

Exhibit 6-A — Biological Resources Violations

Summary Box

Poverty Flats Ranch UP 23-09 / IS 23-20 (PL 25-198)
Chapter 6 — Biological Resources and Mitigation Deficiencies
(Sorted by jurisdictional severity — Federal → State → County/Local)

Federal / Cross-Jurisdictional Violations

Citation	Brief Description
Clean Water Act §§ 401, 404; 33 CFR § 328	Wetlands and waters require delineation and permitting prior to disturbance; none performed despite mapped Class III drainages and stream crossings.
Fish & Wildlife Coordination Act (16 U.S.C. § 661 et seq.)	Requires consultation on stream or channel modifications; unpermitted culvert/channel work violates federal coordination requirements.
Bald and Golden Eagle Protection Act (16 U.S.C. § 668)	Prohibits take/disturbance of eagles; photographic evidence shows Bald Eagle present onsite without analysis or mitigation.
Migratory Bird Treaty Act (16 U.S.C. §§ 703–712)	Protects nesting and migratory birds; no surveys performed for nesting or migratory species.
Clean Water Act § 1251 et seq.; Porter-Cologne alignment	Failure to control erosion/sediment into waters of the U.S. violates national objectives for water-quality protection.

State Law / CEQA / Biological Compliance

Citation	Brief Description
CEQA Guidelines §§ 15063(d), 15125(a)	Requires accurate environmental setting and baseline; County relied on partial, late-season survey (~6 acres of ~200).

CEQA Guidelines § 15126.2(a)	Omission of impacts to wetlands, special-status species, and corridors invalidates MND findings.
CEQA Guidelines § 15130(a)	No cumulative analysis for habitat fragmentation or watershed impacts along Schindler Creek.
Fish & Game Code § 1602	Lake or Streambed Alteration Agreement required where channels modified; none filed.
Fish & Game Code § 3511	Bald Eagle is fully protected; IS/MND omits required analysis and findings.
CEQA Guidelines § 15380 / Appendix G	Failure to survey for special-status species and migratory birds constitutes deficient baseline.
Pub. Res. Code § 21083(b)(2)	Requires evaluation of cumulative impacts to biological resources and watersheds.
Sundstrom v. County of Mendocino (1988)	Prohibits deferral of critical biological surveys and mitigation to post-approval period.
Golden Door Properties v. San Diego (2020)	Invalidates MNDs based on incomplete baseline and unenforceable mitigation language.
Communities for a Better Environment v. SCAQMD (2010)	Mitigation must be real and enforceable at approval; generic BIO-1 language is not.
CEQA Guidelines § 15126.4(a)(1)	Requires specific, feasible mitigation standards; BIO-1 fails to define methods, buffers, monitoring, or enforcement.
CEQA Guidelines Appendix G (Biological Resources)	IS/MND failed to analyze wildlife movement and corridor function (Schindler Creek).

County / Local Violations

Citation	Brief Description
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Lake County Code Ch. 21 (Zoning – Use Permits)	Approved Major Use Permit without biological baseline, wetland delineation, or species surveys.
Lake County Code Ch. 30 (Grading & Erosion Control)	Disturbance within wetlands/stream corridors without permit or erosion control plan.
County Administrative Practice	Reliance on boilerplate BIO-1 language and deferral of studies to future consultation contravenes CEQA and local policy.
Public Record Omissions	Failure to include CDFW and RWQCB letters flagging delineation requirements in Commission record.
Gov. Code § 6200 / Pen. Code § 118	Concealment or falsification of biological records and survey scope constitutes felony offense.

Summary Note: This exhibit consolidates biological-resource violations documented in Chapter 6. The record demonstrates that the project lacks a complete biological baseline, omits required wetland and species delineations, fails to evaluate wildlife corridor connectivity along Schindler Creek, and relies on unenforceable boilerplate mitigation (BIO-1). These deficiencies violate CEQA Guidelines §§ 15063(d), 15125(a), 15126.2(a), and 15126.4(a)(1). The project cannot be lawfully approved under a Mitigated Negative Declaration; an Environmental Impact Report is required.