

Date: October 29, 2025

Attachment 9

To: Lake County Community Development Department, Planning Division

Subject: Comments on UP 25-394 – VB BTS II, LLC (US-CA-7286 North Lakeport Tower Project) Project address: 5017 Terrace Drive Lakeport CA

Dear Lake County Planner,

Redbud Audubon Society appreciates the opportunity to provide comments on the proposed VB BTS II, LLC telecommunications facility.

Our intent is to offer constructive observations that may help ensure the project's environmental record is clear, thorough, and consistent with state and local conservation goals. These comments are shared respectfully, in a spirit of partnership, and with appreciation for the County's ongoing efforts to balance infrastructure needs with habitat protection.

These observations are respectfully offered to assist the County in conducting a thorough environmental review under CEQA and related state and federal regulations.

These observations are for UP-25-394, noting the application provided says UP 24-16 IS 24-12. Please note, there is no explanation for the "updated fee" totals, and the description of the project omits the lightening rod but it is included in the proposal.

The application checklist may need review for accuracy.

1. Cultural and Tribal Cultural Resources

A review of the available project documents did not identify a Cultural Resources Report or Tribal Cultural Resources assessment prepared under CEQA Guidelines §§ 15064.5 and § 21080.3.1 et seq. (AB 52). These analyses are a required part of environmental review when ground disturbance or grading is proposed, even for small project footprints.

Many of Lake County's tribes maintain deep cultural and spiritual relationships with native bird species, plant communities, and local waterways. Protecting these living systems aligns directly with the protection of tribal cultural values. To ensure a complete record, it is recommended that the County:

- Confirm whether a qualified cultural resources specialist has prepared a Phase I Cultural Resource Survey;
- Document the AB 52 tribal consultation process and any correspondence with interested tribes; and
- Include a summary of any tribal input or mitigation commitments in the final project file.

This step would ensure that both biological and cultural resource considerations are properly integrated and that the County meets its obligations under CEQA and AB 52.

Footnote 1: CEQA Guidelines §§ 15064.5, 15126.4(b); Public Resources Code §§ 21074, 21080.3.1–3.2 (AB 52).

2. Riverine and Wetland Features (WOTUS, OHWM, and Culvert Inquiry)

The biological report states that a wetland delineation was conducted, yet the corresponding results are not clearly presented in the report's maps or summary narrative. Without delineation figures or hydrology data, it remains unclear where potential Waters of the United States (WOTUS) or Ordinary High Water Mark (OHWM) boundaries may occur within the project area or along the access road.

The report also mentions a culvert on-site or along the access route but does not indicate whether installation or maintenance of that culvert has been reviewed or permitted through a Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW).

It is recommended that the County request inclusion of the complete wetland delineation report and map figures in the public record, along with verification of any CDFW LSAA notification (Fish & Game Code § 1602) that may apply. Providing these details would clarify jurisdictional determinations and ensure compliance with state and federal water-quality protections.

Footnote 2: Clean Water Act § 404; 33 CFR 328.3; Cal. Water Code § 13260; Fish & Game Code § 1602.

3. Nearby Osprey Activity and Recommended Nesting Protection Plan

Multiple Osprey (*Pandion haliaetus*) nests are located within approximately one mile of the proposed project site, yet the biological report does not identify or discuss them. Ospreys are protected under both federal and state law, including the Migratory Bird Treaty Act (16 U.S.C. §§ 703–712) and California Fish and Game Code §§ 3503, 3503.5, and 3513, which collectively prohibit the disturbance, destruction, or “take” of nesting raptors or their active nests.

Because Ospreys show strong site fidelity and are sensitive to disturbance during the breeding season, it would be prudent for the County to require an Osprey Nest Protection and Monitoring Plan consistent with California Department of Fish and Wildlife (CDFW) Nesting Bird Guidelines (2018). Such a plan could include:

- Pre-construction nesting surveys within at least a 0.5- to 1-mile radius of project activities during the February–August nesting period;
- Establishment of seasonal no-disturbance buffers (typically 500 feet, or up to ¼ mile where topography allows line-of-sight to active nests);

- Temporary construction timing or noise-level restrictions if active nests are present; and
- Weekly biological monitoring during construction to verify nest protection compliance.

These recommendations are consistent with CEQA Guidelines §§ 15063(d)(1) and 15065(a), which identify potential impacts to protected wildlife as significant, and with standard mitigation practices implemented by agencies such as Caltrans, PG&E, and CDFW for raptor species.

Footnote 3: Migratory Bird Treaty Act (16 U.S.C. §§ 703–712); California Fish & Game Code §§ 3503, 3503.5, 3513; CDFW Nesting Bird Guidelines (2018); CEQA Guidelines §§ 15063(d)(1), 15065(a).

4. Avian-Safe Tower Lighting (USFWS/FAA Guidance)

The U.S. Fish and Wildlife Service (USFWS) has documented that eliminating non-flashing lights on communication towers can reduce migratory bird collisions by as much as **70 percent**, while also reducing energy costs for tower owners. The **Federal Aviation Administration (FAA)** now supports **extinguishing side-marker (L-810) lights** on towers taller than 350 feet above ground level and **reprogramming non-flashing side-markers** on towers 150–350 feet above ground level.

To minimize avian collisions, it is recommended that the County require the project applicant to follow **USFWS and FAA-approved bird-safe lighting practices**, including:

- Using only flashing (strobe) red or white lights, avoiding steady-burning red side-markers;
- Shielding lights to prevent upward or outward spill; and
- Documenting tower lighting specifications in the final project approval record.

Implementing these measures will help reduce collision risk for migrating and resident bird species that traverse the Clear Lake Basin, consistent with federal conservation guidance.

Footnote 4: U.S. Fish and Wildlife Service (2016) Tower Lighting Recommendations; Federal Aviation Administration Advisory Circular 70/7460-1L.

5. Access Road and Fire Safety Standards

The project description specifies construction of a 12-foot-wide gravel access road with a 120-foot turnaround. These dimensions may not meet Cal Fire or Lake County Public Works standards for emergency access serving commercial or utility sites in Very High Fire Hazard Severity Zones.

It is recommended that the County verify that the road design complies with Public Resources Code § 4290, California Code of Regulations Title 14 § 1273.01, and locally adopted fire-safe

standards to ensure adequate access for emergency vehicles and personnel during wildfire events.

6. Neighborhood Outreach and Visibility Considerations

Given the proposed tower's height and potential visual prominence, it would be beneficial for nearby property owners and neighborhood associations to be notified and provided the opportunity to comment. Early outreach encourages transparency, reduces the likelihood of later misunderstandings, and fosters cooperation among residents, project proponents, and County agencies.

7. Summary and Recommendations

To strengthen the project record and minimize environmental risk, these comments recommend that the County:

1. Confirm completion of a Cultural and Tribal Cultural Resource study and consultation process.
2. Include full wetland-delineation results and confirm whether an LSAA is required for the culvert or other stream features.
3. Verify and protect nearby Osprey nests through a formal nesting-protection plan.
4. Require implementation of avian-safe lighting consistent with USFWS and FAA guidance.
5. Ensure the proposed access road meets Cal Fire and County standards.
6. Provide early public notification to surrounding neighborhoods.

These measures would help ensure the project proceeds in a manner consistent with CEQA's intent to avoid or minimize environmental impacts while maintaining community confidence in the review process.

Respectfully submitted,
Redbud Audubon Society, Inc.