagule per square meter. Mesh cages may be constructed if deer browsing is an issue. Weeding should be performed by hand or line trimmer to suppress competition. Supplemental watering must be employed in periods of drought or low lake levels. When mortality occurs, new plantings should be placed in those failed planting stations. Annual reports should document these management activities. The success rate must be 80% at the end of 3 years. The revegetation effort will be supervised by a qualified biologist or restoration ecologist.

In addition to the revegetation effort, deployment of wildlife exclusion fencing, signage, and erosion control barriers are prescribed to prevent workers or equipment or patrons from encroaching into riparian habitat.

5.2.3. Potential Direct / Indirect Adverse Effects on Jurisdictional Water Resources

- *Will the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

A formal assessment of the Study Area identified 3 jurisdictional water features: an intermittent channel, emergent wetlands along the shoreline, and the open water of Clear Lake. Potential direct impacts to water resources could occur during construction by modification or destruction of stream banks, lakebeds, or riparian vegetation or the filling of wetlands or channels. However, there are no channels or wetlands within the Project Area. The intermittent channel is protected by a 40-foot setback for a stormwater easement. The proposed project will have only minor permanent structures placed within the lake shoreline (8 pilings, each 8 inches in diameter, for a total area of only 3 square feet. Because of these avoidance measures, and the very small amount of structures in the lake, no significant impacts to water resources should occur.

Implementation of the proposed project will impact riparian vegetation. Riparian habitat is protected by CDFW under their Lakebed and Stream Alteration Program. Mitigation measures are identified for this impact.

Potential indirect impacts to water resources could occur during construction. Surface water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact. However, the landowner and its designated general contractor must enroll under the State Water Quality Control Board's Construction General Permit prior to the initiation of construction. In conjunction with enrollment under this Permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these measures mandated by law would reduce potential construction-related impacts to water quality to a less-than-significant level.

Potential indirect impacts to water resources could occur during operation of the Project. The storage and use of more than 55 gallons of fuel requires various permits, including the registration of the tank with the Certified Unified Program and regular inspections, along with the creation of a Hazardous Materials Business Plan. The existing regulatory programs will ensure that the use and storage of gasoline does not significantly impact water quality in receiving waterbodies.

Recommended Mitigation Measures

Placement of new piers/piles in the lake may require permits from the City, State, and/or federal agencies.

The California Department of Fish and Wildlife provided the following guidance in their comment letter:

"CDFW recommends the project applicant submit a Notification for a Lakebed Alteration Agreement for CDFW review. While there will be no piles driven in the water, the cement pads that the dock structure will be secured to may be subject to Notification. Additionally, the fueling station east of Lakeshore Boulevard may impact riparian habitat which would also require notification."

The project proponent should apply for a Lakebed Alteration Agreement before any disturbance to riparian (or lacustrine) habitat occurs. The Lakebed Alteration Agreement will dictate any required avoidance or restoration measures. Note that avoidance measures and tule / riparian revegetation have already been prescribed in previous sections of this assessment.

Should the project require the placement of permanent structures in the lake, various permits will first need to be obtained. Any alteration or degradation of a wetland or any work in a lake or channel below the ordinary high water mark requires a waiver from USACE or a Clean Water Act Section 404 permit. Avoidance and minimization measures, as well as compensatory mitigation for loss of jurisdictional waters, is required by federal and state permits to maintain the policy of "No Net Loss" of wetlands and other protected water resources. Compensatory mitigation would consist of any combination of in-lieu fee payment to a mitigation bank, stream enhancement, or land dedication, at mitigation ratios determined by USACE. Clean Water Act Section 401 Water Quality Certification would be required in conjunction with a Section 404 permit. Alterations to the open water or lakebed would require a California Fish and Game Code Section 1600 et seq. Lake Alteration Agreement.

5.2.4. Potential Impacts to Wildlife Movement, Corridors, etc.

- *Will the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No wildlife corridors exist within, or directly adjacent to, the Study Area because of existing wildlife barriers (property fences, sea walls, and the constant traffic on Lakeshore Boulevard). While the Study Area may be used by wildlife for some movement, the Project would not have a significant impact on this movement because it would not block all movement and the majority of the open space in the Study Area would still be available.

Fishery resources do exist in the Study Area in Clear Lake itself. The Project does not propose the installation of any large or significant structures in the lake.

Implementation of the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Recommended Mitigation Measures

No mitigation is necessary.

5.2.5. Potential Conflicts with Ordinances, Habitat Conservation Plans, etc.

- *Will the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- *Will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The City of Lakeport has an ordinance protecting native trees. The proposed project was designed to avoid protected native trees. The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved governmental habitat conservation plan. The Study Area is not within the coverage area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Recommended Mitigation Measures

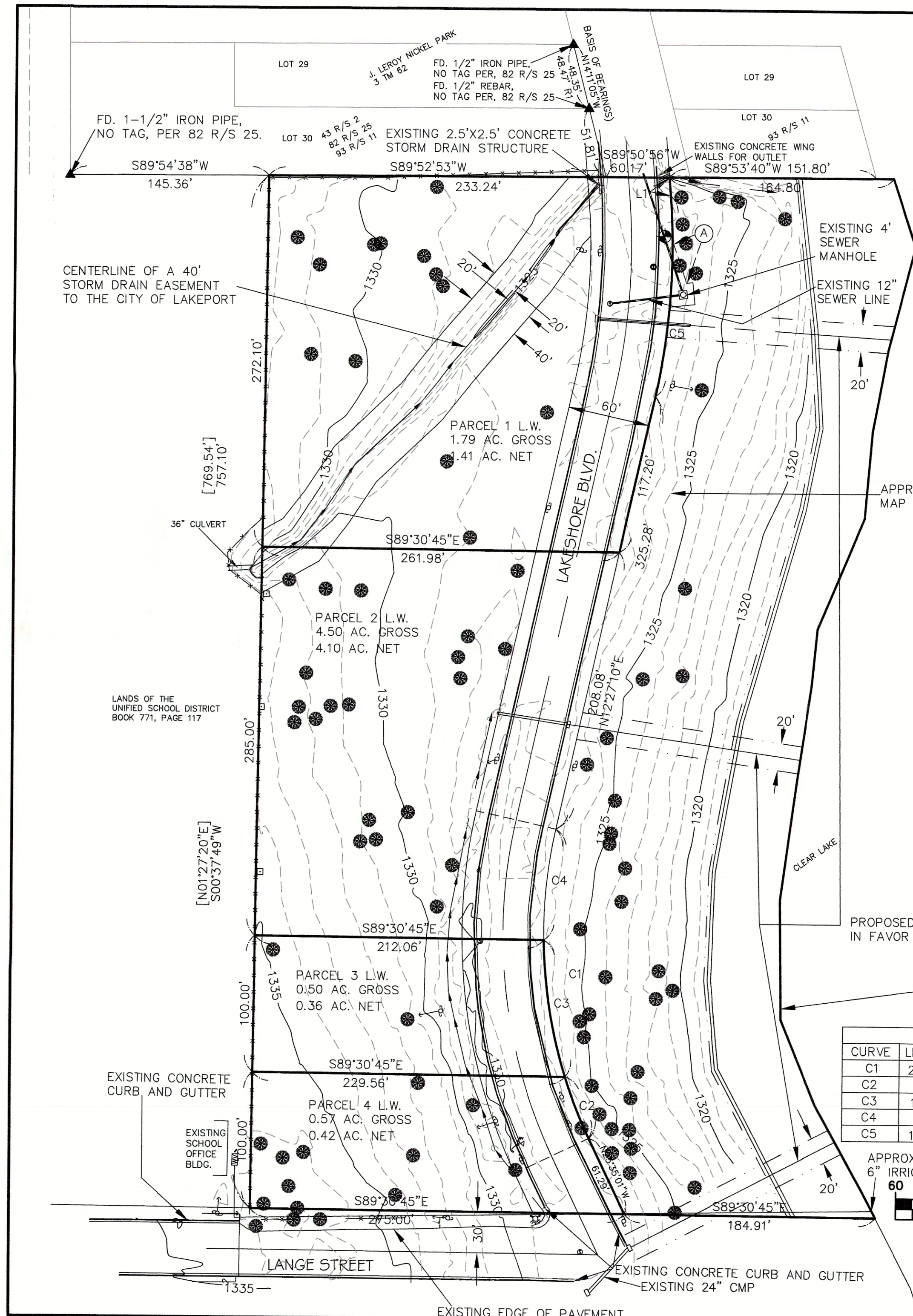
No mitigation is necessary.

If protected native trees need to be removed for some unforeseen project design change, tree removal will require mitigation under the City's tree preservation ordinance: a 1:1 replacement with a minimum fifteen-gallon tree in the same or similar species as the tree to be removed. If the trees that are removed are mature and healthy, there shall be a 1:1 replacement with a minimum twenty-four-inch root ball specimen in the species that is the same or similar to the tree removed. Trees planted as replacements shall be continually maintained or replaced if they fail to survive. Replacement trees shall be planted on the site where the preexisting tree was removed, or may be planted on a separate site at the discretion of the City.

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EXHIBITS



OWNER:

LAKEPORT BOAT RENTALS, INC.
401 SOUTH MAIN STREET
LAKEPORT, CALIFORNIA 95453

ASSESSOR'S PARCEL NUMBER:

A.P.N. 026-031-29

ZONING:

"R5" DISTRICT, HIGH DENSITY RESIDENTIAL

WATER SUPPLY:

CITY OF LAKEPORT

SEWAGE DISPOSAL:

CITY OF LAKEPORT

FIRE PROTECTION:

CITY OF LAKEPORT

SURVEYOR:

MICHAEL S. CONSER PLS 8383



APPROXIMATE 7.79 LINE= 1326.05', TO BE VERIFIED IN THE FINAL PARCEL MAP PROCESS.

LEGEND:

- x — x — x — INDICATES FENCE
- — — — — INDICATES FLOW LINE
- ⊕ INDICATES POWER POLE
- ⊕ INDICATES FIRE HYDRANT
- ⊕ INDICATES WATER VALVE
- ⊕ INDICATES SEWER MANHOLE
- ⊕ INDICATES SIGN
- ⊕ INDICATES GUY ANCHOR
- ⊕ INDICATES EXISTING TREE
- — — — — INDICATES PROPOSED 60' ROADWAY AND PUBLIC UTILITY EASEMENT
- ⊕ INDICATES TELEPHONE MANHOLE
- ⊕ INDICATES RED UTILITY MARKING FLAGS
- ⊕ INDICATES SAND BAG WING WALL
- L.W. INDICATES LOW WATER LINE

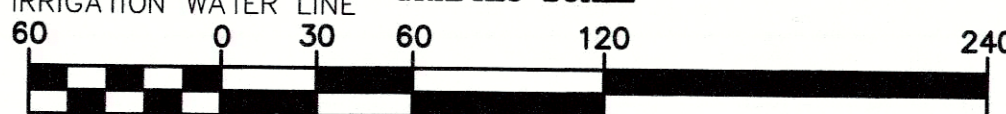
PROPOSED CENTERLINE OF A 20' DRAINAGE EASEMENT IN FAVOR OF THE CITY OF LAKEPORT

APPROXIMATE LOCATION OF LOW WATER LINE PER STATE LANDS COMMISSION LOW WATER SURVEY MAP DATED NOV. 1967

| CURVE TABLE | | | | LINE TABLE | | |
|-------------|---------|---------|-----------|------------|-------------|--------|
| CURVE | LENGTH | RADIUS | DELTA | LINE | BEARING | LENGTH |
| C1 | 232.35' | 350.00' | 38°02'11" | L1 | N04°30'22"W | 13.45' |
| C2 | 48.54' | 350.00' | 07°56'48" | | | |
| C3 | 101.84' | 350.00' | 16°40'15" | | | |
| C4 | 81.97' | 350.00' | 13°25'08" | | | |
| C5 | 148.00' | 500.00' | 16°57'32" | | | |

APPROXIMATE LOCATION OF 6" IRRIGATION WATER LINE

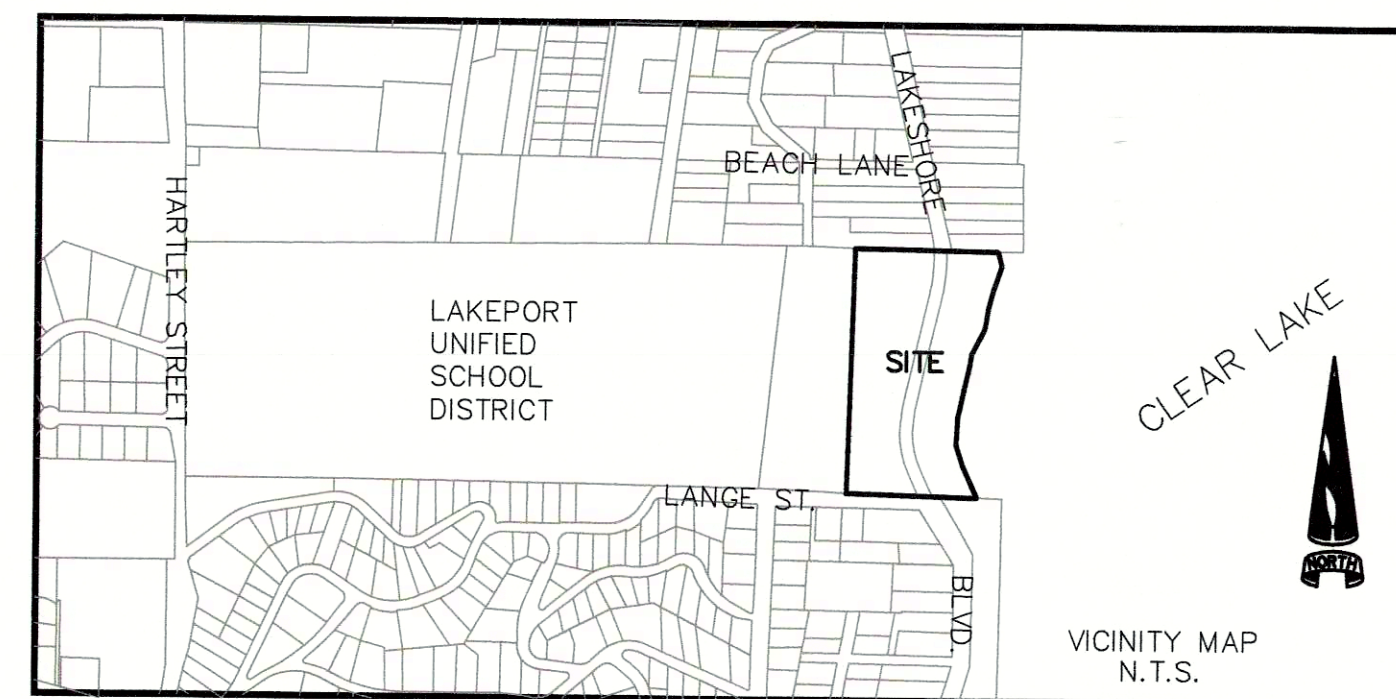
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

BENCH MARK:

⊕ CONTROL POINT # 100= 5/8" REBAR WITH A RED PLASTIC CAP STAMPED CONSER CONTROL, ELEVATION= 1328.46.



BASIS OF BEARINGS:

NORTH 14°11'05" WEST BETWEEN FOUND MONUMENTS ON THE WEST SIDE OF LAKESHORE BLVD. AS SHOWN ON BOOK 82, RECORD OF SURVEY AT PAGE 25.

CONTOURS:

ONE FOOT

LEGEND:

- ▲ MONUMENTS FOUND AS NOTED
- ⊕ DENOTES PROPOSED 10' SEWER EASEMENT IN FAVOR OF THE CITY OF LAKEPORT

REFERENCES:

- () RECORD DATA PER 82 R/S 25, LAKE COUNTY RECORDS
- [] RECORD DATA PER BK. 771, PG. 117, LAKE COUNTY RECORDS

NOTE:

UNDERGROUND UTILITIES MAY EXIST, BUT WERE NOT LOCATED THIS SURVEY.

THIS IS NOT A BOUNDARY SURVEY, BOUNDARIES SHOWN ARE RECORD.

EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST. VERIFY RECORD EASEMENTS PRIOR TO SITE DESIGN, NONE SHOWN IN THE TITLE REPORT.

PROPOSED 60' ROADWAY AND PUBLIC UTILITY EASEMENT ALONG LAKESHORE AND THE NORTH LINE OF LANGE STREET WAS ESTABLISHED BY 30' HALF WIDTH FROM CENTERLINE OF EXISTING CURB AND GUTTER.

DUE TO THE GROSS MISCLOSURES IN THE EXCEPTION DESCRIPTIONS FOR THIS TRACT BEING IN EXCESS OF 15 FEET, THE EXISTING FENCE IS THE BEST EVIDENCE OF THE INTENDED LOCATION OF THE EAST BOUNDARY LINE OF THE UNIFIED SCHOOL DISTRICT TRACT. THE NORTHEAST CORNER OF THE UNIFIED SCHOOL DISTRICT TRACT AS SHOWN HEREON IS 2121.53 FEET FROM THE CENTER OF SECTION 13. THE CALCULATED DISTANCE PER SAID DEEDS IS 2123.46 FEET.

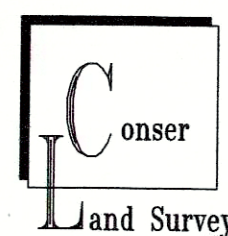
FLOOD PLAIN NOTE:

ACCORDING TO THE FLOOD INSURANCE RATE MAP DATED SEPT. 30, 2005 THE SITE IS LOCATED IN THE ZONE "X" AREA DETERMINED TO BE AREAS OF MINIMAL FLOODING. ZONE AO AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE 2 FEET; (AVERAGE DEPTHS OF INUNDATION ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED, ZONE AE AREAS OF 100-YEAR FLOOD; FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED (06033C0491 "D", COUNTY OF LAKE COMMUNITY NO. 065038).

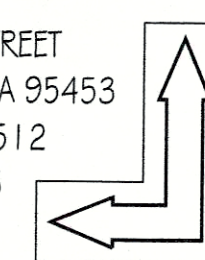
TENTATIVE PARCEL MAP FOR LAKEPORT BOAT RENTALS, INC.

BEING A PORTION OF SECTION 13, TOWNSHIP 14 NORTH, RANGE 10 WEST, M.D.M. AS DESCRIBED IN DOCUMENT # 2021020743.

CITY OF LAKEPORT, COUNTY OF LAKE, CALIFORNIA



650 SOUTH MAIN STREET
LAKEPORT, CALIFORNIA 95453
PHONE (707) 263-5512
FAX (707) 263-0455



| | |
|-----------|-------------------|
| JOB NO. | 22-44 |
| ACAD FILE | 22-44-TENT |
| DESIGNED | C3 |
| CAD BY | C3 |
| CHECKED | C1 |
| DATE | 6-3-22 |
| SHEET | NO. 1 OF 1 SHEETS |

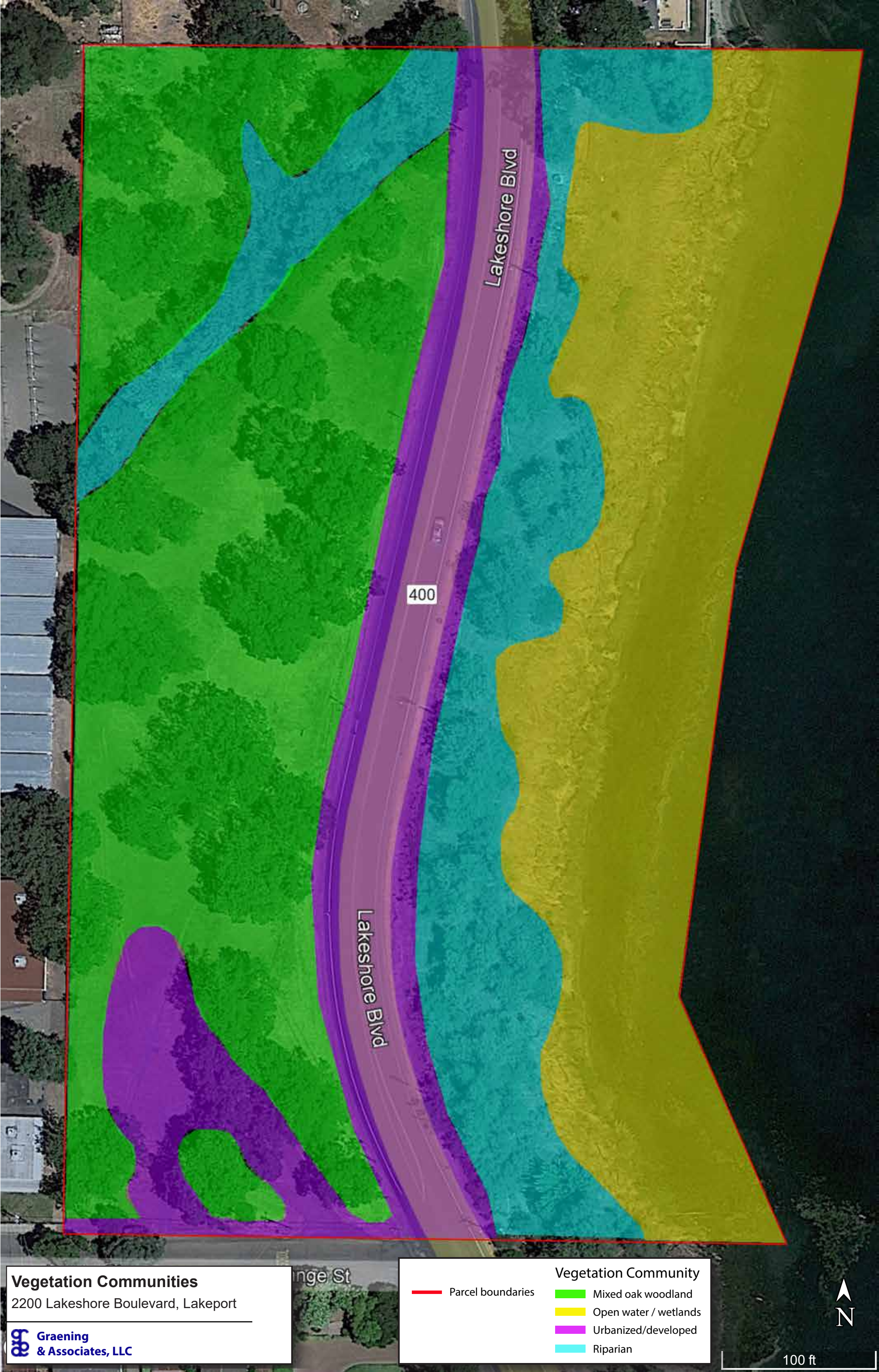


Topographic Map
2200 Lakeshore Boulevard, Lakeport

 Graening
& Associates, LLC

0 480 960
Feet






 Study Area



Vegetation Communities

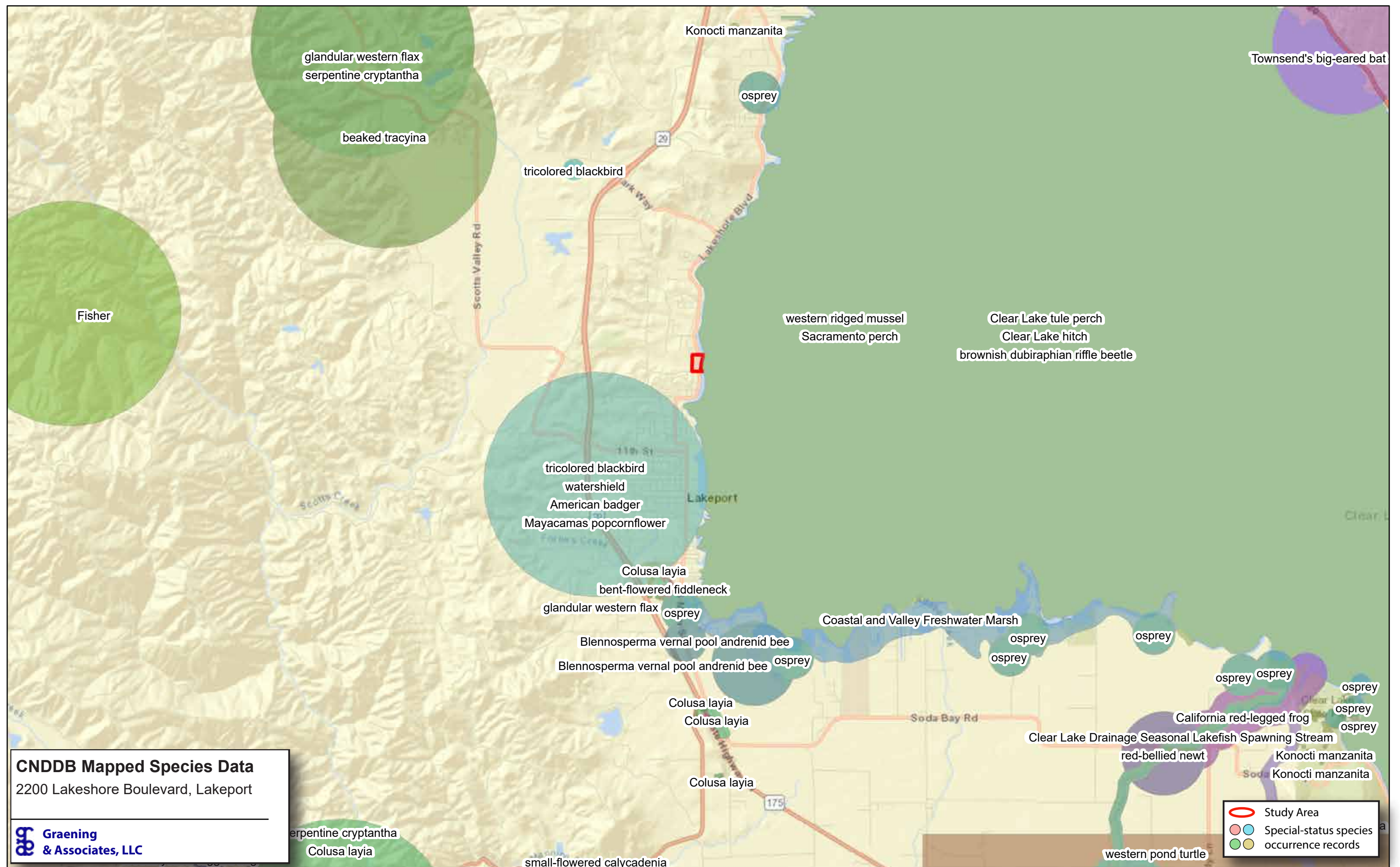
2200 Lakeshore Boulevard, Lakeport

 **Graening
& Associates, LLC**

- | | |
|--|---|
|  Parcel boundaries |  Mixed oak woodland |
| |  Open water / wetlands |
| |  Urbanized/developed |
| |  Riparian |



100 ft







National Wetland Inventory Data

2200 Lakeshore Boulevard, Lakeport

 **Graening
& Associates, LLC**

-  Study Area
-  Wetland or channel mapped by N.W.I.



| Aquatic Resources Classification | | | Aquatic Resource Size | | |
|----------------------------------|--------------|--|-----------------------|----------------|---------------|
| Aquatic Resource Name | Cowardin | Location (Lat/Long) | (sq. ft.) | (acre) | (linear feet) |
| Channels | R4UB4 | 39.0610, -122.9138 | 2880 | 0.066 | 480 |
| | | | | | |
| | | | | | |
| | | Total Channels | 2880 | 0.0660 | 480 |
| Wetlands | L2EM L1AB | 39.0607, -122.9131 39.0598, -122.9127 | 46890 75330 | 1.076 1.729 | |
| | | | | | |
| | | | | | |
| | | Total Wetlands | 122220 | 2.805 | |

Aquatic Resources Delineation Map

2200 Lakeshore Boulevard, Lakeport

Graening & Associates, LLC

Jurisdictional Water Resources

- Parcel boundaries
- Channel - Intermittent
- Road ditch (non-jurisdictional)
- OHWM: Max. pool height
- Pipe culvert
- Open water
- Culvert inlet/outlet
- Shoreline Marsh (Emergent wetland)





200 ft



Potential Area for Vegetation Restoration

2200 Lakeshore Boulevard, Lakeport

 **Graening
& Associates, LLC**

-  Parcel boundaries
-  Potential re-vegetation area



200 ft

APPENDIX 1: USFWS SPECIES LIST



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

June 12, 2023

Project Code: 2023-0092264

Project Name: Disney's Boat Rentals

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

PROJECT SUMMARY

Project Code: 2023-0092264
Project Name: Disney's Boat Rentals
Project Type: Commercial Development
Project Description: parcel subdivision; construction of office building and dry storage/
maintenance building; install mobile, floating dock with fuel tank;
construct parking lot, driveway, and crosswalk

Project Location:

The approximate location of the project can be viewed in Google Maps: [https://
www.google.com/maps/@39.06031625,-122.91337628969319,14z](https://www.google.com/maps/@39.06031625,-122.91337628969319,14z)



Counties: Lake County, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

| NAME | STATUS |
|---|------------|
| Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1123 | Threatened |

INSECTS

| NAME | STATUS |
|--|-----------|
| Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743 | Candidate |

FLOWERING PLANTS

| NAME | STATUS |
|---|------------|
| Burke's Goldfields <i>Lasthenia burkei</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4338 | Endangered |

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Graening and Associates, LLC

Name: G.O. Graening

Address: 520 Wallingford Lane

City: Folsom

State: CA

Zip: 95630

Email: gggraening@gmail.com

Phone: 9164525442

APPENDIX 2: SITE PHOTOS







