

**From:** [Shun, Michael@Wildlife](mailto:Shun.Michael@Wildlife)  
**To:** [Trish Turner](mailto:Trish.Turner)  
**Cc:** [Wood, Dylan@Wildlife](mailto:Wood.Dylan@Wildlife); [Sheya, Tanya@Wildlife](mailto:Sheya.Tanya@Wildlife); [Kilgour, Morgan@Wildlife](mailto:Kilgour.Morgan@Wildlife); [Wildlife R2 CEQA](#)  
**Subject:** [EXTERNAL] Public Safety Tower/ FirstNet NLAKE01 (SCH: 2023120164) CDFW Comments  
**Date:** Monday, October 14, 2024 2:51:51 PM

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Dear Trish Turner:

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

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

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

The Project consists of the construction of an 80-foot monopine cell tower designed to look like a pine tree, including 15 antennas, 15 radios, 3 surge suppressors, and three antenna mounts on a 35-

foot by 35-foot level pad area. The area will be enclosed by a 6-foot tall chain link fence. A 20-foot by 398-foot all weather access road will be constructed to allow access to the cell tower.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Lake County Community Development Department, Planning Division in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

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

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

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

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

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

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

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the MND for the Public Safety Tower/ FirstNet NLAKE01 to assist Lake County Community Development Department, Planning Division in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or [michael.shun@wildlife.ca.gov](mailto:michael.shun@wildlife.ca.gov).

## **REFERENCES**

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

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

Thank you,

**Michael Shun**  
*California Department of Fish and Wildlife*  
Senior Environmental Scientist (Specialist)  
Cell: (916) 767-8444

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<sup>[1]</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.



**COUNTY OF LAKE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Division**  
 Courthouse - 255 N. Forbes Street  
 Lakeport, California 95453  
 Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: September 5, 2023

**REQUEST FOR REVIEW FOR SUFFICIENCY**

<input checked="" type="checkbox"/> <b>AG. COMMISSIONER</b>	<input type="checkbox"/> <b>FIRE PROTECTION DIST:</b>	<input type="checkbox"/> CA DEPT FISH & WDLF
<input checked="" type="checkbox"/> <b>AIR QUALITY MGMT</b>	<input type="checkbox"/> Kelseyville	<input type="checkbox"/> <b>CALTRANS</b>
<input type="checkbox"/> <b>ASSESSOR</b>	<input type="checkbox"/> Lake County	<input type="checkbox"/> STATE LANDS COMM.
<input checked="" type="checkbox"/> <b>BUILDING DIVISION</b>	<input type="checkbox"/> Lake Pillsbury (no contact info)	<input type="checkbox"/> CRWQCB
<input checked="" type="checkbox"/> <b>DPW - ROADS</b>	<input checked="" type="checkbox"/> <b>Lakeport FPD</b>	<input type="checkbox"/> STATE DEPT. OF HEALTH
<input checked="" type="checkbox"/> <b>ENVIRON HEALTH</b>	<input type="checkbox"/> Northshore	<input checked="" type="checkbox"/> <b>SONOMA STATE</b>
<input type="checkbox"/> <b>LAKEBED MANAGEMENT</b>	<input type="checkbox"/> South Lake County	<input type="checkbox"/> NW INFORMATION CENTER
<input type="checkbox"/> <b>PUBLIC SERVICES</b>	<input type="checkbox"/> Cal Fire	<input type="checkbox"/> ARMY CORPS
<input type="checkbox"/> <b>SHERIFF</b>	<input type="checkbox"/> Clearlake Manager, Alan Flora	<input type="checkbox"/> BLM
<input checked="" type="checkbox"/> <b>SPECIAL DISTRICTS</b>	<input type="checkbox"/> PG&E	<input type="checkbox"/> CALCANNABIS
<input type="checkbox"/> <b>SURVEYOR</b>	<input type="checkbox"/> HOA _____	<input checked="" type="checkbox"/> <b>GRADING</b>
<input type="checkbox"/> <b>TAX COLLECTOR</b>	<input type="checkbox"/> WATER CO _____	<input type="checkbox"/> US FISH & WILDLIFE SVC
<input type="checkbox"/> <b>WASTE DISPOSAL</b>	<input type="checkbox"/> OTHER _____	<input type="checkbox"/> US FOREST SERVICE
<input checked="" type="checkbox"/> <b>WATER RESOURCES</b>		<input type="checkbox"/> TRIBAL NATIONS, REQUESTED

FROM: Trish Turner, Assistant Planner

REQUEST: Major Use Permit, UP 23-07, Initial Study, IS 23-14

OWNER(S): James Carpenter

APPLICANT: Public Safety Towers, LLC

APN: 005-015-41

LOCATION: 3275 Hill Road, Lakeport

ZONING: "A-SC-FF-WW" Agriculture-Scenic Combining District-Floodway Fringe  
 Combining District- Waterway Combining District

GENERAL PLAN: "RC-A" Resource Conservation- Agriculture

HAZARDS: Special Flood Hazard Area

FLOOD ZONE: "AE-X" AE- Areas of 100-year flood, X- Areas determined to be outside of the 0.2% annual chance of floodplain.

**PROPOSAL:** Major Use Permit (UP 23-07) to construct a new 75' monopine cell tower including:

- 5-foot lightening rod
- 35' by 35' compound lease area for collocation capacities
- 30kw emergency generator
- Fifteen Antennas
- Fifteen Radios

- Three surge suppressors
- Three antenna mounts

Public Safety Tower was formed to improve communications for public safety for emergency operations included but not limited to 911 calls and supply data, pre-arrival intelligence for emergency responders, and coordination for evacuation plans and public notifications, and day to day communications.

Please advise us if additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments as soon as possible but in no case later than **September 20, 2023** Please email your comments to [trish.turner@lakecountycalifornia.gov](mailto:trish.turner@lakecountycalifornia.gov) or mail them to the address listed in the letterhead above.

**COMMENTS:**

Request for County of Lake to review addressing for the site as multiple access points for primary property. Primary residence appears to be accessed from Burger Ln; Cell phone tower accessed off Hill Rd. requiring separate address. Address Posting Required for both Cell Tower Lease site and primary property (residence).

Posted reflective address sign(s) of contrasting colors, retro-reflective of required size; perpendicular to the road, visible from both directions at the roadway for each address accessed from driveway.

Additional posted reflective address sign(s) of contrasting colors, retro-reflective of required size; perpendicular to the driveway posted at each addressed property and / or structure from the driveway.

Required to install Knox Box(es), Knox Lock(s) and / or Knox Electronic Key Switches at / for all applicable access points, gates, etc.

Identify size and location of diesel fuel tank for generator.

Unable to determine length and width of driveway access from drawings provided.

Unable to determine requirements for driveway requirements.

Name: /s/ Patrick Reitz, Fire Chief, Lakeport Fire Protection District

Date: Friday, September 08, 2023

Supervisorial District: 4 (RFR Only) \_\_\_\_\_

Other Examples: \_\_\_\_\_ Sierra Club / \_\_\_\_\_ HOA / \_\_\_\_\_ Farm Bureau / etc. (RFR Only)



**COUNTY OF LAKE**  
Health Services Department  
Environmental Health Division  
922 Bevins Court  
Lakeport, California 95453-9739  
Telephone 707/263-1090  
FAX 707/263-4395

Jonathan Portney  
Health Services Director

Craig Wetherbee  
Environmental Health Director

## *Promoting an Optimal State of Wellness in Lake County*

### **Memorandum**

**DATE:** September 12, 2023

**TO:** Trish Turner, Assistant Planner

**FROM:** Christina Gearhart, EHS

**RE:** Major Use Permit, UP 23-07, Initial Study, IS 23-14  
Applicant: Public Safety Towers, LLC

**APN:** APN: 005-015-41

If the applicant stores hazardous materials in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase. Note that additional California Unified Program Agency (CUPA) requirements may apply depending on the amounts of hazardous materials stored on site.

Environmental Health has record of an existing permitted septic system (permit #12391) to serve a two bedroom residence, or up to 300 gallons per day of sewage flow.

There are three wells noted in the land record for this property (although none of these have any permits on file). All three wells appear to be outside of the proposed development area, however, it would be useful to show these (and the existing structures and septic system) on any future proposed development plans.



COUNTY OF LAKE  
HEALTH SERVICES  
prevent.promote.protect.



October 20, 2023

Trish Turner  
County of Lake  
255 N Forbes Street  
Lakeport, CA 95453

Re: Monopine Cell Tower  
3275 Hill Road, Lakeport, CA 95453

Dear Trish Turner,

Thank you for providing PG&E the opportunity to review your proposed plans for the Monopine Cell Tower received October 12, 2023. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

This letter does not pertain nor give consent to any access, easements, nor improvements on PG&E property (APN 005-015-22-00).

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management



**From:** [Katherine Vanderwall](#)  
**To:** [Trish Turner](#)  
**Subject:** RE: Request for Review  
**Date:** Friday, September 8, 2023 2:16:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)

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Hello Trish

No comment.

*Katherine VanDerWall*

*Agricultural Commissioner/Sealer of Weights & Measures  
Lake County Department of Agriculture/Weights & Measures  
883 Lakeport Blvd  
Lakeport, CA 95453  
(707) 263-0217*

**From:** [Lori Baca](#)  
**To:** [Trish Turner](#)  
**Subject:** RE: Request for Review  
**Date:** Tuesday, September 5, 2023 3:13:20 PM  
**Attachments:** [image009.png](#)  
[image010.png](#)  
[image012.png](#)  
[image002.png](#)

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Trish,

Parcel 005-015-410 is outside of any Special Districts service area, no comment.

Have a great day!

Lori A. Baca  
Customer Service Supervisor  
[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)  
Office Number (707) 263-0119  
Fax (707) 263-3836



**From:** [Lake County Community Development - Resource Planning](#)  
**To:** [Trish Turner](#)  
**CC:** [Lake County Community Development - Resource Planning](#)  
**Subject:** RE: Request for Review - Cell Tower  
**Date:** Friday, September 29, 2023 4:42:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.tif](#)  
[image005.png](#)  
[image006.png](#)  
[General Grading Questionnaire.pdf](#)

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Good afternoon,

The project must adhere to the standards of [Lake County Municipal Code Chapter 30: Grading Ordinance](#).

Please provide the attached Questionnaire to the applicant, and have them email this form to: [ResourcePlanning@lakecountyca.gov](mailto:ResourcePlanning@lakecountyca.gov)

Thank you,



**Katherine Schaefer, MA**  
**Resource Planner**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 262-1843  
Email: [ResourcePlanning@lakecountyca.gov](mailto:ResourcePlanning@lakecountyca.gov)

**From:** [William Collins](#)  
**To:** [Trish Turner](#)  
**Subject:** RE: Request for Review  
**Date:** Wednesday, September 6, 2023 9:23:33 AM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image014.png](#)

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Please make sure they get applicable Building Permits.  
Access will need to be provided in compliance with PRC 4290.

Sincerely

**Bill Collins, CBO, CASp**  
**Chief Building Official**

County of Lake  
255 N. Forbes St.  
Lakeport, CA 95453  
707-263-2221 ex 38123 (Office)  
[william.collins@lakecountyca.gov](mailto:william.collins@lakecountyca.gov)

