



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region/Region 2
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



October 27, 2016

Scott De Leon, Director
Lake County Department of Water Resources
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Subject: ANALYZING PROJECT IMPACTS TO CLEAR LAKE HITCH (*Lavinia exilicauda* chi/hitch)

Dear Mr. De Leon:

The California Department of Fish and Wildlife (Department) is writing to express concern that the County's issuance of Encroachment Permits located within Clear Lake may impact Clear Lake hitch (*Lavinia exilicauda*) (hitch), thereby resulting in a significant impact under the California Environmental Quality Act (CEQA).

The Department 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).) The Department, 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 (Id., § 1802.). Similarly for purposes of CEQA, the Department is charged by law to provide, 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.

The Department also acts as a Responsible Agency for projects under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381) that are subject to the Department's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the projects may result in "take" of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

As a Responsible Agency and in order to issue any subsequent approval for a proposed project, such as a Lake and Streambed Alteration Agreement The Department relies on the environmental documentation provided by the Lead Agency. The Department has so far been able to actively work with the project proponents to ensure project activities avoid impacts to hitch, however, projects requiring Encroachment Permits typically include activities such as pile driving and/or involve removing near shore aquatic vegetation, for activities such as head walls and dock installations within Clear Lake. Clear Lake provides important habitat for rearing juvenile and adult hitch and it is where they spend the majority of their life stages. Within Clear Lake, hitch are known to occupy different spaces depending upon age class. Juveniles typically occupy shallow vegetated areas near the shore

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(Lindquist et al 1943), while the adult hitch occupy deeper offshore waters. Project activities impacting these areas may not qualify for categorical exceptions from CEQA if they have a significant impact on the environment and the potential for take of Clear Lake hitch.

The Department recommends completing an Initial Study and Environmental Check List for proposed projects within Clear Lake that include activities including, but not limited to pile driving activities, near shore vegetated aquatic habitat removal, unscreened water diversions, dredging and/or any other proposed activity that may result in the direct or indirect take of hitch and their habitats or result in significant environmental impacts. The Department recommends that all short-term, long-term, permanent, or temporary impacts to Clear Lake hitch and their habitats are identified, and avoidance, minimization and mitigation measures are developed and implemented to reduce impacts to a less than significant level.

The Department encourages the County and project proponents to coordinate early with Department personnel in determining the significance of the impacts, any appropriate measures to offset project impacts and to facilitate future permitting processes. Questions regarding this letter or further coordination should be directed to Tanya Sheya, Environmental Scientist at (916) 358-2953 or tanya.sheya@wildlife.ca.gov.

Sincerely,



Tina Bartlett
Regional Manager

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References

Lindquist, A.W., C.C. Deouier, and J. E. Hancey. *The Relationship of Fish to the Clear Lake Gnat in Clear Lake, California*. California Department of Fish and Game, vol. 29, no. 4, pp. 196-202, 1943.
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