

DRAFT INITIAL STUDY and ENVIRONMENTAL CHECKLIST

FOR

DISNEY'S BOAT RENTALS PROJECT

September 2024

Revised: November 2024

**Lead Agency:
City of Lakeport**



Lead Agency Contact:

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I. PROJECT SUMMARY

Date: November 2024

Project Title: Disney's Boat Rentals Project

Lead Agency: City of Lakeport

Contact: Victor Fernandez, Associate Planner
City of Lakeport
225 Park Street, Lakeport, California 95453
(707) 263-5615

Applicant: Connor Disney
Disney's Boat Rentals
401 South Main Street
Lakeport, CA 95453

Location: The proposed Disney Boat Rentals Project (Project) site is in the northeastern portion of the City of Lakeport. The Project site is located within a 6.07± acre lot. The Project site is bordered by the Lakeport Unified School District (Includes Lakeport Elementary, Terrace Middle School, and Clear Lake High School) to the west. Clear Lake is located directly to the east of the project site, and residential homes are located to the north and south. There is also an intermittent channel that runs throughout the northern portion of the parcel.

Coastal Zone: No

Affected Parcel(s): 026-031-29

City of Lakeport General Plan Land Use Designation: Resort Residential

City of Lakeport Zoning Designation: R-5 and OS, Resort Residential and Open Space

Anticipated Permits and Approvals:

- 1) City of Lakeport Use Permit, Architectural and Design Review Permit, Tentative/Final Parcel Map
- 2) City of Lakeport approval of the Draft Initial Study/Mitigated Negative Declaration
- 3) City of Lakeport Environmental Review Permit
- 4) County of Lake – Lakebed Encroachment Permit
- 5) California Department of Fish and Wildlife – Streambed Alteration
- 6) County of Lake Water Resources Variance Permit (See Project Description for further Details)

Tribal Cultural Resources:

On December 28, 2023 and July 3, 2024, in response to request for notification of projects pursuant to Assembly Bill 52 (Public Resources Code 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 5097.94), the City of Lakeport provided notification and provided 30-days (For each request totaling 60 days) to request consultation to the Scotts Valley Band of Pomo Indians and Big Valley Band of Pomo Indians regarding the Disney's Boat Rentals Project (proposed project). As of the date of this Initial Study, no formal requests for consultation have been received from the Native community regarding the project; however, project-related communication was received from the Scotts Valley Band of Pomo Indians. The Scotts Valley Band of Pomo Indians requested a cultural monitor to be present on-site during any and all ground disturbance to be undertaken by the Project. Additionally, Big Valley Band of Pomo Indians requested a copy of the Cultural Resources Report in order to review the project. A copy of the report was provided to the tribe on June 17, 2024. However, as of the date of this Initial Study, no further comments have been received. It should be noted that the Cultural Resources Report has been redacted from this report to maintain confidentiality for Tribal Cultural Resources under AB 52. Please see Cultural Resources section for further information.

CEQA Requirement:

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). The Lead Agency is the City of Lakeport. The purpose of this Initial Study (IS) is to provide a basis for determining whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration. This IS is intended to satisfy the requirements of the CEQA (Public Resources Code, Div. 13, Sec. 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387).

CEQA encourages lead agencies and applicants to modify their projects to avoid significant adverse impacts (CEQA Section 20180(c)(2) and State CEQA Guidelines Section 15070(b) (2)).

Section 15063(d) of the State CEQA Guidelines states that an IS shall contain the following information in brief form:

- 1) A description of the project including the project location
- 2) Identification of the environmental setting
- 3) Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to provide evidence to support the entries
- 4) Discussion of means to mitigate significant effects identified, if any
- 5) Examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls
- 6) The name of the person or persons who prepared and/or participated in the Initial Study

II. LOCATION AND PROJECT SETTING

The proposed Disney Boat Rentals Project (Project) site is in the north-eastern portion of the City of Lakeport. The project is located directly to the east of the school district and to the west of Clear Lake. The Project site is located on APN 026-031-29 that is approximately 6.07± acres in size. The property is also divided by Lakeshore Boulevard.

The site of the project is divided by an intermittent water channel and currently sustains ruderal/disturbed Oak woodland, non-native grasslands, riparian vegetation, and open water (Clear Lake).

III. PROJECT DESCRIPTION

Project Overview

The project applicant has submitted a request for a Tentative Parcel Map, Use Permit, Architectural and Design Review Permit, and Shoreline Development Permit for the property situated at 2200 Lakeshore Boulevard. Disney's Boat Rentals intends to relocate its existing operations from downtown Lakeport (401 South Main Street) to this Lakeshore Boulevard site. The applicant seeks to divide the current 6.07-acre lot into four distinct parcels and establish a boat rental business on the property. Development activities will be confined to Parcel 2, which is proposed to be approximately 4.5 acres in size (refer to Attachment A). The remaining parcels will be preserved in their natural state to create a buffer to the north and south of the development.

The proposed project involves the construction of a two-story, 4,778-square-foot building that will serve as a rental office, shop, and boat storage facility, including space for the repair of fleet boats. The second floor of the building will house offices for staff members. Below is the square footage for each floor:

First Floor:

- 2,921 square feet total

Second Floor:

- 1,857 square feet total

The project will provide a total of 12 parking spaces, comprising one ADA-compliant space and one designated for Electric Vehicle parking.

Customers will access the office building situated on the west side of Lakeshore Boulevard and will have a safe crossing option via a mid-block crosswalk equipped with Rectangular Rapid Flashing Beacons (RRFBs) to enhance pedestrian safety. This crosswalk will be strategically located to ensure adequate visibility for motorists. To further improve pedestrian safety, additional signage and roadway markings will be incorporated.

The applicant proposes to install two docks on the eastern side of Lakeshore Boulevard. It is important to note that these docks will be relocated from their current position on the First Street launch ramp in

Lakeport, approximately 1.18 miles south of the proposed site. One dock will be designated for customer use, while the other will function exclusively as a fueling dock to be used only by trained employees. Both docks will include a permanent gangway and adjustable pier, designed to extend beyond the native tules on the property. The adjustable pier and gangway will extend approximately 60 feet from the concrete pad on the east side of Lakeshore Boulevard, with the customer dock featuring a 16-foot by 20-foot dock building for storing boating equipment such as life jackets, kayaks, and inner tubes.

At the proposed fueling dock, only rental fleet boats will undergo refueling, and the fuel station will not be open for commercial use. The applicant intends to use a 1,200-gallon mobile fuel delivery trailer (Western Global Model Number - TCGWT0050-01215GP-SNN), which will be secured to a pad on either the east or west side of Lakeshore Boulevard. The reasoning for having two fueling locations is to facilitate the efficient refueling of the mobile trailer, which will be positioned on the western side of the property, away from the lake and outside of the flood zone. Additionally, during periods of rainfall, the tank will be relocated further from the lake for added safety.

The property currently features a curb and gutter system. A sidewalk is proposed for installation along the west side of Lakeshore Boulevard, extending the full length of Parcel 2 (see Attachment A for further details). Additional sidewalks will also be constructed between the two designated pads on the east side of Lakeshore Boulevard, referred to as "Pad A" and "Pad B".

Shoreline Development/Lakebed Encroachment

Two pads ("A" and "B") will be installed on the east side of Lakeshore Boulevard. Pad A will be located immediately after crossing the road and will allow access to the Customer Dock. Pad B will be about 115 feet North at the refueling area. The applicant will have two floating docks in the water during the boating season, the "Customer Dock" and the "Fuel Dock" connected to Pad A and Pad B.

The docks will both be stored on dry land in the winter months. Both floating docks will be accessed via a 40 foot gangway attaching to a 25 foot suspended pier, then a 20 foot gangway to attach the floating dock to the pier. This combination of gangway to pier, to gangway, to floating dock will lengthen the docks and keep boats further from the shoreline. This plan gets the beginning of the floating dock(s) 85 feet past the high water mark. The goal behind this distance from shore is to protect native tules and potential habitat close to shoreline. The project will impact approximately 3 square feet of aquatic habitat (Tules). The biologist has included a "Revegetation Plan" in this document (Please See Biological Resources Section for Further Details). Below are descriptions of each of the pads and associated docks:

Pad A and Customer Dock

Located at the proposed crosswalk, Pad A will extend approximately 20 feet toward the lake, with an additional extension of 10 feet on both the North and South sides, resulting in a total frontage of 30 feet along Lakeshore Blvd. Pad A will be accessible via an ADA-compliant curb cut, allowing customers to proceed to the Customer Dock. In years of significant drought, customers will benefit from ADA ramps on both the North and South sides of Pad A that lead down to ground level, where a system of mobile platforms can be assembled to create a walkway for accessing the Customer Dock. These walkways will help keep the habitat beneath free from foot traffic and minimize disturbance to the area. In non-drought

conditions, access to the dock will be provided via a permanent 40-foot gangway connected to a 25-foot suspended pier, which will be securely anchored to the lakebed by four 8-inch pylons. Beyond the pier, an additional 20-foot gangway will connect the pier to the floating dock. The floating dock will remain stable through the use of stainless-steel cables attached to a series of 13 anchors, each weighing approximately 300 pounds. As the lake level decreases, winches concealed beneath the decking planks will tighten the stainless-steel cables connected to the anchors, minimizing excessive swaying of the dock during high winds.

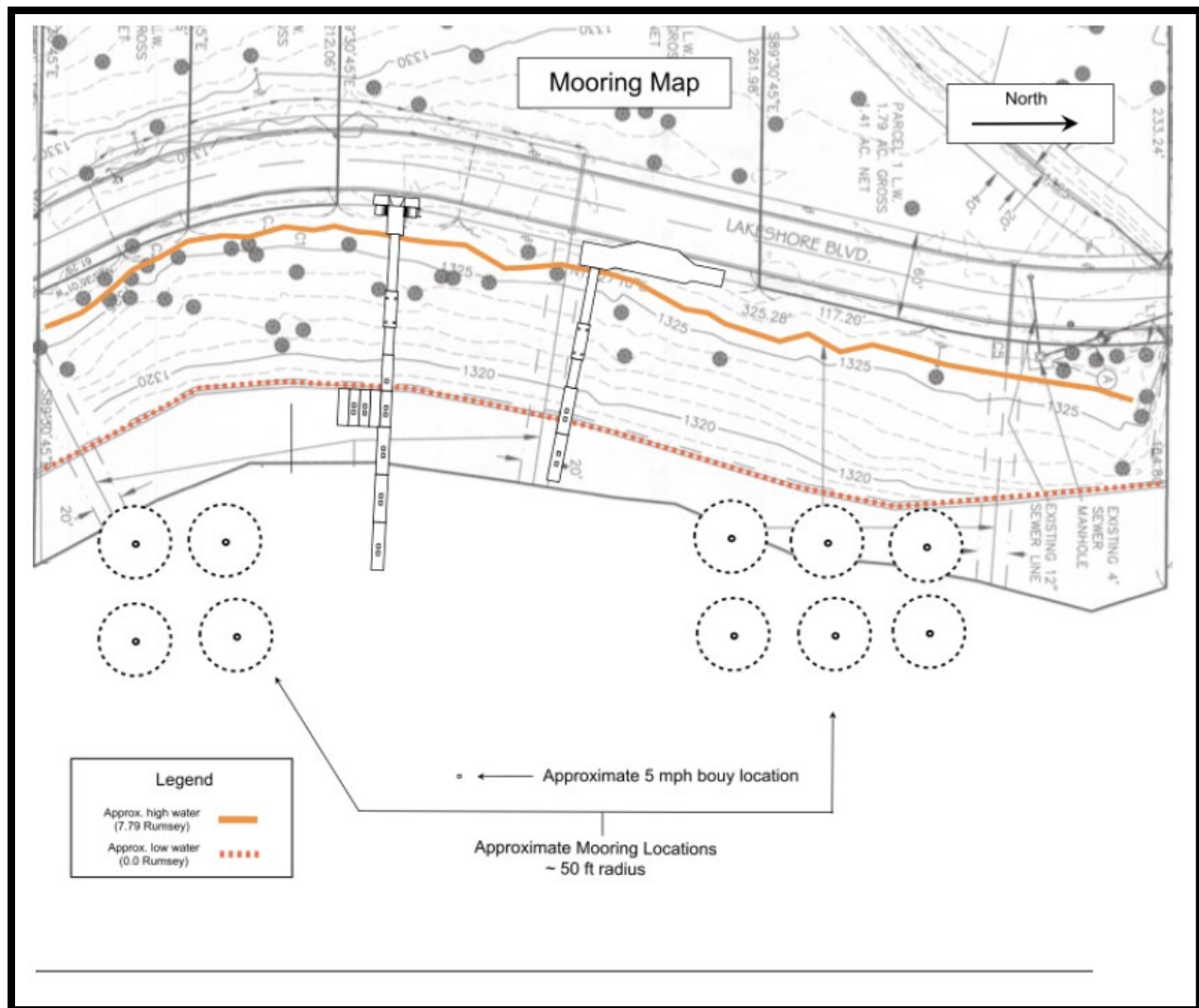
Pad B and Fuel Dock

Approximately 115 feet north of Pad A is the designated location for Pad B, which will accommodate the Mobile Fuel Trailer and Fuel Dock. This area will not be accessible to customers or the public; access to Pad B will be limited to trained employees only. The Mobile Fuel Trailer will remain parked and stationary at Pad B for the majority of the operating season. When the trailer requires refueling, it will be attached to a pickup truck and moved to the west side of the property, adjacent to the office building and parking lot. After refueling, the Mobile Fuel Trailer will be returned to Pad B and positioned at the southernmost corner. This area of Pad B will need to be equipped with appropriate impact barriers (bollards) and fencing around the Mobile Fuel Trailer to secure it during nighttime and non-operating hours. Pad B is designed to facilitate safe maneuvering off of Lakeshore Blvd. When parking at Pad B, the pickup truck will enter from Lakeshore Blvd using the 30-foot-wide driveway encroachment, proceeding northward to align for backing into the Mobile Fuel Trailer parking spot. Once parked, the pickup truck will be able to exit Pad B directly, thereby eliminating the need to reverse into traffic. This layout provides ample space for safe trailer maneuvering while ensuring sufficient setbacks from Lakeshore Blvd, in compliance with California Fire Code Section 5707.4.1.

Similar to the Customer Dock, the Fuel Dock will be accessed via an identical configuration (but shorter) of a gangway, suspended pier, to gangway, and floating dock. The floating dock will utilize the same anchoring system but will require only four anchors due to its smaller size. The fuel dock will also feature storage for fuel spill response equipment, nozzle drip control, fire suppression systems, etc. Access to this dock will be restricted to staff who have received training in accordance with the Spill Prevention, Control, Countermeasure Plan (SPCC). There will be no public access to the Fuel Dock, either from land or water. Employees will operate boats to the fuel dock for refueling before returning to the Customer Dock for subsequent rentals.

Mooring

Boat mooring is the process of securing a boat in a specific location using anchors, chains, ropes, or other devices. Ten (10) Boat mooring spaces will be incorporated in this project. These spaces will be situated to the north of the fueling dock and south of the Customer Dock. The anchors will have a minimum weight of 90 lbs and will be secured with 3/16" coil or galvanized chain. The applicant has indicated that GPS will be utilized for the placement of the buoys. Employees will be dispatched to a moored boat to retrieve the vessel and transport it to the Customer Dock for customer boarding. A map of the mooring and buoy locations is provided below:



Mooring and Buoy Location Map

Navigational Buoys

The applicant proposes to install a single 5 mph buoy on the property permanently. The buoy will be required to comply with County regulations.

Revegetation Plan

The project intends to avoid disturbing or removing any vegetation on the west side of Lakeshore Blvd. The proposed two-story building, driveway encroachment, and parking lot have all been located in a manner to prevent the need for any tree or vegetation removal. The gangways leading to the suspended pier will be designed to avoid any direct impact on the tules, allowing sufficient space for their continued growth. According to the applicant, there may be the need to trim the tules in this area seasonally, in compliance with County Section 23-15, without adversely affecting the plants. However, should it be

deemed necessary by the County of Lake, the Department of Fish and Wildlife, or another regulatory agency, the applicant has provided a revegetation plan to remove and replant tules in a different location as defined in the Biological Resources section on page 28.

The project site, east of Lakeshore Blvd, features an abundance of tules, with approximately 700 feet of shoreline containing these plants. Recognizing their role in filtering water in Clear Lake and serving as vital wildlife habitat, the applicant has proposed to replant any tules that are removed back on the property. If removal is deemed necessary, the project aims to minimize the impact by removing only the essential amount of tules (3 square feet – 56 tule plants), particularly around the pylons of the suspended pier(s). (Please See Biological Resources Section)

County of Lake – Water Resources Variance Permit

The proposed project will require a variance from the County of Lake – Water Resources/Planning Department. The specific sections that the applicant is seeking a variance from the Lake County Code are as follows:

Chapter 23 Section 23.6.3(E)(2) - If a resort or commercial property owns contiguous littoral parcels for the use of its residents, guests, or tenants, it may be permitted to construct two (2) piers or docks and two (2) launching facilities, other than a boat ramp, for use in connection with the parcels by its residents, guests or tenants, if such piers, docks or launching facilities will not violate the standards established in Sections 23-5.1, 23- 5.2 or 23- 6.1. The second pier or dock shall be for the use of non-boating activities.

As mentioned in the project description, the applicant proposes the installation/relocation of two piers/docks that will include boating activities.

Chapter 23 Section 23.6.3(D) - Mooring Buoys. An owner of a littoral parcel may be permitted to install one mooring buoy within the area described in Section 23-6.2 for use in connection with the parcel by an individual or family and guests if such buoy will not violate the standards established in Sections 23-5.1 or 23-5.2.

The applicant proposes to install a total of 10 mooring buoys for the project rather than one buoy as allowed by the County Code.

Chapter 23 Section 23.6.5(A) - Length. Piers or docks shall not extend beyond a point where the water depth is greater than ten feet (10') when the lake is at a level of zero on the Rumsey Gauge or that length necessary to dock or service the proposed number of boats, or one hundred feet (100') measured lakeward from Zero Rumsey perpendicular to the shoreline, whichever is most limiting.

The applicant has coordinated with County of Lake – Water Resources and determined that to reduce potential impacts to the native tules on the shoreline, extending the dock further into the lake would assist with tule protection. With the extension of the dock, a variance is also required for approval.

Please note that the variance permit falls under the jurisdiction of the County, not the City. The applicant must proceed with obtaining the permit approval and fulfilling the requirements through the County. However, as part of this Initial Study, the project has been assessed for full-scope buildout, which also encompasses the entire lakebed development.

IV. ENVIRONMENTAL EFFECTS

An environmental checklist follows this section and addresses all potential adverse effects resulting from the proposed project. No significant adverse effects are expected from any of the proposed activities.

V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a **"Potentially Significant Impact"** or **"Potentially Significant Unless Mitigation Incorporated"** as indicated by the checklists on the following pages.

	Aesthetics		Agriculture and Forestry Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources		Energy
X	Geology/Soils		Greenhouse Gas Emissions	X	Hazards & Hazardous Materials
	Hydrology/Water Quality		Land Use/Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation		Transportation/Traffic	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers consider the whole action involved and the following types of impacts: off-site and on-site; cumulative and project-level; indirect and direct; and construction and operational. The explanation of each issue identifies (a) the threshold of significance, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. All mitigation measures required for the project are provided in the Mitigation Monitoring and Reporting Program (MMRP) (see Attachment D – Disney's MMRP).

In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant, and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the proposed project.

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VI. DETERMINATION: (To be completed by the Lead Agency on the basis of this initial evaluation)

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Victor Fernandez, Associate Planner
Name and Title

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

DISCUSSION

The Project site is bordered by residential homes and a RV park to the north, Clear Lake to the east, residential homes to the south, and the school district to the west. Land area in the project vicinity is designated as Residential, Resort Residential, Public and Civic Uses , and Open Space Parkland under the City of Lakeport General Plan, with City of Lakeport's City Limit Boundary being located approximately 260± feet north of the project property.^{1,2} The Project will involve construction activities on an approximately 4.5-acre parcel (Please see Section II Project Description above for further details) that currently supports ruderal/disturbed Oak woodland, non-native grasslands, riparian vegetation, and

¹ City of Lakeport General Plan Map. <https://www.cityoflakeport.com/Planning/General%20Plan%20Map.pdf>. Accessed June, 2024.

² City of Lakeport, Lakeport Zoning Map. <https://www.cityoflakeport.com/Planning/Lakeport%20Zoning%20Map.pdf>. Accessed June, 2024.

open water (Clear Lake). In reference to the Lakeport General Plan, *Figure 16 – Environmentally Sensitive Areas*, there are no identified scenic or view corridors located near this project site.

IMPACT ANALYSIS

I.a-b) Less Than Significant Impact. The proposed Project site is not located within a City mapped or designated scenic vista or within a scenic resources area. Review of view corridors for the City of Lakeport defines those views that need protecting are those views of Clear Lake and Mount Konocti to the east. The project involves construction on the west side of Lakeshore Boulevard. On the east side, directly adjacent to Clear Lake, only the installation or relocation of the docks is planned, with no impact on view corridors. The Project will not substantially damage scenic resources within a State scenic highway. The Project site is located approximately 0.93 miles east of State Route 29 which is designated as an Eligible State scenic highway but is not a Designated scenic highway.³ Therefore, the Project would have a less than significant impact.

I.c) Less Than Significant Impact. The Project development would consist of installing boat rental office building, dock, and fueling facility. The development will be consistent with City of Lakeport Development Standards, which include but is not limited to setback requirements, lot coverage, height requirements, building and construction standards, etc. The proposed Project does not conflict with any local zoning regulations and would not detract from the scenic quality of the area; therefore, the Project would have less than significant impact.

I.d) Less Than Significant Impact. The proposed Project may include new lighting associated with the office building, parking lot, and dock structure for security purposes. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments. The City of Lakeport encourages incorporation of those principals identified by the Dark Sky Association, that reduces light pollution. The City has developed conditions of approval that implement those dark sky principles, that include reduction of offsite glare as well as requiring all outdoor lighting be downlit. With the implementation of that standard lighting condition, the Project would not have substantial light or glare that would affect day or nighttime views in the area. Therefore, the impacts will be less than significant.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Aesthetics.

³ Caltrans California State Scenic Highway System Map.
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca9>. Accessed August 2023.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter "farmland"), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

DISCUSSION

The Project will involve construction on an approximately 6-acre parcel located in the northeastern portion of City of Lakeport, within Lake County. The Project site is bisected by an intermittent water channel, and currently supports ruderal/disturbed Oak woodland, non-native grasslands, riparian vegetation, and open water (Clear Lake).

IMPACT ANALYSIS

II.a-e) No Impact. Under the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), the Project site consists of Urban and Built-Up Land, with no portion of the Site under a Williamson Act contract. Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the Site is designated, zoned, or utilized for agricultural or forestry use, so the Project will not conflict with existing zoning for agricultural use or forest land, timberland, or timberland zoned Timberland Production, therefore, no impact would occur.

The Project development would consist of installing boat rental office building, dock, and fueling facility that will not affect the intermittent channel or surrounding riparian areas. Additionally, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, as the Project area is not designated or zoned as timberland or forest land. The Project would not involve other changes in the existing environment or result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use. No impact would occur as a result of Project implementation.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **No Impact** on Agricultural and Forestry Resources.

III. AIR QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable

federal or state ambient air quality standard; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

DISCUSSION

The approximately 6-acre Project site is within the City of Lakeport. The Project will involve installing a boat rental office building, dock, and fueling facility.

The California Emissions Estimator (CalEEMod) was used to estimate emissions of the Project. The following discussion and impact analysis are directly referencing this report. CalEEMod results are provided in Attachment E.

Environmental Setting

The City of Lakeport lies within the Lake County Air Basin and the Lake County Air Quality Management District (LCAQMD) on the western shore of Clear Lake. Summers are typically warm and dry, with an average annual high temperature of 94 degrees Fahrenheit. Winters are cool and wet, with an average annual low temperature of 30 degrees Fahrenheit. The prevailing wind is westerly, with occasional strong gusty winds in winter. During autumn and winter, nighttime radiational cooling between storm periods often leads to formation of inversions and ground fog, especially in canyon basins near Lakeport. Inversions occur in conjunction with masses of very stable air, which tend to not move vertically and can become trapped in the lower and sheltered areas. Considerable air stagnation can occur if the inversion condition continues for several days. The inversion may persist until the onset of a Pacific storm. More intense heating at the surface in spring will generally initiate convection and good ventilation. In summer, region wide elevated inversions may be present, restricting the layer in which mixing and dilution of surface air may occur.

Criteria Air Pollutants

The Federal Clean Air Act (FCAA) establishes the framework for modern air pollution control. The FCAA, enacted in 1970 and amended in 1990, directs the United States Environmental Protection Agency (EPA) to establish ambient air quality standards. These standards are divided into primary and secondary standards. The primary standards are set to protect human health, and the secondary standards are set to protect environmental values, such as plant and animal life. The FCAA requires the EPA to set National Ambient Air Quality Standards for the six criteria air pollutants. These pollutants include particulate matter (PM), ground-level ozone, carbon monoxide (CO), sulfur oxides, nitrogen oxides, and lead.

Air Quality Standards

The Clean Air Act requires states to develop a general plan to attain and maintain the standards in all areas of the country and a specific plan to attain the standards for each area designated nonattainment. These plans, known as State Implementation Plans or SIPs, are developed by state and local air quality management agencies and submitted to EPA for approval.

The SIP for the State of California is administered by the California Air Resources Board (CARB), which has overall responsibility for statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual federal attainment plans for each regional air district. SIPs are prepared by the regional air district and sent to CARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms.

The CARB also administers the California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the California Clean Air Act. The 10 state air pollutants include the six federal criteria pollutant standards listed above as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The federal and state ambient air quality standards are summarized in Table 1.

Table 1: California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Ozone	1 Hour	0.09 ppm (180 µg/m ³)	— (Footnote 1)	—
	8 Hour	0.070 ppm (137 µg/m ³)	0.070ppm (137 µg/m ³)	Same as Primary Standard
Respirable Particulate Matter (PM10)	24 Hour	50 µg/m ³	150 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m ³	—	
Fine Particulate Matter (PM2.5)	24 Hour	—	35 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³	
Carbon Monoxide	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	—
	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	—
Nitrogen Dioxide	1 Hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m ³)	—
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as Primary Standard
Sulfur Dioxide	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)	—
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)	—
	Annual Arithmetic Mean	—	0.030 ppm (80 µg/m ³)	—
Lead	30-Day Average	1.5 µg/m ³	—	—
	Calendar Quarter	—	1.5 µg/m ³	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m ³	

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Visibility-Reducing Particles	8 Hour	See Footnote 2	No National Standards	
Sulfates	24 Hour	25 µg/m³		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m³)		
Notes: 1 - The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005. 2 - Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range. µg/m3 =micrograms per cubic meter mg/m3 = milligrams per cubic meter ppm = parts per million CARB = California Air Resources Board Source: Air Quality Standards and Attainment Status, Bay Area Air Quality Management District (BAAQMD). Website: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status . Accessed June 2024.				

Federal and state air quality laws require identification of areas not meeting the ambient air quality standards. These areas must develop regional air quality plans to eventually attain the standards. Under both federal and state Clean Air Act, the Lake County Air Basin (LCAB) is in attainment for all ambient air quality standards; therefore, the LCAQMD has not been required to develop any regional air quality plans.^{4,5}

The City of Lakeport has not established specific CEQA significance thresholds. Where available guidance provided by the applicable air district can be used to make significance determinations for the CEQA questions listed above; however, LCAQMD does not provide published thresholds for use by lead agencies in Lake County.

The primary pollutants of concern during project construction and operation are ROG, NO_x, PM₁₀, and PM_{2.5}. Ozone is a secondary pollutant that can be formed miles away from the source of emissions through reactions of ROG and NO_x emissions in the presence of sunlight. Therefore, ROG and NO_x are termed ozone precursors. Although the LCAB is currently in attainment of all state and federal air quality standards, if the Project emits a substantial quantity of ozone precursors, the Project may contribute to an

⁴ Lake County Air Quality Management District. 2021. Lake County Air Quality Management District, Lake County, California Official Website. Website: <https://www.lcaqmd.net/>. Accessed August 2023.

⁵ City of Lakeport. 2008. Draft Environmental Impact Report. Website: <https://www.cityoflakeport.com/Planning/Draft%20EIR%20General%20Plan%20Update/Draft-EIR---General-Plan-Update---City-o-116200865514PM.pdf>. Accessed August 2023.

exceedance of the ozone standard. PM₁₀, and PM_{2.5} were also addressed, as substantial project emissions may contribute to an exceedance for these pollutants as well.

IMPACT ANALYSIS

III.a) Less Than Significant Impact. The proposed equipment to be utilized for site preparation, building construction, paving, and architectural coating consists of graders, tractors, loaders, backhoes, forklifts, cranes, air compressors, and other smaller equipment. This was inputted in the CalEEmod data. Federal and state air quality laws require identification of areas not meeting the ambient air quality standards. These areas must develop regional air quality plans to eventually attain these standards. Under both federal and state Clean Air Act, the Lake County Air Basin is in attainment for all ambient air quality standards; therefore, the LCAQMD has not been required to develop any regional air quality plans.⁶⁷⁸ A key purpose of the LCAQMD is to enforce local, state, and federal air quality laws, rules and regulations in order to meet the Ambient Air Quality Standards and protect the public from air toxics through regulation. Projects that comply with applicable rules and regulations would not conflict or obstruct LCAQMD's ability to remain in attainment with air quality standards.

There are currently no applicable air quality plans in the Lake County Air Basin for the proposed Project to conflict with. Thus, the impact is considered less than significant.

III.b) Less Than Significant Impacts with Mitigation Incorporation. Since the LCAQMD has no project-level thresholds of significance for the LCAB, thresholds of significance from the BAAQMD will be used for this analysis.

In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Project construction and operational impacts are assessed separately below.

Construction Emissions

Construction activities associated with development of the proposed Project would include site preparation, grading, drilling, paving, and architectural coatings where necessary. Emissions from construction-related activities are generally short-term in duration but may still cause adverse air quality impacts. During construction, fugitive dust would be generated from earth-moving activities. Exhaust

⁶ Ambient Air Quality Standards Designation Tool, California Air Resources Board. <https://ww2.arb.ca.gov/aaqs-designation-tool>. Accessed September, 2023.

⁷ Lake County Air Quality Management District, Lake County, California Official Website. Website: <https://www.lcaqmd.net/>. Accessed September, 2023.

⁸ City of Lakeport. 2008. Draft Environmental Impact Report. Website: <https://www.cityoflakeport.com/Planning/Draft%20EIR%20General%20Plan%20Update/Draft-EIR---General-Plan-Update---City-o-116200865514PM.pdf>. Accessed September, 2023.

emissions would also be generated from off-road construction equipment and construction-related vehicle trips. Emissions associated with construction of the proposed project are discussed below.

Construction Fugitive Dust

During construction (grading), fugitive dust would be generated from site grading and other earth-moving activities. Most of this fugitive dust will remain localized and be deposited near the Project site.

The BAAQMD does not have a quantitative threshold for fugitive dust. The BAAQMD's Air Quality Guidelines recommend that projects determine the significance for fugitive dust through application of best management practices (BMPs). Therefore, impacts related to fugitive dust from the construction of the proposed Project may be potentially significant without the inclusions of sufficient dust control measures. Mitigation Measure (MM) AIR-1 requires the inclusion of BMPs recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions from use of construction equipment. With incorporation of MM AIR-1, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant.

Operational Emissions

As previously discussed, the pollutants of concern include ROG, NO_x, PM₁₀, and PM_{2.5}. Full buildout of the Project is anticipated to occur in 2025-2026.

The proposed Project would not result in net operational-related air pollutants or precursors that would exceed the applicable thresholds of significance. Therefore, Project operations would not be considered to have the potential to generate a significant quantity of air pollutants; long-term operational impacts associated with the Project's criteria pollutant emissions would be less than significant. To further reduce potential impacts, Mitigation Measure AIR-1 shall be implemented.

III.c) Less Than Significant Impacts with Mitigation Incorporation. The closest sensitive receptors are single-family residences located approximately 350 ft south of the proposed site. construction emissions would be below applicable thresholds and be temporary in nature. Therefore, the relatively small amount of emissions generated and the short duration of the construction period would not expose sensitive receptors to substantial pollutant concentrations. Project operations would involve vehicular traffic along Lakeshore Blvd, therefore, substantial pollutant concentrations are not expected.

Impacts related to construction fugitive dust would be less than significant with incorporation of MM AIR-1.

III.d) Less Than Significant Impact. During construction, the various diesel-powered vehicles and equipment in use on-site could create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the Project site. In addition, once the Project is operational, there would be no new source of odors from the Project except vehicular traffic similar to nearby roadways. Therefore, the impact is less than significant.

MITIGATION MEASURES

MM AIR-1 During construction activities, the following Best Management Practices (BMPs) shall be implemented to control dust:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks shall be paved as priority. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification.

MM AIR-2 All mobile equipment used for construction shall be in compliance with State registration requirements. Portable and stationary diesel-powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines.

MM AIR-3 Prior to construction the applicant shall contact the Lake County Air Quality Management District and obtain any necessary permits for all operations and for any diesel-powered equipment and/or equipment with the potential for air emissions.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Air Quality.

IV. BIOLOGICAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
c) 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?	☐	☐	☒	☐	☐
d) 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?	☐	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

Thresholds of Significance: CEQA defines “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in the environment” (California Public Resource Code § 21068). Under CEQA Guidelines Section 15065, a Project’s effects on biological resources are deemed significant where the Project would do the following:

- a) Substantially reduce the habitat of a fish or wildlife species,
- b) Cause a fish or wildlife population to drop below self-sustaining levels,
- c) Threaten to eliminate a plant or animal community, or
- d) Substantially reduce the number or restrict the range of a rare or endangered plant or animal.

In addition to the Section 15065 criteria, Appendix G within the CEQA Guidelines includes six additional impacts to consider when analyzing the effects of a project. Under Appendix G, a project's effects on biological resources are deemed significant where the project would do any of the following:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS;
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS;
- c) 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;
- d) 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;
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

These criteria were used to determine whether the potential effects of the Project on biological resources qualify as significant.

DISCUSSION

The project proposes construction on a roughly 6-acre plot situated in the northeastern section of the City of Lakeport, within Lake County. It will involve the installation of a boat rental office building, dock, and fueling facility. The site of the project is divided by an intermittent water channel and currently sustains ruderal/disturbed Oak woodland, non-native grasslands, riparian vegetation, and open water (Clear Lake).

A Biological Resources Assessment for the Project (Biological Report) was prepared by Graening and Associates, LLC on June 19, 2023 and revised on November 7, 2024 (see Attachment B for full report and references), to assess whether the Project will affect protected biological resources pursuant to California Environmental Quality Act (CEQA) guidelines. Such resources include species of plants or animals listed or proposed for listing under the Federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA) as well as those covered under the Migratory Bird Treaty Act (MBTA), the California Native Plant Protection Act, and various other sections of California Fish and Game Code (CFGF). The biological resource evaluation also addresses Project-related impacts to regulated habitats, which are those under the jurisdiction of the United States Army Corps of Engineers (USACE), State Water Resources Control Board (SWRCB), or California Department of Fish and Wildlife (CDFW).

IMPACT ANALYSIS

IV.a) Less Than Significant Impact with Mitigation Incorporation. In reference to the Biological Report, the project site is situated within the Inner North Coast Range geographic subregion, which is a part of the Northwestern California geographic subdivision within the broader California Floristic Province. This region has a Mediterranean-type climate, characterized by distinct seasons of hot, dry summers and wet, moderately-cold winters. Specifically, the study area (*The study area is defined as the entire 6-acre parcel that was reviewed and studied*) lies within the Cache Creek River watershed. Some parts of the property are located in a FEMA-designated flood zone. The land within the study area consists of undeveloped lakefront property that is divided by a transportation corridor. Furthermore, there are associated easements for sanitary sewer, water, and stormwater. The surrounding land uses include residential areas, commercial zones, and water recreation facilities.

Biologist Dr. Geo Graening conducted a wildlife survey and botanical field survey on June 5, 2023 and , and August 8, 2024, which included a full-coverage pedestrian survey and was modified to account for differences in terrain, vegetation density, and visibility. 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. All of the plants detected during the field survey of the study area are listed in the following table:

Plants Identified During the Botanical Survey

Scientific Name	Common Name
<i>Acmispon americanus</i>	American deerweed
<i>Artemisia ludoviciana</i>	white sagebrush
<i>Avena barbata</i>	Slender wild oat
<i>Azolla filiculoides</i>	Pacific azolla
<i>Brassica sp.</i>	mustard
<i>Briza minor</i>	Little quaking grass
<i>Bromus spp.</i>	brome grasses
<i>Catalpa sp.</i>	Catalpa
<i>Centaurea solstitialis</i>	yellow star thistle
<i>Cephalanthus occidentalis</i>	common buttonbush
<i>Crataegus sp.</i>	Hawthorn
<i>Croton setiger</i>	Dove weed
<i>Cynodon dactylon</i>	bermudagrass
<i>Cyperus eragrostis</i>	Tall flatsedge
<i>Cyperus rotundus</i>	nutgrass
<i>Cytisus sp.</i>	Broom
<i>Dichelostemma sp.</i>	Wild hyacinth
<i>Digitaria sanguinalis</i>	crabgrasses
<i>Dipsacus sativus</i>	Fuller's teasel
<i>Dysphania ambrosioides</i>	epazote
<i>Echinochloa sp.</i>	barnyardgrass
<i>Epilobium sp.</i>	willowherb
<i>Erigeron bonariensis</i>	fleabane
<i>Euphorbia prostrata</i>	green creeping spurge
<i>Festuca sp.</i>	fescue
<i>Hedera helix</i>	English ivy
<i>Hirschfeldia incana</i>	hoary mustard
<i>Hordeum sp.</i>	barley
<i>Juncus sp.</i>	Rush
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lathyrus sp.</i>	Wild pea
<i>Lotus tenuis</i>	narrowleaf trefoil
<i>Ludwigia grandiflora</i>	Uruguayan Hampshire-purselane
<i>Lythrum hyssopifolia</i>	grass-poly
<i>Melilotus sp.</i>	sweetclover
<i>Mentha pulegium</i>	pennyroyal
<i>Nasturtium sp.</i>	watercress
<i>Persicaria sp.</i>	smartweed
<i>Phyla nodiflora</i>	frogfruit

<i>Populus fremontii</i>	Fremont's cottonwood
<i>Prunus sp.</i>	plum
<i>Quercus lobata</i>	Valley oak
<i>Rosa gymnocarpa</i>	Wood rose
<i>Rubus armeniacus</i>	Himalaya blackberry
<i>Rubus leucodermis</i>	Whitestem raspberry
<i>Rumex crispus</i>	Curly dock
<i>Rumex pulcher</i>	fiddle dock
<i>Salix laevigata</i>	Red willow
<i>Salix lasiolepis</i>	Arroyo willow
<i>Schoenoplectus acutus</i>	Tule
<i>Scirpus sylvaticus</i>	wood club-rush
<i>Setaria sp.</i>	foxtail
<i>Toxicodendron diversilobum</i>	Poison-oak
<i>Trapogon sp.</i>	Salsify
<i>Typha latifolia</i>	Broad leaf cattail
<i>Vachellia farnesiana</i>	cassie
<i>Veronica serpyllifolia</i>	thyme speedwell
<i>Vicia sp.</i>	Vetch
<i>Xanthium strumarium</i>	Cocklebur

Plants Identified During Botanical Field Survey

Two botanical field surveys were performed on different years in different plant seasons; the survey dates allowed for the detection of plants blooming early in the season and late in the season. According to Dr. Geo Graening additional botanical surveys are deemed not necessary. The botanical surveys determined that no regionally-occurring special-status plant species were determined to have a medium or high potential to occur within the Study Area. No special-status plant species are likely to occur within the Study Area, and no adverse impacts to special-status plant species are expected.

Habitat and Wildlife

Additionally, 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*).

While these listed species were found during the field survey, the Biological Report indicates that no federally-listed species or special-status species were detected.

Water Resources

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 Biological Report for further details):

- Open water (Clear Lake)
- An 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.

According to the Biological Report the California Natural Diversity Database (CNDDDB) was queried, and any reported occurrences of special-status species were plotted in relation to the Study Area boundary using GIS software (See Biological Report). 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*)
- Clear Lake tule perch (*Hysterocarpus traskii lagunae*)
- Clear Lake hitch (*Lavinia exilicauda chi*)
- Sacramento perch (*Archoplites interruptus*)
- Brownish dubiraphian riffle beetle (*Dubiraphia brunnescens*)

The Biological Resources Report indicates that 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 project does not require destruction of willow roots or disturbance to open water, with mitigation measures incorporated.

The Biologist has provided mitigation measures to avoid impacts to the Clear Lake Hitch as well, which provides a work window for construction. Please see Mitigation Measure BIO-1 below for further details.

Construction activities such as excavating, trenching, or using other heavy equipment that disturbs or harms a special-status species could constitute a significant impact. However, Mitigation Measures BIO-1, and BIO-2, will be included to reduce the potential impacts to a less than significant level.

IV.b-c) Less Than Significant Impact with Mitigation Incorporation. The Project has the potential impact to riparian habitat along the Clear Lake Shoreline. The proposed project initially did not propose any pilings to be driven into the water, however, the applicant has since amended the application to include a pier with pilings as part of the proposal. The revised proposal now includes the installation of two piers, designated for the Customer Dock and the Fuel Dock. These piers will be anchored to the lakebed using four 8-inch pylons. The floating dock for the Customer Dock will be secured with 13 anchors, while the Fueling Dock will utilize four anchors. The construction of the pylons, docks, and concrete pads has the potential to impact the tule habitat in Clear Lake, as each 8-inch pylon will be drilled into the lakebed.

According to the Biological Resources Report, the shore and lakebed improvements have been evaluated for their potential impact on the riparian habitat. Dr. Geo Graening has indicated that, to mitigate effects on the Clear Lake Hitch, all activities within the open water of Clear Lake shall be conducted between October 15 and December 31. Furthermore, the applicant is required to implement the revegetation plan developed by Graening and Associates (please refer to Attachment L) to minimize impacts on the Clear Lake Hitch. Approximately 508 square feet of riparian habitat (including Himalayan Blackberry and European Grasses and Forbs) and around 3 square feet of aquatic habitat (lacustrine wetlands and Tules) will be affected. The project will require minimal impacts to the lacustrine habitat through the installation of eight pilings in areas containing Tules. This aspect of the project footprint spans 3 square feet, with each piling measuring 8 inches in diameter. According to Dr. Graening, the density of Tules is approximately 7 plants per 8-inch diameter circle, the estimated number of affected Tules is 56 plants. Dr. Graening has recommended that the applicant establish new riparian/lacustrine vegetation on-site at a ratio of 3:1. This ratio is deemed appropriate for restoring ecosystem functionality, resulting in the provision of approximately 1,524 square feet of new native riparian vegetation and 9 square feet of lacustrine vegetation by the applicant. Tule rhizomes will serve as the primary plants for the revegetation of the lacustrine areas. A map detailing the designated area for revegetation has been provided by Dr. Graening, identifying it as the most suitable location for this initiative. The requirement for revegetation has been included as a mitigation measure for the project.

Dr. Graening provided a map (shown on page 28) outlining potential revegetation sites for both Tule and riparian habitats. The map highlights areas where restoration could be possible for these habitats. However, the applicant will need to coordinate with the City of Lakeport, County of Lake, the local affiliated Tribe(s), the California Department of Fish and Wildlife, and a qualified biologist. This collaborative approach ensures that qualified professionals can determine the most appropriate locations for habitat restoration.

In addition to the revegetation efforts, the installation of wildlife exclusion fencing, signage, and erosion control barriers is recommended to prevent workers, equipment, and patrons from encroaching on riparian habitats.

Identified Location for Vegetation Restoration



As this project proposed development on the lakebed, a portion of the project is within the jurisdiction of the County of Lake – Water Resources Department. The County of Lake Municipal Code, specifically Sections 23-3.51 and 23-15 have regulations and requirements for the Clear Lake Shoreline. Section 23-3.51 provides a no net loss provision which indicates that the maintenance of existing wetlands in the

County by replacement of equal or greater square footage of similar wetland on the same parcel, or, if not feasible, on another adjacent or littoral parcel. Section 23-15 has provisions for removal of beach vegetation which indicates that to reduce or eliminate the destruction of beach vegetation while assuring access to Clear Lake by property owners and the public:

On commercial, resort or public properties, an administrative encroachment permit shall be required for beach clearing. Contribution to a lake-wide, no net loss program may be required as a condition of the administrative encroachment permit.

As identified previously, a mitigation measure has been included that requires the applicant to provide a 3:1 ratio for the revegetation plan which has been identified to be included onsite. As a condition of approval, the applicant will be required to obtain all necessary permits from all responsible agencies which includes the County of Lake Water Resources Department.

This project was referred to the California Department of Fish and Wildlife (CDFW) prior to the formal 30-day review posting. CDFW's comments highlighted that the primary measure to protect the Clear Lake Hitch, a species designated as threatened under the California Endangered Species Act (CESA), indicates that the applicable work window for the lakebed should occur from October 15 through December 31. Furthermore, CDFW emphasized the necessity of a preconstruction survey, which must include a nesting bird survey and a rare plant survey to identify and avoid any sensitive resources. Also, general best management practices (BMPs) and erosion control measures around the fueling station are recommended. CDFW also requested a mitigation measure for the revegetation of riparian habitat loss and expressed a preference for the use of Tules or willow cuttings for this purpose. It is important to note that the biological resources report and CDFW's comments are consistent and incorporate the suggested mitigation measures. (Mitigation Measure BIO-1)

Additionally, the California Department of Fish and Wildlife (CDFW) submitted formal comments during the initial 30-day review period for the Mitigated Negative Declaration (MND) and provided further input on October 24, 2024, regarding the project. CDFW's recommendations for the MND included modifications/additions to the revegetation plan, compliance with the California Endangered Species Act, methods for vegetation removal, amendments to Mitigation Measure BIO-1, and mitigation for managing invasive species. CDFW's comments have been attached to the MND (Attachment M). City staff engaged in discussions with CDFW representatives to ensure a clear understanding of the proposed amendments. The applicant's biologist has submitted an updated report that addresses CDFW's feedback, and city staff has incorporated the suggested amendments into the mitigation measures.

The project will not 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 as less than significant impacts to wetlands will occur.

IV.d) Less Than Significant Impact with Mitigation Incorporation. As identified in the Biological Resources Report, no direct impacts to known populations of special-status animal species are anticipated as a result of Project implementation. During the field survey, no listed or special-status species were observed

within the Study Area. However, there is a possibility that special-status animal species may migrate into the project areas after the field surveys have been conducted. This represents a potentially significant impact prior to mitigation.

According to the Biological Resources Report, special-status bird species have been documented in databases (CNDDDB and USFWS) near the Study Area. Suitable foraging or nesting habitats are present in the lacustrine portions of the Study Area, specifically in the tule marsh and riparian trees, for wading birds such as the Double-crested cormorant, Great blue heron, Osprey, and Tricolored Blackbird. The upland areas of the Study Area, particularly the mixed oak forest habitat, provide appropriate nesting conditions for various upland bird species. If construction activities occur during the nesting season, there may be direct impacts to nesting birds due to tree removal, as well as indirect impacts from noise, vibration, and other construction-related disturbances. Therefore, Project construction is assessed as a potentially significant adverse impact to nesting birds before any mitigation measures are implemented.

If construction activities are planned during the nesting season (typically February through August), a pre-construction survey to assess the presence of special-status bird species or any nesting bird species will be required be conducted by a qualified biologist within 500 feet of the proposed construction areas. In the event that active nests are identified in these locations, it is required to consult with CDFW and/or USFWS to develop strategies aimed at avoiding any disturbance to active nests prior to the commencement of construction activities. Avoidance measures may include establishing a buffer zone using construction fencing or delaying vegetation removal until after the nesting season, or until a qualified biologist has confirmed that the young have fledged and are independent of the nest site. By implementing this mitigation measure, any adverse impacts on special-status bird species and nesting birds can be reduced to a less-than-significant level. (Mitigation Measure BIO-2)

Additionally as mentioned in Section IV.b-c., there is a potential impact to the Clear Lake Hitch, however, mitigation measures have been implemented to reduce the impacts to less than significant.

IV.e-f) No Impact. At the state level, within areas designated as timberland, any tree removal is governed by the guidelines and requirements outlined in the Z'berg-Nejedly Forest Practice Act⁹ and the California Forest Practice Rules. If a development project involves the removal of commercial tree species, one of the following permits must be obtained: Less than 3 Acre Conversion Exemption; Christmas Tree Exemption; Dead, Dying or Diseased, Fuelwood, or Split Products Exemption; Public Agency, Public and Private Utility Right of Way Exemption; Notice of Exemption from Timberland Conversion Permit for Subdivision; or Application for Timberland Conversion Permit.

The City of Lakeport has established a tree preservation ordinance (Chapter 17.21 of the City Code) that applies to land development proposals. 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

⁹ Board of Forestry and Fire Protection. Z'Berg-Nejedly Forest Practice Act. <https://bof.fire.ca.gov/media/9078/2003-fpa-ada.pdf>. Accessed August 2024.

not be cut down, removed, or otherwise destroyed without a permit. Protected trees should be preserved; if avoidance is not feasible, mitigation measures must be implemented, which include a 1:1 replacement with a minimum fifteen-gallon tree of the same or a similar species as the tree being removed. If the trees removed are mature and healthy, they must be replaced on a 1:1 basis with a minimum twenty-four-inch root ball specimen of the same or a similar species. Replacement trees shall be consistently maintained or replaced if they do not survive. Replacement trees shall be planted on the site where the original tree was removed, or may, at the discretion of the city, be planted at a different location. The proposed project does not include any tree removal.

This Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance as no such ordinances are pertinent to the Project; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan as no such plan has been adopted. The proposed Project would have no impact.

In addition, 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.

MITIGATION MEASURES

BIO-1: Protect Clear Lake hitch

1. To avoid impacts to Clear Lake Hitch, any work within the open water of Clear Lake shall occur only in the window of time from October 15 through December 31. In addition, the applicant shall implement the Revegetation Plan prepared by Graening and Associates (Attachment L) to reduce impacts to the Clear Lake Hitch as the revegetation plan will create habitat for the Clear Lake Hitch.
 - a. To offset the loss of approximately 3 square feet of aquatic (lacustrine wetland) habitat, new wetland vegetation shall be installed onsite at a ratio of 3:1 prior to construction. The revegetation plan shall consist of the planting of native wetland vegetation in an area of at least 9 square feet in the boundary identified by the qualified biologist in consultation with CDFW. Tule rhizomes shall be the primary plants used for revegetation. The planting density shall be, at the minimum, 1 propagule per square meter. Mesh cages may be constructed if deer browsing is an issue. Non-native vegetation weeding shall be performed by hand or line trimmer to suppress competition. Supplemental watering shall be employed when necessary, including in periods of drought or low-lake levels. When mortality occurs, new plantings shall be placed in those failed planting stations. The success rate shall be 80% at the end of 5 years and the revegetation effort shall be supervised by a qualified biologist or restoration ecologist.

- b. To offset the loss of approximately 508 square feet of riparian habitat, the revegetation plan prepared by Graening and Associates (Attachment L) shall be implemented. Riparian habitat shall be restored at a 3:1 ratio on-site in the restoration areas. The revegetation plan shall consist of the planting of native riparian species in an area of at least 1,524 square feet in the boundary identified by the qualified biologist in consultation with CDFW. The planting density shall be, at the minimum, 1 propagule per square meter. Mesh cages may be constructed if deer browsing is an issue. Non-native vegetation weeding shall be performed by hand or line trimmer to suppress competition. Supplemental watering shall be employed when necessary, including in periods of drought or low-lake levels. When mortality occurs, new plantings shall be placed in those failed planting stations. The success rate shall be 80% at the end of 5 years and the revegetation effort shall be supervised by a qualified biologist or restoration ecologist.
 - i. Vegetation Removal Methods. Hand tools (e.g., trimmer, chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work site(s); larger equipment shall not be used for vegetation removal unless already described in the project description.
 - ii. Vegetation Removal. Vegetation Removal. Riparian vegetation removal, including Tules and willows, shall be conducted under the supervision of a qualified biologist. Cuttings and removed vegetation shall be incorporated into onsite restoration activities or other restoration projects in the Clear Lake watershed. Tules and willow cuttings shall be made available to tribal and cultural partners within the Clear Lake watershed.
 - c. Annual reports shall be documented and provided to CDFW and to the City of Lakeport for the revegetation plan.
- 2. Stormwater and sediment controls, including silt containment fence and fiber rolls, shall be installed prior to any ground disturbing work to prevent sedimentation of potential spawning and rearing habitat for Clear Lake hitch.
 - 3. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 150 feet from riparian habitat or bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Equipment shall be checked daily for leaks prior to the initiation of construction activities.
 - 4. If it is not possible to schedule lakebed construction during work window (October 15 through December 31) a qualified biologist, in coordination with CDFW's District Fisheries Biologist, shall determine if work outside this window is feasible. The qualified biologist shall provide written documentation to CDFW and to the City of Lakeport providing evidence that no impacts would occur to aquatic, plant, or wildlife species.
 - a. If lakebed construction activities cannot be scheduled within the required window of October 15 through December 31, the applicant shall obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) through CDFW prior to initiating any work that may impact

State-listed species, such as the Clear Lake hitch. The ITP will outline specific measures to minimize and mitigate potential impacts to these species.

- b. Before construction activities begin, a qualified biologist shall conduct a training session for all construction personnel working within 50 feet of Clear Lake. At a minimum, the training will include a description of Clear Lake hitch and its habitat, the specific measures that are being implemented to protect this species for the Project, and the boundaries within which the Project may be accomplished.
 - c. Immediately prior to all construction activities within 50 feet of Clear Lake, a qualified biologist, in coordination with CDFW's District Fisheries Biologist, shall conduct a visual pre-construction survey for Clear Lake hitch 200 feet north and 200 feet south from the lakebed construction on the shoreline. The qualified biologist shall then monitor all construction activities within 50 feet of Clear Lake to ensure impacts to Clear Lake hitch and its habitat are avoided. The qualified biologist shall stop work if Clear Lake hitch behavior is affected by Project activities. In such cases, work may need to be redirected to other areas or postponed until Clear Lake hitch is no longer present in the reach of Clear Lake potentially affected by Project activities.
5. The applicant shall conduct project activities in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species from one work site and/or water body to another. Prior to entering the project area, the applicant shall inspect equipment for invasive species and, if any signs of invasive species are found, the equipment shall be cleaned to remove those species. All visible soil/mud, plant materials, and animal remnants on equipment will be removed prior to entering and exiting the work site and/or between each use in different water bodies. The applicant shall notify CDFW immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting CDFW's Invasive Species Program by email at Invasives@wildlife.ca.gov.

BIO-2: Protect Wildlife and Nesting Birds

1. During construction, wildlife exclusion fencing shall be erected between construction areas and aquatic resources (Intermittent stream and lake shoreline) to prevent animals from migrating into work areas. This fencing shall be combined with erosion control measures.
2. Prior to construction, a pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present. If any species are detected, construction shall be delayed, and appropriate wildlife agencies (CDFW and/or USFWS) shall be consulted and project impacts and mitigation measures shall be reassessed.
3. If construction activities occur during the nesting season (February through August), a pre-construction survey the presence of special-status bird species or any nesting bird species shall 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.

4. The applicant shall apply for a Lakebed Alteration Agreement through the California Department of Fish and Wildlife before any disturbance to riparian (or lacustrine) habitat occurs. The Lakebed Alteration Agreement will dictate any required avoidance or restoration measures in addition to the implemented mitigation measures of this Environmental Review.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Biological Resources.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

DISCUSSION:

The applicant provided the City of Lakeport with a Cultural Resources Evaluation (Cultural Study) prepared by John W. Parker, Ph.D., dated June 1, 2023. The Cultural Study indicates that on May 17th, 2023, a cultural resources investigation occurred on the project property. The purpose of the investigation was to locate, describe, and evaluate any archaeological or historical resources that may be present on the parcel. In addition, the archaeologist assessed the impact that might occur as a result of ground disturbance activities associated with business construction.

The Cultural Study's background research indicated that the project area had not been previously inspected for cultural resources, however, one prehistoric site had been recorded within the parcel. The field inspection conducted by the archaeologist discovered and updated the description of the prehistoric site. Based on the inspection of the site, the archaeologist indicated that it appears that this prehistoric site meets the criteria necessary to be considered a significant cultural resource as defined in the California Environmental Quality Act (CEQA) and the Public Resources Code. The site is also likely to be a significant tribal cultural resource having cultural value to descendant communities. In compliance with AB 52, the Cultural Study information has been redacted from this Initial Study due to confidentiality restrictions.

When a significant resource is involved, CEQA requires that the permitting agency first consider project alternatives, which will allow the "resources to be preserved in place and left in an undisturbed state" (CEQA sec. 21083.2 [b]). The following alternatives are listed in CEQA to accomplish this goal:

1. The project shall be designed to "avoid archaeological sites." (CEQA sec. 21083.2 [b1])
2. The project shall protect the resource by "deeding archaeological sites into a permanent conservation easement." (Sec. 21083.2 [b2])
3. The project shall protect the resource by "Capping or covering the archaeological sites with a layer of soil before building on the sites." (Sec. 21083.2 [b3]) This should be followed by the filing of a deed restriction preventing any future owners from excavating beneath the fill soil.
4. The project shall protect the resource by "Planning parks, greenspace, or other open space to incorporate archaeological sites." (Sec. 21083.2 [b4])

On December 28, 2023 and July 3, 2024, in response to request for notification of projects pursuant to Assembly Bill 52 (Public Resources Code 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 5097.94), the City of Lakeport provided notification and provided 30-days (For each request totaling 60 days) to request consultation to the Scotts Valley Band of Pomo Indians and Big Valley Band of Pomo Indians regarding the Disney's Boat Rentals Project (proposed project). As of the date of this Initial Study, no formal requests for consultation have been received from the Native community regarding the project; however, project-related communication was received from the Scotts Valley Band of Pomo Indians. In response to the Scotts Valley Band of Pomo Indians request for a cultural monitor to be present on-site during any and all ground disturbance to be undertaken by the Project. Additionally, Big Valley Band of Pomo Indians requested a copy of the Cultural Resources Report in order to review the project. However, as of the date of this Initial Study, no further comments have been received. Mitigation Measure CUL-3 has been included below.

IMPACT ANALYSIS

V.a-b) Less than Significant Impact With Mitigation Incorporated. As set forth in Section 5024.1(c) of the Public Resources Code, in order for a cultural resource to be deemed "important" under CEQA and thus eligible for listing on the California Register of Historic Resources (CRHR), it must meet at least one of the following criteria:

1. is associated with events that have made a significant contribution to the broad patterns of California History and cultural heritage; or

2. is associated with the lives of persons important to our past; or
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic value; or
4. has yielded or is likely to yield, information important to prehistory or history (ALTA, 2019).

As discussed in the Cultural Study, the archaeologist indicated that it appears that this prehistoric site meets the criteria necessary to be considered a significant cultural resource as defined in the California Environmental Quality Act (CEQA) and the Public Resources Code. The site is also likely to be a significant tribal cultural resource having cultural value to descendant communities. The Archaeologist has recommended that the project construction and staging activities shall avoid the defined area. However, if it becomes necessary to encroach on the mapped site area, a plan will need to be developed to accommodate the preservation of the site deposit during the construction process. Such a plan could include capping the site with fill soil to protect it from any construction grading or trenching. If actual disturbance of the cultural soil is unavoidable, then a data recovery program will need to be completed on the proposed area of disturbance to recover the information contained in that portion of the cultural deposit. The City of Lakeport has provided mitigation measure CUL-4 to incorporate this requirement.

V.c) Less Than Significant Impact with Mitigation Incorporation. The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered on the project site, the project would be required to comply with the applicable provisions of Health and Safety Code §7050.5, Public Resources Code §5097 et. seq. and CEQA Guidelines §15064.5(e). California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the coroner. This requirement will be incorporated into the project with CUL-2.

With mitigation incorporated, a less than significant impact would occur.

MITIGATION MEASURES

CUL-1: If previously unidentified cultural resources are encountered during project implementation, any persons on-site shall avoid altering the materials and their stratigraphic context. A qualified professional archaeologist shall be contacted to evaluate the situation. Project personnel shall not collect cultural resources. [Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.]

CUL-2: If human remains are encountered on-site, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission (NAHC) must be contacted

by the Coroner so that a “Most Likely Descendant” can be designated and further recommendations regarding treatment of the remains is provided.

CUL-3: A cultural monitor from the Scotts Valley Band of Pomo Indians shall be present on-site for any and all ground disturbance to be completed under the project. The project contractor shall consult with the Tribe at least three weeks prior to the start of any ground disturbing activities and shall also provide the Tribe with the anticipated construction schedule and plans.

CUL-4: All ground disturbance activities and materials storage shall take place outside the Cultural Resources Prehistoric Site Boundary. If construction activities are proposed to encroach onto the mapped site area, a plan shall be developed prior to construction and shall be submitted and approved by the City of Lakeport, the qualified Archaeologist, and the local affiliated Tribe, to accommodate the preservation of the site during the construction process. As recommended by the Cultural Study, the Plan shall incorporate the requirements outlined in Section 21083.2 [b] of the CEQA Guidelines.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Cultural Resources.

VI. ENERGY. Would the project:				
Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☒	☐	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☒	☐	

Thresholds of Significance: The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation; or require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

DISCUSSION

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service to the City. In 2021, approximately 91 percent of the electricity PG&E supplied was from GHG-free sources including nuclear, large hydroelectric, and eligible renewable sources of energy.¹⁰

IMPACT ANALYSIS

VI.a-b) Less Than Significant Impact. The Project will involve construction on an approximately 6-acre parcel located in the northeastern portion of City of Lakeport, within Lake County. The Project development would consist of installing boat rental office building, dock, and fueling facility.

During construction, the Project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials. Title 24 Building Energy Efficiency Standards would provide guidance on construction techniques for the plant house to maximize energy conservation and it is expected that contractors and the City have a strong financial incentive to use recycled materials and products originating from nearby sources in order to reduce materials costs. As such, it is anticipated that materials used in construction and construction vehicle fuel energy would not involve the wasteful, inefficient, or unnecessary consumption of energy.

¹⁰ Renewable Energy and Storage. 2022. Pacific Gas & Electric (PG&E). Website: https://www.pge-corp.com/corp_responsibility/reports/2022/pf03_renewable_energy_storage.html. Accessed July, 2024.

Pursuant to the LCAQMD which implements the California Air Resources Board rules for air quality, Heavy-duty diesel vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,000 lbs. or heavier cannot idle for more than 5 minutes with few exceptions.¹¹ In addition, construction activities would be temporary, and are tentatively planned to only last 100 days.

Project operations are anticipated to require minimal energy, for purposes such as street lighting, as applicable. Operational energy would also be consumed during each vehicle trip associated with the proposed use for maintenance or otherwise.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Energy Resources.

¹¹ Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. California Air Resources Board. Website: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling/about>. Accessed July, 2024.

VII. GEOLOGY AND SOILS. Would the project:				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks

or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

DISCUSSION

Seismicity

The City of Lakeport is situated in an active earthquake area and the potential exists for a seismic event in the future. While the City is not in an active fault zone, the Maacama Fault Zone lies west of the City.¹² No major potentially damaging earthquakes have occurred within the past 200 years along any faults within Lake County.

The majority of faults in Lake County are located in the Cobb Mountain and Kelseyville Riviera areas. The southeastern portion of the County also appears to have considerable earthquake faults. There are also active faults within the vicinity of the City of Lakeport, including the San Andreas Fault, located approximately 30 miles (48 km) to the west, and the Healdsburg Fault, located approximately 15 miles (24 km) to the west. These faults have been responsible for moderate to major earthquakes in the past. The maximum earthquake magnitudes that can come from these fault lines are 8.25 for the San Andreas fault and 6.75 for the Healdsburg fault (Earth Metrics Inc., 1989). The largest earthquake to affect the City was the 1906 San Francisco earthquake, which had a magnitude of 8.3. Although shaking was severe, overall damage in Lakeport was minor and generally limited to the fall of decorative masonry and chimneys.

Landslides

The project site is flat where the proposed office will be located. Additionally, the dock will be situated at the shore of Clear Lake which is relatively flat as well. According to the U.S. Landslide Inventory prepared by the U.S Geological Survey, the project site is not located within a possible landslide area.¹³ The project site is located in an area that is less than 10% percent slope. Foundations for structures built in areas with steep slopes in excess of 20 percent must be carefully engineered to avoid increasing landslide risk.

Sediments and Soils

According to the Web Soil Survey, the project site consists of three different soil types. These soils include Still Loam, Wappo Loam, and Manzanita Loam.¹⁴ However, 90% of the property is populated by Wappo and Still Loam. The Still Loam soil is identified as a very deep and well-drained soil that is located on alluvial plains. The slope is between 0 and 2 percent and the vegetation is mainly grasses and forbs with scattered oaks. The permeability of the soil is moderately slow with available water capacity identified from 7.5 to 10 inches. The Wappo Loam is a soil identified as very deep and moderately well drained soil on its terraces. The slope ranges from 2 to 8 percent and the permeability of the soil is very slow, with water capacity ranging from 6 to 8 inches. Additionally, the Manzanita Loam's slope ranges from 5 to 15

¹² California Department of Conservation. AQ Zapp: California Earthquake Hazards Zone Application. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed July 2024.

¹³ U.S. Geological Survey. U.S. Landslide Inventory and Interactive Map. <https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d>. Accessed July 2024.

¹⁴ U.S. Department of Agriculture. National Resources Conservation Service: Web Soil Survey. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed July 2024.

percent slopes. The permeability is also slow for this soil with water capacity ranging from 7.5 to 10.5 inches. The Manzanita Loam soil is located on the far north portion of the property near the property boundary where construction would not occur.

IMPACT ANALYSIS

VII.a.i) Less Than Significant Impact. The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to mitigate the hazard of surface faulting by preventing the construction of buildings used for human occupancy over an area with known faults. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the ground surface. The project site is within the buffer of a mapped Late Quaternary Fault Displacement (Big Valley Fault), which indicates that displacement could have occurred within the past 700,000 years.¹² While the project is located within the Big Valley Fault, the US Department of Conservation identifies the fault as a concealed fault which indicates that the faults typically grow with main faults but appear smaller in size. The Big Valley Fault was identified to have more recent fault displacement within the past 200 years approximately 7 miles southeast of the City of Lakeport. The nearest larger fault is the Maacama Fault Zone which lies west of the City. The Project will be required to adhere to all relevant building codes, including the California Building Code (CBC) requirements and those adopted by reference in the Lakeport Municipal Code. Adherence to local and State regulations would result in a less than significant impact.

VII.a.ii) Less Than Significant Impact. The Project area is located about 9 miles east of the Maacama Fault, 34 miles east of the San Andreas Fault, and 7 miles northwest of the Big Valley Fault. The Project is not situated in an Earthquake Fault Zone area. As noted above, the City of Lakeport is situated in an active earthquake area and is vulnerable to seismic activity and the associated secondary impacts of shaking. However, all development, including the Project, is subject to the latest version of the California Building Code (CBC) standards, as well as Title 24 of the California Administrative Code, which would minimize any potential geological risks. Therefore, a less than significant impact would occur.

VII.a.iii-iv) No Impact. As mentioned previously, the project site is not located within a possible landslide area. Additionally, the Project is not situated on or within an area of potential liquefaction or landslides, and no impact would occur.

VII.b) Less Than Significant Impact. The proposed Project may require excavation and groundbreaking activities to build the footprint of the proposed office building, however, the project site is relatively flat so earth work will be minimal. Additionally, pilings will be required for the proposed dock structures and the boat mooring and buoy will also require ground disturbance within the lakebed. Under the proposed Project, pursuant to Policy LU 7.4 of the City's General Plan and the General Construction Activity Stormwater Permit (Construction General Permit Order 2009-0009-DWQ), the Project contractor would be required to implement stormwater Best Management Practices (BMPs) such as straw bales, fiber rolls, and/or silt fencing structures to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, such as Clear Lake and the intermittent channel, limit ground disturbance to the minimum necessary, and stabilize disturbed soil areas as soon as feasible after

construction is completed. With implementation of appropriate BMPs, the proposed Project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur.

VII.c) Less Than Significant Impact. As previously discussed, the Site and immediate vicinity is not within an area of potential major liquefaction or landslides and is generally flat in nature (less than 10 percent slope). Additionally, the Site is not located within a mapped Alquist-Priolo special studies zone. While Lakeport is located in a highly active earthquake area, the proposed Project development is minimal and would not induce landslides, lateral spreading, subsidence, liquefaction, or collapse. As noted earlier, the bridge will be designed and constructed in accordance with the latest California Building Standard Codes for bridges. Therefore, the Project would have a less than significant impact.

VII.d) Less Than Significant Impact. As mentioned, the project site contains Still Loam, Wappo Loam, and Manzanita Loam soils. Since the proposed development and associated minor roadway improvements would be designed in accordance with the latest version of the CBC, the potential for the Project to be susceptible to expansive soils would be minimized and a less than significant impact would occur.

VII.e) No Impact. Development of the proposed Project does not include septic tanks, or alternative wastewater disposal systems. The project would be required to connect to the existing city sewer and water lines that are located on Lakeshore Boulevard. The City of Lakeport has adequate facilities to serve this project. Therefore, no impact would occur from development of the Project.

VII.f) Less Than Significant Impact with Mitigation Incorporation. No paleontological resources or unique geologic features have been identified in the Project area and the likelihood of them being present in this area is considered very low. However, the potential exists for unique paleontological resources or unique geological features to be encountered within the Project area, as ground-disturbing construction activities, including grading and excavation, would be required for the proposed Project. Incorporation of mitigation measure GEO-1 will provide specific requirements in the event any fossil(s) are encountered during construction of the proposed Project. Thus, less than significant impact would occur with mitigation incorporated.

MITIGATION MEASURES

GEO-1: In the event that fossils or fossil-bearing deposits are discovered during Project construction, the contractor shall notify a qualified paleontologist to examine the discovery and excavations within 50 feet of the find and work shall be temporarily halted or diverted. The area of discovery shall be protected to ensure that fossils are not removed, handled, altered, or damaged until the site is properly evaluated, and further action is determined. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the Project proponent determines that avoidance is not feasible, the

paleontologist shall prepare an excavation plan for mitigating the effect of the Project-based on the qualities that make the resource important. The plan shall be submitted to the City of Lakeport for review and approval prior to implementation.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Geology and Soils.

DRAFT

VIII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Thresholds of Significance: The CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a project would have a significant impact on GHGs, the type, level, and impact of emissions generated by the project must be evaluated.

The following GHG significance thresholds are contained in Appendix G of the CEQA Guidelines, which were amendments adopted into the Guidelines on March 18, 2010, pursuant to SB 97. A significant impact would occur if the project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

Project-level Thresholds

Section 15064.4(b) of the CEQA Guidelines' amendments for GHG emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions.

- Consideration #1: The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Consideration #2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- Consideration #3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of GHG emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an Environmental Impact Report (EIR) must be prepared for the project.

DISCUSSION

Environmental Setting

Greenhouse gases and climate change are cumulative global issues. The CARB and EPA regulate GHG emissions within the State of California and the U.S., respectively. Meanwhile, the CARB has the primary regulatory responsibility within California for GHG emissions. Local agencies can also adopt policies for GHG emission reduction.

Many chemical compounds in the Earth's atmosphere act as GHGs as they absorb and emit radiation within the thermal infrared range. When radiation from the sun reaches the earth's surface, some of it is reflected into the atmosphere as infrared radiation (heat). Greenhouse gases absorb this infrared radiation and trap the heat in the atmosphere. Over time, the amount of energy from the sun to the earth's surface should be approximately equal to the amount of energy radiated back into space, leaving the temperature of the earth's surface roughly constant. Many gases exhibit these "greenhouse" properties. Some of them occur in nature (water vapor, carbon dioxide [CO₂], methane [CH₄], and nitrous oxide [N₂O]), while others are exclusively human made (like gases used for aerosols).

The principal climate change gases resulting from human activity that enter and accumulate in the atmosphere are listed below.

Carbon Dioxide

Carbon dioxide enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and chemical reactions (e.g., the manufacture of cement). Carbon dioxide is also removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.

Methane

Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and agricultural practices and the decay of organic waste in municipal solid waste landfills.

Nitrous Oxide

Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.

Fluorinated Gases

Hydrofluorocarbons, perfluorinated chemicals, and sulfur hexafluoride are synthetic, powerful climate-change gases that are emitted from a variety of industrial processes. Fluorinated gases are often used as substitutes for ozone-depleting substances (i.e., chlorofluorocarbons, hydrochlorofluorocarbons, and halons). These gases are typically emitted in smaller quantities, but because they are potent climate-change gases, they are sometimes referred to as high global warming potential gases.

Potential Environmental Impacts

For California, climate change in the form of warming has the potential to incur and exacerbate environmental impacts, including but not limited to changes to precipitation and runoff patterns, increased agricultural demand for water, inundation of low-lying coastal areas by sea-level rise, and increased incidents and severity of wildfire events.¹⁵ Cooling of the climate may have the opposite effects. Although certain environmental effects are widely accepted to be a potential hazard to certain locations, such as rising sea level for low-lying coastal areas, it is currently infeasible to predict all environmental effects of climate change on any one location.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial and manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact.

GHG Threshold Applied in the Analysis

The City of Lakeport adopted their most recent General Plan (City of Lakeport General Plan 2025) in 2009, which includes city-wide goals and strategies for reducing GHG emissions. The 2025 General Plan does not identify thresholds for determining the significance of GHG emissions during construction or operation of individual development projects.¹⁶ The City of Lakeport has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018. Furthermore, there are no recommendations provided by the LCAQMD for projects in the LCAB. As such, there are not formally adopted or recommended project-level thresholds of significance provided by either the LCAQMD or the City of Lakeport.

IMPACT ANALYSIS

VIII.a-b) Less Than Significant Impact. The proposed Project may contribute to climate change impacts through its contribution of GHGs. The proposed Project would generate a variety of GHGs during construction, including several defined by AB 32, such as CO₂, CH₄, and N₂O from the exhaust of equipment, construction hauling trips, and worker commuter trips.

¹⁵ Moser et al. 2009. Moser, Susie, Guido Franco, Sarah Pittiglio, Wendy Chou, Dan Cayan. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. Website: http://www.susannemoser.com/documents/CEC-500-2008-071_Moseret al_FutureisNow.pdf. Accessed September, 2023.

¹⁶ City of Lakeport. 2009. General Plan 2025. Website: https://www.cityoflakeport.com/Planning/Lakeport%20General%20Plan%202025/City-of-Lakeport-General-Plan-2025_Augus-8312009103657PM.pdf. Accessed September, 2023.

In the absence of an adopted numeric GHG emissions threshold consistent with the State's 2030 target, the Project's GHG emissions impact determination is based on the extent to which the Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The Project's GHG emissions are provided for informational purposes only.

The U.S. Environmental Protection Agency published a rule for the mandatory reporting of greenhouse gases from sources that in general emit 25,000 metric tons or more of carbon dioxide (CO₂) per year. As shown in the CalEEMod results (Attachment E), the Project is estimated to produce a maximum of approximately 69 metric tons per year of CO₂ during construction. Neither the City of Lakeport, the LCAQMD, nor the BAAQMD have an adopted thresholds of significance for construction related GHG emissions. Because impacts from construction activities are temporary in nature and occur over a relatively short-term period, they contribute a relatively small portion of the overall lifetime Project GHG emissions. In addition, GHG emission reduction measures for construction equipment are relatively limited. The impact is therefore considered less than significant.

The proposed Project consists of relocating an existing recreational/commercial business from 401 South Main Street to the subject property (2200 Lakeshore Boulevard). The project would not generate additional vehicle trips. Therefore, the proposed Project would not result in a net increase in operational GHG emissions. As such, the proposed Project would not interfere or obstruct implementation of an applicable GHG emissions reduction plan. The proposed Project would be consistent with all applicable local plans, policies, and regulations for reducing GHG emissions. Any impacts related to GHG emissions would be less than significant.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

DISCUSSION

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, §66261.20-66261.24. A "hazardous waste" includes any hazardous material that is discarded, abandoned, or will be recycled. Therefore, the criteria that render a material hazardous also cause a waste to be classified as hazardous (California Health and Safety Code, §25117).

IMPACT ANALYSIS

IX.a-b) Less Than Significant Impact with Mitigation Measures Incorporated. The proposed project consists of subdividing the existing property into four parcels, as well as the development of an office building for Disney's Boat Rentals and the replacement of their existing dock to this location.

While construction activities may involve the limited transport, storage, use or disposal of hazardous materials, such as the fueling/servicing of construction equipment onsite, the activities would be short-term or one-time in nature and would be subject to federal, state, and local health and safety regulations.

Additionally, as the proposed project is a recreational commercial enterprise for boat rentals, the applicant intends to install a fueling facility. To mitigate environmental risks, the applicant proposes to utilize a mobile, double-walled fuel tank during the warmer months (Spring through Fall). The fueling tank is identified as a TransCube trailer system that is certified by the US Department of Transportation, UL 142 listed for fuel storage, and certified and accredited by the National Fire Protection Association. Two locations have been identified for the mobile fueling tank. During the operational season (Spring through Fall), the fueling station will be situated on the east side of Lakeshore within the proposed concrete pad, which will facilitate the refueling of watercraft on the lake. In contrast, during the winter and rainy seasons, the mobile tank will be located on the west side of Lakeshore Boulevard and secured on a secondary concrete pad, ensuring that fuel is not positioned near Clear Lake during non-operational periods. It is also important to note that whenever the mobile fueling tank requires refueling, it must be relocated to the secondary concrete pad for this process, thereby minimizing the risk of spillage. Furthermore, the project will be required to comply with the Clean Fueling Practices as established by the California State Parks Boating and Waterways Division.¹⁷

There are several federal, state and local requirements and regulations that are designed to minimize risks from accidental releases of hazardous materials and the proposed Project will be in compliance with all applicable requirements and regulations. Hazardous material storage and use during construction will be stored and operated in compliance with the minimum requirements of the Uniform Fire Code and the California Fire Code. Some of the requirements are secondary containment for liquids, fire water sprinklers over inside storage/use areas, and non-combustible construction materials. In addition, the Project would

¹⁷ California State Parks. Boating and Waterways Division: Clean Fueling Practices. https://dbw.parks.ca.gov/?page_id=29204. Accessed July, 2024.

be required to comply the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the Project site.

With implementation of the mitigation measures proposed for the Project, there are no reasonably foreseeable upset and accident conditions that would create a significant hazard to the public due to the release of hazardous materials. Impacts are considered less than significant with the mitigation measures identified in the Mitigation Measures section below.

IX.c) Less Than Significant Impact with Mitigation Incorporation. As previously discussed, the site is located in an area with urban uses, with the site bordered by residential homes and a RV park to the north, Clear Lake to the east, residential homes to the south, and the school district to the west. Although the construction phase may utilize small amounts of hazardous materials, all hazardous materials utilized on-site would be used and disposed of in accordance with all applicable Federal, State, and Local regulations. In order to help minimize potential impacts associated with the proposed Project, Mitigation Measure AIR-1 is required as described above in the Section III, Air Quality, above, which requires all equipment utilized under the Project to be maintained in good working condition. In addition, the proposed fueling mobile tank is certified by the US Department of Transportation, UL 142 listed for fuel storage, and certified and accredited by the National Fire Protection Association. The applicant will be required to provide a copy of the Tier 1 EPA SPCC Plan as provided by the U.S Environmental Protection Agency.¹⁸ This has been included as a mitigation measure. In addition, the project will be required to be in accordance with Best Management Practices (BMPs). Furthermore, when the proposed Project commences, all hazardous materials at the Site would be required to be stored, handled, and transported in accordance with federal, state, and local regulations.

IX.d) No Impact. The California Environmental Protection Agency is responsible for gathering information on sites that may contain hazardous materials, including hazardous waste facilities, solid waste facilities where hazardous materials have been reported, leaking underground storage tanks, and other locations where hazardous materials have been identified. Hazardous materials encompass all flammable, reactive, corrosive, or toxic substances that could potentially harm the public or the environment.

Pursuant to Government Code §65962.5 the following databases were verified for known hazardous materials contamination within a ¼ mile of the project site:

- The SWRCB GeoTracker database
- The Department of Toxic Substances Control EnviroStor database
- The SWRCB list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit.

¹⁸ U. S. Environmental Protection Agency. Tier I Qualified Facility SPCC Plan Template. <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/tier-i-qualified-facility-spcc-plan-template>. Accessed July, 2024.

The project site is not listed in any of these databases as a site containing hazardous materials as described above.

IX.e) No Impact. The proposed Project is not included in an airport land use plan, and is not within two miles of a public airport or public use airport. Therefore, the proposed Project would not result in a safety hazard for people residing or working in the project area. Thus, there would be no impact.

IX.f) Less Than Significant Impact. Construction activities may take place within right-of-ways of existing roadways. Construction activities will be temporary in nature and will not cause any road closures that could interfere with any adopted emergency response or evacuation plan. The construction contractor will be required to work with the City and County (public works, police/fire, etc.) if and when roadway diversions are required to ensure that adequate access is maintained for residents and emergency vehicles.

IX.g) No Impact. The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The California Department of Forestry and Fire Protection (CAL FIRE) designates Fire Hazard Severity Zones in State Responsibility Areas, which encompass Moderate to Very High Fire Zones. However, the City of Lakeport is not included in CAL FIRE's Responsibility Area due to its urban environment. The project site is equipped with a fire hydrant positioned at the intersection of Lakeshore Boulevard and Lange Street, providing the Lakeport Fire Protection District with an accessible water source in the event of a fire.

MITIGATION MEASURES

Refer to Mitigation Measure AIR-1 in Section III, Air Quality.

HAZ-1: The project will adhere to the Clean Fueling Practices guidelines set forth by the California State Parks Boating and Waterways Division. These guidelines shall be followed throughout the project's lifespan, encompassing protocols for pre-fueling, fueling, and post-fueling procedures.

HAZ-2: The applicant shall provide the City of Lakeport and all associated or responsible agencies with a copy of a Tier I self-certification Spill Prevention, Control, and Countermeasure (SPCC) Plan as provided by the United States Environmental Protection Agency.

HAZ-3: Hazardous materials shall not be allowed to leak onto the ground or contaminate surface waters. Any release of hazardous materials shall be recycled or disposed of through a registered hazardous waste transporter to an approved site authorized to accept such materials. In addition, Industrial waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board. In an event of a leak or spillage, the applicant shall immediately contact the City of Lakeport, Environmental Health, Regional Water Quality Control Board, County of Lake Water Resources, and any responsible agencies to notify staff of the spill/leakage.

HAZ-4: To prevent fuel spills during refueling operations, the mobile fueling tank must be relocated to the designated secondary concrete pad located west of Lakeshore Boulevard prior to refueling. This will minimize the risk of contamination to sensitive areas and ensure compliance with environmental regulations.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** to Hazards and Hazardous Materials.

DRAFT

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

DISCUSSION

The City of Lakeport currently obtains its water from two primary sources: groundwater sources and water from Clear Lake treated at the City's water treatment plant. The groundwater supply consists of four wells located in Scotts Valley. Two of the wells are on Scotts Creek adjacent to the City's old pumping plant and two wells are located on the Green Ranch. Seasonal fluctuation in the underground water table means that the wells are only viable for portions of the year. When water supply from the wells in Scotts Valley is limited, the City relies on treated surface water from Clear Lake (City General Plan, 2009). The Project site is located immediately adjacent to Clear Lake. Additionally an intermittent channel traverses through the northern portion of the property.

The City of Lakeport and the Project site are under the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB), which is under the direction of the California State Water Resources Control Board. The Clean Water Act and the California Porter-Cologne Water Quality Control Act provide regulatory responsibility to these two agencies for regulating and protecting water quality.

The U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program grants authority to State governments to perform many permitting, administrative, and enforcement aspects of the program. Within California, the NPDES permit program is administered by the State Water Resources Control Board (SWRCB).

IMPACT ANALYSIS

X.a-b) Less Than Significant Impact with Mitigation Incorporated. The Project will involve subdividing the property to 4 separate properties, installing a 4,778-square-foot office building, and relocating/installing two docks for recreational boats. Additionally, a pedestrian bridge is proposed to be installed over the existing intermittent channel. The project will be required to connect to the City's sewer system for all wastewater discharges. There is no septic system located on the property. The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The proposed project would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the City and State and Local water quality control boards (SWRCB and NCRWQCB). Additionally, the Project would be subject to the Statewide General Construction Permit, which requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that specifies erosion and sediment control construction and post-construction BMPs to reduce or eliminate construction-related and operational impacts on receiving water quality. Additionally, as mentioned in the Hazards and Hazardous Materials Section IX a-b, the project would be refueling recreational boats on the lakeshore. A mitigation measure has been added that requires the applicant to comply with the Clean Fueling Practices as established by the California State Parks Boating and Waterways Division. It is not anticipated that the Project would decrease groundwater supplies or interfere substantially with groundwater recharge; therefore, a less than significant impact would occur with Mitigation Measure HAZ-1 incorporated.

X.c.i-iv) Less Than Significant Impact. Proposed Project development would result in an increase in impervious surface area from existing conditions. Proposed Project development would include construction and post-construction BMPs, including updated drainage facilities, to accommodate Project-related increases in storm water flows designed according to current Federal, State, and Local regulatory standards. Therefore, the increase in impervious surface and associated construction would not result in substantial erosion or siltation. No alteration of the course of a river or stream would result from Project development due to BMPs outlined in the SWPPP and NDPES permits.

Site drainage would continue to be directed towards the City's stormwater drainage system, underground storm water detention system and landscape areas, which would reduce the amount of surface runoff.

It is not anticipated to significantly change the drainage patterns associated with the development. All project features, including culverts, gutters and on-site detention, would meet the most recent regulations set by the City, CVRWQCB, and any other applicable regulatory agencies.

Currently, the site is vacant and undeveloped. Under the City's General Plan (Policy LU 7.4), the City shall require all construction to employ stormwater Best Management Practices (BMPs). Implementation of BMPs would improve the quality and/or control the quantity of runoff with measures such as, detention ponds, constructed wetlands, updated drainage facilities, and construction practices which regulate erosion control. Therefore, the Project would have a less than significant impact.

X.d) Less Than Significant Impact. The project parcel is partially located in the flood zone with areas outside the flood zone as well. The proposed office building will be located outside the flood plain areas near the western property borderline. However, the relocation of the docks and construction of the concrete pad and driveway on the east side of the property is located within the flood zone. All development within the flood zone will be required to be developed in accordance with FEMA flood regulations and will be made a condition of approval for the project. As shown on the California Department of Conservation, Tsunami Maps and Data, the project Site is not located within a tsunami inundation zone. With the implementation of BMPs associated with SWPPP, the risk of release of pollutants due to project inundation will be minimized. According to the FEMA flood map¹⁹, the proposed site is clear of any seiche inundation zones. Less than significant impacts would occur.

X.e) Less Than Significant Impact. A SWPPP, listing BMPs to prevent construction pollutants and products from violating any water quality standard or waste discharge requirements, would be prepared for the proposed Project, per the General Construction Activity Stormwater Permit (Construction General Permit Order 2009-0009-DWQ). Therefore, the proposed Project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Less than significant impacts would occur.

¹⁹ US Department of Homeland Security. FEMA Flood Map Service Center.
<https://msc.fema.gov/portal/search?AddressQuery=2200%20lakeshore%20blvd%20lakeport%20ca>. Accessed July 2024.

MITIGATION MEASURES

Mitigation Measure HAZ-1 Incorporated.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Measures Incorporated** on Hydrology and Water Quality.

DRAFT

XI. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

DISCUSSION

Currently, land use in Lakeport is approximately 76 percent commercial/residential, 5 percent industrial, and 19 percent open space/governmental/agriculture. Marketing efforts promote Lakeport's appeal as a vacation and recreation destination. In recent years City leaders have emphasized various economic development strategies in an effort to make the City the focal point of economic and community activity for the County and the region.

IMPACT ANALYSIS

XI.a-b) No Impact. The Project developments would consist of the relocation of Disney's Boat Rentals business from its current location on 401 South Main Street to the subject site. The property is zoned as R-5/OS (Resort/High Density Residential and Open Space). In reference to the Lakeport Municipal Code R-5/OS allows for resorts and recreational facilities.

Chapter 17.14 of the Lakeport Municipal Code provides the regulations for the Open Space District which indicates the purpose is to preserve, protect, and enhance public and private lands identified by the general plan as having unique natural beauty and containing irreplaceable natural resources. To ensure that there will be sufficient open space for natural resources, agriculture, recreation, and for the protection of public health and safety. To protect and enhance water quality, watercourses, wetland and riparian areas, floodprone areas, and groundwater resources. To regulate development in sensitive areas so that it does not adversely affect aquatic wildlife, plant habitat, hillsides, watersheds, and scenic views of Clear Lake and the surrounding mountainous areas. To preserve natural resources such as riparian corridors and sensitive plant and animal habitats. To provide limited recreational opportunities in areas with scenic and/or interesting natural environments. To provide a visual buffer between developed areas. To preserve resources that have a distinctive community identity.

Chapter 17.07 of the Lakeport Municipal Code provides the regulations for the Resort/Residential District which indicates the purpose is To establish areas for a mixture of resort, residential, and lake-associated uses primarily along the shore of Clear Lake and other appropriate locations. This district is intended to

allow for resort development including hotels and motels, limited retail uses consistent and compatible with lakefront recreational uses, and residential uses. The following regulations shall apply in all R-5 districts.

The Lakeport General Plan and Zoning Ordinance has designated this property as a suitable location for recreational uses. The proposed project would not cause any land use changes in the surrounding vicinity nor would it divide an established community. The immediate vicinity of the proposed Project site is comprised of residential and educational uses. The proposed Project has no characteristics that would physically divide the City of Lakeport. The proposed Project would not conflict with any applicable land use plan, policy, or regulation and would remain consistent with local land use and zoning policies. No impacts would occur as a result of Project implementation.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Land Use and Planning.

XII. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on mineral resources if it would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

DISCUSSION

The proposed Project is not located in an area of known rock, aggregate, sand, or other mineral resource deposits of local, regional, or State residents. In addition, as supported by the City of Lakeport's General Plan, there are no mineral extraction or other mining operations at present within the Lakeport city limits or Sphere of Influence. Sand, gravel, and borax deposits are extracted in the Scotts Valley and Big Valley Areas, approximately 20 miles from the City. These mining operations have a significant impact on ground water capacity, siltation of streams, and highway traffic. The current Lakeport General Plan prohibits any mining or mineral extraction activities within the City and calls for the City to work with the County of Lake to discourage such land uses within the City's Sphere of Influence (City General Plan, 2009).

IMPACT ANALYSIS

XII.a-b) No Impact. The Project area does not contain mineral resources that are of value locally, to the region, or to residents. The Project area is not identified as a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, the proposed Project would not interfere with materials extraction or otherwise cause a short-term or long-term decrease in the availability of mineral resources. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Mineral Resources.

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

DISCUSSION

Currently, the main sources of noise in the surrounding areas include traffic on local roadways, noises associated with the adjacent school (Traffic, events, etc.), and residential noise (lawn movers, audio equipment, voices, etc.). As noted in the City's General Plan, the primary noise generators within the City

of Lakeport are vehicular traffic, boaters on Clear Lake, and events at the racetrack at the County Fairgrounds. Traffic noise volume depends primarily on traffic speed, volume, and vehicle type. The main motor vehicle noise source is tire noise, which increases with speed.

Certain land uses are particularly sensitive to noise and vibration, including residential, school, and open space/recreation areas where quiet environments are necessary for enjoyment, public health, and safety.

Table 3 (Noise and Land Use Compatibility Standards) included in the Noise Element of the City's General Plan includes the maximum exterior noise levels for different use types, including but not limited to residential development and schools, which have a standard of 60 dBA or less (provided below).

Table 3: Noise and Land Use Compatibility Standards

Land Use	Maximum Exterior Noise Level
Residential Development	Up to 60db
Transient Lodging: Motel and Hotel	Up to 60db
School, Library, Church, Hospital and Nursing Home	Up to 60db
Auditorium, Concert Hall, Amphitheater, Sports Arena	Up to 70db
Sports Arena, Outdoor Spectator Sports	Up to 75db
Playgrounds, Neighborhood Parks, Open Space	Up to 70db
Golf Course, cemetery	Up to 70db
Office Building, Business, Commercial & Professional	Up to 65db
Industrial, Manufacturing, Utilities	Up to 70db

The City of Lakeport includes noise regulations in Chapter 17.28 (Performance Standards) of Title 17 (Land Use, Zoning, and Signs) of the *Lakeport Municipal Code* (LMC). Within the City, excessive noise is considered a nuisance and is discouraged. Specifically, within the residential zoning districts, maximum 15-minute sound levels within any one-hour equivalent sound pressure levels (A-weighted -dBA) shall be limited to 60 dBA during the hours of 7:00am to 10:00pm and 45 dBA during the hours of 10:00pm to 7:00am. However, for Open Space/Recreational dBA's are limited to 70 dBAs. Project work would be limited to the daytime hours of 7:00am to 7:00pm, Monday through Friday and between 8:00AM and 7:00PM on Saturdays and Sundays. However, the City may allow construction between 7:00PM and 7:00AM on any day if it can be demonstrated that noise would not adversely impact the neighborhood, or in the event of necessity as determined by the Building Official.

IMPACT ANALYSIS

XIII.a-b) Less Than Significant Impact with Mitigation Incorporation. The sensitive receptors located in the vicinity of the Site include single-family residences approximately 300 ft. south of the site and 400 feet north. Additionally, the Lakeport Unified School District (Including Clear Lake High School, Terrace Middle School, and Lakeport Elementary) is located west immediately adjacent to the project property. The proposed project involves relocating an existing boat rental business to the project site. There may be an

increase in noise levels in the area due to the proximity of the watercraft. However, peak boat usage generally occurs during the summer months, which typically falls outside of regular school hours given the presence of a school on the adjacent property. Additionally, the boats would be located at the proposed docks in the lake, which are estimated to be approximately 300± feet from the nearest property boundary of the school.

As a result of Project development, increased noise levels at the site would be anticipated during the Project's construction phases, as Project construction would require the use of heavy machinery to prepare the site for the construction of the office building and lakebed improvements as well. Construction-related activities and the associated heavy equipment would cause temporary increase in noise, and temporary groundborne vibration and groundborne noise, which may be high at times and exceed noise standards within proximity to the sensitive receptors (including residences) in close proximity to the site; however, these impacts would only be associated with construction and would be temporary in nature. Upon buildout, the proposed recreational use would not result in a substantial permanent increase in noise levels.

Implementation of Mitigation Measures NOI-1 and NOI-2 will limit when construction may occur, require neighboring landowners be notified of construction activities, and require equipment utilized for the Project to be equipped with mufflers to lessen noise impacts. Thus, less than significant impacts would occur with mitigation incorporated.

MITIGATION MEASURES

NOI-1: Construction noise shall be limited through operational standards. Construction activities shall be limited to between the hours of 7:00AM and 7:00PM Monday through Friday and between 8:00AM and 7:00PM on Saturdays and Sundays. The City may allow construction between 7:00PM and 7:00AM on any day if it can be demonstrated that noise would not adversely impact the neighborhood, or in the event of necessity as determined by the Building Official. Neighboring landowners shall be notified of the anticipated construction schedule prior to the commencement of construction activities.

NOI-2: All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists. At all times during project construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences. Unnecessary idling of internal combustion engines shall be prohibited. Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project Site during all project construction activities, to the extent feasible. The construction contractor shall designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for

determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

XIII.c) No Impact. The Project area is not located within the vicinity of private airstrip or an airport land use plan or within two miles of a public airport or public use airport. The nearest airport to the Site, Lampson Field Airport, a public use airport, is located approximately five miles southwest of the Site. No impact would occur as a result of Project implementation.

FINDINGS

The proposed Project would have **Less Than Significant Impact with Mitigation Incorporated** on Noise.

XIV. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

DISCUSSION

The City of Lakeport has an estimated population of 4,982 as of 1/1/2024 per data from California Department of Finance.²⁰

²⁰ Population and Housing Estimates for Cities, Counties, and the State, Department of Finance.
<https://dof.ca.gov/Forecasting/Demographics/Estimates/>. Accessed August, 2024.

IMPACT ANALYSIS

XIV.a-b) No Impact. The proposed project involves relocating an existing boat rental business to the project site. There are no new homes or businesses associated with the proposed Project, nor would Project implementation displace people or housing. Therefore, no population will be induced from the Project. There will be no impact.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Population and Housing.

XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for (a) fire protection, (b) police protection, (c) schools, (d) parks, or (e) other public facilities.

DISCUSSION

The proposed Project site is served by the Lakeport Fire Protection District. The Lakeport Fire Protection District is a special district, independent all-risk fire district, located in the county seat of Lake County, on the west shore of Clear Lake. The Lakeport Fire Protection District is approximately one mile south of the proposed project location.

IMPACT ANALYSIS

XV.a-b) Less Than Significant Impact. As discussed above, fire protection services at the proposed Project site are currently provided by the Lakeport Fire Protection District and would continue to be with Project development. The Project would be required to comply with all applicable fire and building safety codes (California Building Code and Uniform Fire Code) to ensure fire safety elements are incorporated into final Project design, including providing fire adequate access to the site. The proposed driveway will be required to provide appropriate widths and turning radii to safely accommodate emergency response and the transport of emergency/public safety vehicles. As a result, appropriate fire safety considerations will be included as part of the Project final design. The proposed Project area is served by the City of Lakeport Police Department located approximately two miles to the south. The Project site does not contain police protection facilities that would need to be altered as a result of the proposed development.

The proposed Project would not directly or indirectly induce population growth, therefore, less than significant impacts would occur.

XV.c-e) No Impacts. The proposed Project would not increase the number of residents in the School District or the City, as the Project does not include residential units. Because the demand for schools, parks, and other public facilities is driven by population, the proposed Project would not increase demand for those services. As such, the proposed Project would result in no impact.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Public Services.

XVI. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on recreation if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational

facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

DISCUSSION

The City of Lakeport's parks and recreation facilities contribute to the connectivity, character, health and culture of the community. Lakeport is known for its popular recreational activities, such as boating, bass fishing, wakeboarding, swimming, sailing, and kayaking and is a destination for many tourists.

IMPACT ANALYSIS

XVI.a-b) No Impacts. The proposed project consists of relocating an existing recreational business from Main Street to the proposed project site. The proposed Project would not encroach upon any existing recreational areas or any planned recreational areas. The proposed Project does not include the construction of residential uses and would not directly or indirectly induce population growth. Therefore, the proposed Project would not cause physical deterioration of existing recreational facilities from increased usage or result in the need for new or expanded recreational facilities. The Project would have no impact to recreational facilities.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Recreation.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp

curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

DISCUSSION

Roads within the City limits are maintained by the Streets Division of the City of Lakeport Public Works Department, in addition to curb and gutter, drainage systems and structures, and right-of-way improvements within the City, including but not limited to asphalt overlays and repairs, street signs, pavement markings, culvert maintenance and replacement, and other street related projects.

The City of Lakeport is a member of the Lake Area Planning Council (APC), which is the Regional Transportation Planning Agency (RTPA) for the Lake County region. Primarily, the RTPA ensures that appropriate local transportation planning is administered in accordance with the Transportation Development Act (TDA), the State Transportation Improvement Program (STIP), and the Service Authority for Freeway Emergencies (SAFE) program.

As noted in the City's 2025 General Plan, "Lakeport's roadway network is defined and constrained by two barriers: Clear Lake on the East and State Highway 29 on the West. The majority of the city is laid out in a rectangular grid pattern which is interrupted by hilly terrain. In these hilly areas the street system becomes discontinuous and through traffic is difficult. Many of the City's streets are narrow, not improved to current standards, and will require upgrading...Although construction of the State Highway 29 freeway has reduced congestion downtown, it is now a barrier inhibiting east-west circulation through the Planning Area" (2009).

As stated in the City's 2025 General Plan, traffic volumes are expected to increase as the population increases in both the City of Lakeport and County of Lake.

IMPACT ANALYSIS

XVII.a-b) Less Than Significant Impact. The project site is accessed by Lakeshore Boulevard which is a fully paved road with Curb and Gutter located on both the east and west side of the road. No sidewalk is currently present, however, the applicant will be required to improve the site with sidewalk for the portions that will be utilized for the project (Typically 130 feet of street frontage). Additionally, the applicant intends to install a driveway on the eastern side of Lakeshore Blvd to support the relocation of the mobile fueling tank for refueling and relocation purposes, as outlined in the Hazards and Hazardous Materials section. It is important to note that the recreational boats will not be launched at the project site. The boats will be launched at a public boating launch ramp in Lakeport and will be transported through the lake to the dock locations. The public launch ramps are located at Crystal Lake Way (Not in City Limits), Fifth Street, Third Street, and First Street in Lakeport.

According to the Institute of Transportation Engineers Trip Generation Manual (11th Edition)²¹, Recreational Vehicle Sales closely aligns with Recreational Vehicle Rentals in terms of land use

²¹ Institute of Transportation Engineers – Trip and Parking Generation. Trip Generation Manual, 11th Edition. <https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>. Accessed August 2024.

classification. The manual indicates that approximately 0.77 trips are generated during peak PM hours for every 1,000 square feet of gross floor area. Based on this data, the 4,778 square foot recreational vehicle sales facility is estimated to generate roughly 3.68 trips during the PM peak hour, as per ITE trip generation rates. Considering that 3.68 trips per hour represents the peak demand, this would result in approximately 30 trips over an 8-hour work period. To provide an additional margin of safety, even though the recreational vehicle business would not operate 24 hours a day, it is projected that around 89 trips would be generated over a 24-hour period.

It should be noted that the State CEQA Guidelines, Section 15064.3, Subdivision (b) states that for land use projects, transportation impacts are to be measured by evaluating the proposed projects' vehicle miles traveled (VMT). This measurement has replaced the Level of Service analysis that most jurisdictions utilized to measure the impacts.

To this date, the City of Lakeport and County of Lake have not yet formally adopted transportation significance thresholds or transportation impact analyses procedures. As a result, the project related VMT impacts were assessed based on the guidelines described by the Office of Planning and Research (OPR) in the publication Transportation Impacts (Senate Bill 743) CEQA Guidelines Update and Technical Advisory²². The OPR identifies several criteria that may be applied to certain types of projects that are unlikely to have a significant impact and can therefore be screened from further analysis. One such screening criterion pertains to smaller projects, which the OPR defines as those generating fewer than 110 new vehicle trips per day on average. The OPR specifies that VMT calculations should be based on a typical weekday and averaged over the course of the year to account for seasonal fluctuations. As previously indicated, this project is expected to generate approximately 30 trips during an 8-hour workday.

Since this is an established business, the applicant has indicated that during peak operations, the business employs approximately 10 staff members. This is largely due to the current operational setup, with offices located on South Main Street (approximately 0.25 miles from the First Street ramp) and personnel stationed at the First Street boat ramp to assist customers with boat launches. With the upcoming relocation, the applicant has indicated that around 6-8 employees will be necessary (Rather than 10), as the new location will enhance operational efficiency by placing the office and docks on the same parcel. Thus, not generating new trips and therefore reducing vehicular trips from employees as well.

XVII.c) Less Than Significant Impact. The roadways adjacent to the proposed Project are pre-existing and a significant change in use is not proposed. The proposed improvements would be designed in accordance to all City standards to ensure the features would be safe and would not substantially increase hazards due to a geometric design feature such as sharp curves or dangerous intersections. Less than significant impacts would occur.

²² Governor's Office of Planning and Research. Transportation Impacts (Senate Bill 743) CEQA Guidelines Update and Technical Advisory. <https://opr.ca.gov/ceqa/sb-743/>. Accessed August, 2024.

XVII.d) No Impacts. The proposed Project would not result in inadequate emergency access on the existing road system. Construction schedules within roadways will be coordinated with police/fire/emergency services. Adequate emergency access will be maintained at all times. The site and surrounding vicinity are currently developed to meet pertinent design criteria to provide adequate emergency access in accordance with all design standards and requirements. No impact would occur as a result of Project implementation.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Transportation.

DRAFT

XVIII. TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

DISCUSSION

As discussed under Section V, Cultural Resources, above, the applicant provided the City of Lakeport with a Cultural Resources Evaluation (Cultural Study) prepared by John W. Parker, Ph.D., dated June 1, 2023. The Cultural Study indicates that on May 17th, 2023, a cultural resources investigation occurred on the project property.

The Cultural Study's background research indicated that the project area had not been previously inspected for cultural resources, however, one prehistoric site had been recorded within the parcel. The

field inspection conducted by the archaeologist discovered and updated the description of the prehistoric site. Based on the inspection of the site, the archaeologist indicated that it appears that this prehistoric site meets the criteria necessary to be considered a significant cultural resource as defined in the California Environmental Quality Act (CEQA) and the Public Resources Code. The site is also likely to be a significant tribal cultural resource having cultural value to descendant communities. In compliance with AB 52, the Cultural Study information has been redacted from this Initial Study due to confidentiality restrictions.

On December 28, 2023 and July 3, 2024, in response to request for notification of projects pursuant to Assembly Bill 52 (Public Resources Code 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 5097.94), the City of Lakeport provided notification and provided 30-days (For each request totaling 60 days) to request consultation to the Scotts Valley Band of Pomo Indians and Big Valley Band of Pomo Indians regarding the Disney's Boat Rentals Project (proposed project). As of the date of this Initial Study, no formal requests for consultation have been received from the Native community regarding the project; however, project-related communication was received from the Scotts Valley Band of Pomo Indians. In response to the Scotts Valley Band of Pomo Indians request for a cultural monitor to be present on-site during any and all ground disturbance to be undertaken by the Project, Mitigation Measure CUL-3 has been included below.

IMPACT ANALYSIS

XVIII.a.i) Less Than Significant Impact with Mitigation Incorporation. As discussed under Section V, Cultural Resources, in order for a cultural resource to be deemed "important" under CEQA and thus eligible for listing on the California Register of Historic Resources (CRHR), it must meet at least one of the following criteria (as set forth in Section 5024.1(c) of the Public Resources Code):

1. is associated with events that have made a significant contribution to the broad patterns of California History and cultural heritage; or
2. is associated with the lives of persons important to our past; or
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic value; or
4. has yielded or is likely to yield, information important to prehistory or history (ALTA, 2019).

The field inspection conducted by the archaeologist discovered and updated the description of the prehistoric site. Based on the inspection of the site, the archaeologist indicated that it appears that this prehistoric site meets the criteria necessary to be considered a significant cultural resource as defined in the California Environmental Quality Act (CEQA) and the Public Resources Code. The site is also likely to be a significant tribal cultural resource having cultural value to descendant communities. Impacts to Tribal or Cultural Resources is deemed less than significant with Mitigation Measures CUL-1 through CUL-4 are incorporated.

XVIII.a.ii) Less Than Significant Impact with Mitigation Incorporation. As described above, On December 28, 2023 and July 3, 2024, in response to request for notification of projects pursuant to Assembly Bill 52 (Public Resources Code 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 5097.94), the City of Lakeport provided notification and provided 30-days (For each request totaling 60 days) to request

consultation to the Scotts Valley Band of Pomo Indians and Big Valley Band of Pomo Indians regarding the Disney's Boat Rentals Project. As of the date of this Initial Study, no formal requests for consultation have been received from the Native community regarding the project; however, project-related communication was received from the Scotts Valley Band of Pomo Indians. The Scotts Valley Band of Pomo Indians request for a cultural monitor to be present on-site during any and all ground disturbance to be undertaken by the Project, Mitigation Measure CUL-3 has been included for the project.

MITIGATION MEASURES

Refer to Mitigation Measures CUL-1 through CUL-4 in Section V, Cultural Resources.

FINDINGS

The Project would have a **Less Than Significant Impact with Mitigation Incorporated** on Tribal Cultural Resources.

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the

construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

DISCUSSION

The City of Lakeport Public Works Department serves the incorporated Lakeport community. The Department consists of several divisions which are responsible for water, sewer, underground utilities (installation and maintenance), storm drain system maintenance, and public park maintenance and operations.

Water Service

The Water Division continuously monitors the quality of the water that is provided to Lakeport's water customers and holds the responsibility of providing safe drinking water as its highest priority. The Water Division operates and maintains four wells, a surface water treatment facility, and distribution system to individual meters. The Division also works with developers and customers on water service issues during project design, during service installation and to address future needs.

Sewer Service

The Sewer Division of the Lakeport Public Works Department is responsible for the safe collection, treatment, and disposal of sewage and wastewater generated by residential, commercial and industrial customers inside the City of Lakeport. All of the City's wastewater activities are done in a manner compliant with State and County health and safety regulations. The primary directive of the Sewer Division is to ensure that Lakeport's streams, waterways and Clear Lake are free from disease-causing bacteria and viruses that are harmful to the public health.

Storm Drainage System/Wastewater

The Streets Division of the City of Lakeport Public Works Department provides for the maintenance and minor construction of all City streets, curb, gutter, drainage systems structures, and right-of-way improvements. This includes asphalt overlays and repairs, street signs, pavement markings, culvert maintenance and replacement, and other street related projects. The Streets Division also provides many additional public service functions, including providing traffic control devices for parades and other special events. The wastewater operations and service entity is governed by a Board of Directors, which also acts as the City Council.

Within the Streets Division there is the Underground Utility Construction staff which installs and maintains new and existing water and sewer systems to private property, and within dedicated easements throughout the City. This division works on emergency water breaks and sewer stoppages and schedules repair or replacement of water distribution and collection systems deficiencies.

Solid Waste Service

Lakeport Disposal provides solid waste and recycling collection services to commercial, residential, and industrial customers within the incorporated limits of Lakeport. The nearest active landfill is Eastlake Landfill (17-AA-0001) in Clearlake, California, located approximately 28 miles from the project Site. The Eastlake Landfill has a daily permitted disposal of approximately 200 tons per day.

IMPACT ANALYSIS

XIX.a) Less Than Significant Impact. The project will be required to connect to the City's sewer and water services. According to City Records, there is currently a 12-inch sewer main and a 4-inch water main line located on Lakeshore Blvd. The Applicant will be responsible for paying the expansion and connection fees for both sewer and water, which will enable the City of Lakeport Public Works staff to assist with the connections. The project will require coordination with PG&E to establish a connection to the on-grid power system.

The Project would not require the construction or expansion of any new water or wastewater facilities. The Project does not involve reconstruction of the water main or displacement of any of the existing water service utilities, therefore there will be no impacts to these existing utilities.

No impacts to telecommunications is expected. The Project may require some minor grading for the proposed office building and lakebed encroachment however, it would not modify the existing topography of the area significantly. As noted in Section IV and Section X, the proposed Project will implement stormwater controls and develop a Stormwater Pollution Prevention Plan (SWPPP) identifying specific BMPs to be implemented to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. The impact will be less than significant.

XIX.b) Less Than Significant Impact. Water usage for the construction and implementation of the Project would be minimal and existing entitlements and resources have the capacity to serve any water needs for the Project and have sufficient water supplies available to serve the Project during normal, dry and multiple dry years. Less than significant impacts will occur as a result.

XIX.c) No Impacts. The proposed Project involves construction of a boat rental office and docks, hence, the population is not expected to increase as a result of the Project. Therefore, the proposed Project would not require additional or expanded infrastructure relating to municipal water or wastewater treatment. The Project, as proposed, would not include any updates to the utilities managed by the Sewer Division. No impacts to wastewater system would occur.

XIX.d) Less Than Significant Impact. Proposed Project construction would generate solid waste in the form of construction debris that would need to be disposed of at an approved landfill. Construction debris includes concrete, asphalt, wood, drywall, metals, and other miscellaneous and composite materials. Much of this material would be recycled and salvaged to the maximum extent feasible. Additionally, the project would need to be in compliance with CALGreen requirements. Materials not recycled would be disposed of at local landfills. The proposed Project site is currently undeveloped and would not require

any demolition of existing structures. Additionally, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS), for any storage of hazardous materials that exceeds 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas. Less than significant impacts would occur.

XIX.e) No Impacts. Additionally, the proposed Project would be required to comply with applicable State and local regulations, including regulations pertaining to disposal of recyclable materials. With adequate landfill capacity at existing landfills and compliance with regulations, no impacts would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Utilities and Service Systems.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	☐	☐	☒	☐

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to

the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

DISCUSSION

The combination of vegetation, topography, climate, and population density create a significant potential for hazards from wildfires within the Lakeport Planning Area. There are many vacant and undeveloped areas within the City and its Sphere of Influence, particularly on the west side of Highway 29 and the northern portions of the City, including mobile home parks. Rugged topography and highly flammable vegetation make residential development potentially unsafe unless adequate fire safety measures are taken (City General Plan, 2009).

The area within the City is served by the Lakeport Fire Protection District. Any location within City limits can be reached within three to five minutes. Locations within the Sphere of Influence can be reached in five to seven minutes. This rapid response time can be attributed to the combination of full-time staff and emergency personnel in the Lakeport Fire Protection District and a large number of volunteers.

The CalFire Fire Hazard Severity Zones Map was developed to guide construction standards for building permits, use of natural hazard disclosure at time of sale, guide defensible space clearance around buildings, set property development standards, and considerations of fire hazard in city and county general plans.

IMPACT ANALYSIS

XX.a) Less Than Significant Impact. The City of Lakeport is updating an emergency operations plan which includes a Fire and Rescue Coordination Plan. The streets surrounding and adjacent to the Project site are mainly used by the residential areas and the school within the vicinity of the site. Lakeshore Boulevard is a main corridor for residents to access north Lakeport. As referenced, the project would involve a relocation of an existing boat rental business. The Project related activities would not be anticipated to significantly impact the capacity of the street system or the Emergency Operations Plan, the Project would have a less than significant impact.

XX.b-c) Less Than Significant Impact. The Project area is located in a Local Responsibility Area (LRA) per CalFire's Fire Hazard Severity Zone (FHSZ) Viewer. Due to the project site being located in a LRA, the site is not within a 'High' FHSZ. The close proximity of State Route 29 provides quick access for emergency evacuation and would not exacerbate wildfire risk. Additionally Lakeshore Boulevard towards the north provides an evacuation route as well. The Project would have less than significant impact.

XX.d) Less Than Significant Impact. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread. Furthermore, the Project would not expose people or structures to significant risks, including drainage challenges. Therefore, there would be no impact on wildfire risk or spread of pollutants from such thereafter. Additionally, implementation of the Project's grading and stormwater features would help stabilize the Project area from negative impacts related to stormwater runoff, as the Project proposes features to better manage, direct, and contain runoff, and will

be require to be designed to maintain stormwater flows within the Project area. Less than significant impacts would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Wildfire.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

DISCUSSION

The proposed project will consist of the construction of a 4,778-square-foot building (Two-story) that will be for a rental office, shop, and boat storage facility that will include boat repair activity for fleet boats. The second floor of the building will include offices for staff members. The project will include a total of 12 parking spaces that will include one ADA-compliant space and one Electric Vehicle parking space as well.

IMPACT ANALYSIS

XXI.a) Less Than Significant Impacts with Mitigation Incorporation. The analyses of environmental issues contained in this Initial Study indicate that the proposed Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Mitigation measures have

been incorporated as described in each impact area to reduce all potentially significant impacts to *less than significant*.

XXI.b) Less Than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. All Project-related impacts were determined to be either less than significant, or less than significant after mitigation. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). Due to the buildout of the area and existing land constraints, it is not anticipated that further development will occur in the area in the foreseeable future. As such, Project impacts are not considered to be cumulatively considerable given the lack of proposed new development in the area and the insignificance of Project-induced impacts. The impact is therefore *less than significant*.

XXI.c) Less Than Significant Impact. The proposed Project would not generate any potential direct or indirect environmental effect that would have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise, and fire hazards. With mitigation incorporated, all potential impacts associated with the proposed project would be reduced to a less-than-significant level.

MITIGATION MEASURES

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Mandatory Findings of Significance.

FIGURES

Figure 1

Location Map

FIGURES

Figure 2

Site Plan

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ATTACHMENT A

Tentative Parcel Map

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ATTACHMENT B

Biological Resources Report

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ATTACHMENT C

Stormwater Control Plan

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ATTACHMENT D

Mitigation Monitoring and Reporting Program

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ATTACHMENT E

CalEEMod Output Files

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ATTACHMENT F

Botanical Resources Report

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ATTACHMENT G

First Review Agency Comments

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ATTACHMENT H

Second Review Agency Comments

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ATTACHMENT I

Application Package

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ATTACHMENT J

County of Lake Habitat Evaluation

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ATTACHMENT K

Memorandum of Amendment

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ATTACHMENT L

Revegetation Plan

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ATTACHMENT M

California Department of Fish and Wildlife's (CDFW) Comments

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