

Biological Study Report

Lake County Courthouse
675 Lakeport Boulevard, Lakeport, CA



Prepared for:

RBF Consulting
500-01

July 15, 2010

Prepared by:



ENPLAN
Environmental Scientists and Planners
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1. INTRODUCTION

The purpose of this biological study report is to identify and characterize sensitive natural communities and plant and wildlife resources that are known or expected to occur on a ±5.8-acre project site at 675 Lakeport Boulevard, in the City of Lakeport, Lake County. The site, identified as Lake County Assessor's Parcel Number 025-521-410, is being evaluated for potential construction of a new courthouse. As shown in Figure 1 of Appendix A, the site is located in near the center of Section 25, Township 14 North, Range 10 West, of the U.S. Geological Survey's Lakeport 7.5-minute quadrangle. Photographs of the site are provided in Appendix B.

2. METHODOLOGY AND STAFF QUALIFICATIONS

Prior to conducting fieldwork, a biological records search was completed. This consisted of reviewing the California Department of Fish and Game's California Natural Diversity Data Base (CNDDDB) as well as available local records. The CNDDDB records search covered a 10-mile radius around the site. This entailed review of records for portions of the following quadrangles: Cow Mountain, Upper Lake, Bartlett Mountain, Purdy's Garden, Lakeport, Lucerne, Clearlake Oaks, Hopland, Highland Springs, Kelseyville, and Clearlake Highlands. Available local records consisted of a biological study report and wetland delineation (Northwest Biosurvey, 2006) prepared for a site approximately 0.3 miles to the north of the subject site on Martin Street, and an Initial Study for the same site (City of Lakeport, 2010). The Martin Street site has physical and biological characteristics similar to the subject site, supports several of the same special-status plant species, and was used as a reference site to check the phenology of local special-status plant species.

Upon completion of the pre-field review, a botanical field survey was undertaken in general accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (DFG, 2009). Because of the potential requirement for frontage improvements on Lakeport Boulevard, lands between the subject parcel and the street were included in the biological study area. The botanical survey was conducted on April 9 and 29, May 17, and June 19, 2010. All of the special-status plant species potentially occurring in the study area would have been evident at the time the fieldwork was conducted. The survey consisted of an intensive and systematic evaluation of the site; the field survey effort included four to six hours of field time during each of the four site visits.

The locations and approximate population numbers/densities of the identified special-status plant populations were determined by gridding each population into a number of small polygons and then estimating the number of plants in each polygon.

The wildlife evaluation was conducted in three phases. The first phase consisted of the records search described above. Under the second phase, the habitats and special habitat elements in the study area were determined through field reconnaissance. A list of wildlife species that could potentially occur in the identified

habitats was then compiled using the DFG's Wildlife Habitat Relationships (WHR) System, Version 8.2 (DFG, 2008). This is a predictive system based on scientific information regarding wildlife species and their known habitat relationships. It is useful as a general pre-field screen and provides a somewhat broader view of special-status species potentially occurring in the study area.

The wildlife survey was conducted on March 17, 2010. Many of the special-status animal species potentially occurring in the study area would have been evident at the time the fieldwork was conducted. The potential presence of species not readily identifiable during the field surveys was determined on the basis of observed habitat characteristics. The initial field effort included approximately three hours of field observations; additional wildlife observations were made during the botanical field survey visits.

The botanical field surveys were conducted by Donald Burk. Mr. Burk has a Bachelor of Arts degree in Biological Sciences and a Master of Science degree in Botany. He has over 25 years of experience in the design and implementation of botanical field studies. He has previously conducted botanical surveys in Lakeport and is familiar with flora of the region as well as state and federal statutes pertaining to special-status species. The wildlife evaluation was conducted by Darrin Doyle. Mr. Doyle has a Bachelor of Science degree in biology, and has 10 years of experience conducting biological surveys in California. He is familiar with wildlife species of the region and their habitat requirements. Mr. Doyle possesses a federal "take" permit for California red-legged frog and vernal pool crustaceans.

3. RESULTS

Plant Communities/Wildlife Habitats

The study site is situated between approximately 1,340 and 1,400 feet above sea level, and is surrounded on three sides by urban development. The site was historically an oak woodland, and was used for agriculture and grazing beginning in the late 1930s; the site was cleared of trees and shrubs in the early 1970s, and was graded prior to 1988 (URS, 2009). Soils on the site are identified as Henneke-Montara-rock outcrop complex, 15 to 50 percent slopes, with a negligible amount of Still loam, stratified substratum, in the extreme northeast corner of the site (USDA, NRCS, 2009). The Henneke-Montara complex consists of very deep, moderately well-drained soils formed in alluvium from mixed rock types. However, grading activities dramatically altered the soils and natural contours of the site. Roughly 20 feet of surface material was removed from the upper portion of the site, resulting in two level terraces.

Small rocks of serpentine origin are exposed on the upper terrace and hillsides, which support a serpentine herb community. The lower terrace supports a disturbed annual grassland. These two communities are described in more detail below; locations of the communities are shown on Figure 3 of Appendix A and photographs are provided in Appendix B. Two small, shallow seasonal waters with rock substrates are present on the upper terrace. Most runoff from the site enters constructed ditches that convey flow to the east. Flow enters the City's storm drain system, which discharges into Clear Lake approximately ¼-mile east of the site.

Annual grassland

Annual grasslands are characterized by a sparse to dense cover of annual grasses with inclusions of numerous species of native annual forbs ("wildflowers"). Germination occurs with the onset of the fall rains; growth, flowering, and seed-set occur from winter through spring. With a few exceptions, the plants are dead through the summer-fall dry season, persisting as seeds. On the subject site, the annual grassland community is best represented on the lower terrace of the site, on the eastern edge of the study area. Common species in this community include wild oats, soft

chess, California meadow barley, cream sacs, winter vetch, Spanish lotus, and various clovers. Although several special-status plant species were observed on the fringe of the annual grassland community, the community itself is not considered unique or sensitive.

High-quality annual grasslands are inhabited by a variety of wildlife species. Common mammals include black-tailed jackrabbit, coyote, gophers, moles, and several species of mice and voles. Snakes are often abundant in annual grasslands, feeding on small rodents. Amphibians are relatively uncommon in annual grasslands; however, species such as the western toad and Pacific treefrog may be locally abundant near aquatic habitats. Annual grassland also provides nesting and foraging habitat for certain migratory birds, including western meadowlarks, various sparrows, western kingbirds, and horned larks. The WHR data base predicts that this habitat type may be inhabited by 83 species of wildlife (Appendix C). However, because the onsite grassland is a small, fragmented relic of the grassland that historically was interspersed among the oak woodland, far fewer animal species are expected to be present. Overall, the onsite grassland has low value to wildlife species.

Serpentine herb community

The onsite serpentine herb community generally consists of a sparse, low-growing cover of annual and perennial forbs and grasses on the upper terrace and hillsides. Serpentine soils have unique chemical properties that prohibit the growth of many common plant species. A number of other plant species have evolved mechanisms allowing them to survive on serpentine soils. The flora of serpentine sites is thus unique and often supports plants of limited distribution, including a number of endemic species. Plant species observed on the site include naked buckwheat, wicker buckwheat, reflexed fescue, serpentine phacelia, fringed checkerbloom, bearded jewelflower, Douglas's sandwort, and Gambel's dwarf milkvetch. As discussed below, four serpentine-adapted special-status plant species were also observed in this community.

With the exception of crevices between boulders, the serpentine herb community lacks sufficient cover objects for most animal species. Accordingly, this habitat type

supports relatively few species of wildlife. Ground squirrels, which are present in small numbers on the site, create their own shelter by burrowing into hillsides or under large boulders. A number of birds may forage in this habitat; gulls, ravens, and crows were observed overhead, and may feed on picnic remains from the adjacent visitor's center. While the serpentine herb community does not provide tree-nesting habitat for birds, ground-nesting species such as the killdeer could potentially nest on the site. Overall, this habitat type has low value to wildlife species. No estimate on the number of animals that may potentially utilize the serpentine herb community is available, as there is no corresponding WHR habitat type for this community.

Site grading resulted in the creation of two very shallow depressions on the western edge of the serpentine herb community. These depressions pond water to a depth of two to three inches. Because of the underlying bedrock, the water ponds for long duration. These features appear to be subject to U.S. Army Corps of Engineers jurisdiction as non-wetland "waters of the United States." They drain to the northwest and southwest corners of the upper terrace and overflow enters small constructed ditches that ultimately discharge to the City's storm drain system. These waters are essentially unvegetated and provide minimal wildlife value. However, they do attract some species, such as killdeer. A delineation of wetlands and other waters on the subject site has been completed by ENPLAN and is presented in a separate report (ENPLAN, 2010).

The serpentine herb community is considered to be a sensitive natural community due to its somewhat restricted distribution and the high potential for endemic plant species to be present. The onsite community has been highly disturbed by grading. Although this has reduced the value of the site for some plant species, it has formed a "serpentine barren" that supports a unique suite of species, including four special-status species. Loss of the serpentine herb community as a result of project development is considered a significant adverse impact. Mitigation for this loss is best considered in conjunction with impacts on the four special-status plant species, and is addressed below.

Special-Status Plant Species

Review of CNDDDB records showed that two special-status plant species, green jewel-flower and mayacamas popcorn-flower, have been broadly mapped to include the study area. Twenty-six other special-status plant species are known to occur within a 10-mile radius: Anthony's Peak lupine, beaked tracyina, bent-flowered fiddleneck, Boggs Lake hedge-hyssop, Bolander's horkelia, Brandegees' eriastrum, bristly sedge, Burke's goldfields, Colusa layia, dimorphic snapdragon, eel-grass pondweed, glandular western flax, Koch's cord moss, Konocti manzanita, Napa bluecurls, Norris' beard moss, oval-leaved viburnum, Raiche's manzanita, Rincon Ridge ceanothus, robust monardella, serpentine cryptantha, small-flowered calycadenia, small groundcone, Sonoma canescent manzanita, two-carpellate western flax, and woolly meadowfoam (Appendix D). The potential for each special-status plant species to utilize the study area is evaluated in Appendix E.

The botanical survey confirmed the presence of four special-status plant species on the project site: Colusa layia, bent-flowered fiddleneck, serpentine cryptantha, and Tracy's clarkia (a special-status species not reported in the CNDDDB records search). The locations of the plant populations are shown in Figure 3 of Appendix A. A checklist of vascular plant species observed during the botanical field surveys is provided in Appendix F. Data forms documenting the special-status plant occurrences have been submitted to the California Natural Diversity Data Base.

Colusa layia (*Layia septentrionalis*)

Colusa layia is an annual herb that occurs in oak woodlands, chaparral, valley and foothill grasslands, and in sandy serpentinite. The species is not state or federally listed, but is on CNPS List 1B.2 (Plants Rare, Threatened, or Endangered in California and Elsewhere; Fairly Threatened in California). The species occurs between 300 and 3,600 feet in elevation. A total of 44 populations are reported in CNDDDB records. These populations occur in the North Coast Range and Sutter Buttes (Colusa, Glenn, Lake, Mendocino, Napa, Sonoma, Sutter, Tehama, and Yolo counties). Reported population sizes (available for only about 25 percent of the records) range mostly from 100 to 200 plants, with the largest reported population having about 2,000 plants. With

roughly 20,000 to 25,000 plants observed on the subject site, the onsite *Colusa layia* population is by far the largest of those for which data is available. On the subject site, the species is most abundant on hillsides within the serpentine herb community, with a small number of plants present on the upper and lower terraces.

Bent-flowered fiddleneck (*Amsinckia lunaris*)

Bent-flowered fiddleneck occurs in cismontane woodlands, and valley and foothill grassland. The species is not state or federally listed, but is on CNPS List 1B.2 (Plants Rare, Threatened, or Endangered in California and Elsewhere; Fairly Threatened in California). The species is reported between 50 and 1,500 feet in elevation. A total of 50 populations are reported in CNDDDB records. Populations are known to occur in Lake, Marin, Napa, Colusa, Contra Costa, Alameda, San Benito, Santa Clara, Santa Cruz, Yolo, and San Mateo counties. Reported population sizes (available for only about 35 percent of the records) range mostly from 10 to 300 plants. The largest quantified population size estimate is 3,650 plants, although the plants are noted to be “common” at other sites. Approximately 500 bent-flowered fiddleneck plants were observed on the subject site, primarily growing on hillsides within the serpentine herb community.

Serpentine cryptantha (*Cryptantha clevelandii* ssp. *dissita*)

Serpentine cryptantha generally occurs on serpentine rock outcrops in chaparral communities. The species is reported between 1,100 and 2,400 feet in elevation. The species is not state or federally listed, but is on CNPS List 1B.1 (Plants Rare, Threatened, or Endangered in California and Elsewhere; Seriously Threatened in California). A total of 10 populations are reported in CNDDDB records. Populations are known to occur in Lake, Mendocino, Napa, and Sonoma counties. Six of the ten populations were observed between 1902 and 1967, the remaining four populations were observed between 1999 and 2003. No population size data is available. Approximately 10,000 serpentine cryptantha plants were observed on the subject site. Most of the plants occur within the serpentine herb community, on the upper terrace and on the hillside just below the upper terrace.

Tracy's clarkia (*Clarkia gracilis* ssp. *tracyi*)

Tracy's clarkia generally occurs on serpentine soils in chaparral communities. The species is reported from 200 to 2,200 feet above sea level. The species is not state or federally listed, but is on CNPS List 4.2 (Plants of Limited Distribution (A Watch List); Fairly Threatened in California). Populations are known to occur in Colusa, Humboldt, Lake, Mendocino, Napa, Trinity, and Tehama counties. Because of the lower CNPS status, the CNDDDB does not offer online data regarding the number of recorded populations or population sizes. Nearly 10,000 Tracy's clarkia plants were observed on the site. All of these plants were growing on the periphery of the site, on both undisturbed and highly disturbed soils.

As noted above, Colusa layia, serpentine cryptantha, and bent-flowered fiddleneck are on the California Native Plant Society's List 1B. Although not state or federally listed, plants with this CNPS listing status are generally considered to qualify as "endangered, rare, or threatened" under Section 15380(d) of the California Environmental Quality Act (CEQA) Guidelines and thus require consideration during CEQA review. Tracy's clarkia is on CNPS List 4; plants of this status rarely qualify for state listing, but may be locally significant. As such, potential impacts to this species should also be evaluated during the CEQA process.

Because detailed site development plans have not yet been prepared, the extent of impacts to the serpentine herb community and the four onsite special-status plant species cannot be quantified. However, in general terms, site development has a high potential to adversely affect these resources. It appears that Tracy's clarkia, which is the least sensitive of the plants, would be least affected because it primarily occurs on the periphery of the site. Serpentine cryptantha, which is the most sensitive of the four species on the site, is the most centrally located and would be the most difficult to avoid during site development. Because all four of the special-status plant species have an affinity for serpentine soils, mitigation for the loss of the plants would also provide at least some mitigation for the loss of the serpentine herb community.

Department of Fish and Game staff were contacted following discovery of the special-status plant populations. However, the DFG has not conducted a field review of

the site or provided guidance as to potential mitigation strategies. Because full avoidance of the special-status plant populations and serpentine herb community does not appear to be possible, we recommend that the project proponent prepare a mitigation plan acceptable to DFG prior to project construction. Mitigation would likely include avoidance of at least some of the onsite serpentine herb community and associated special-status plant populations. Detailed mapping of the extent and densities of the special-status plant communities prepared as part of the botanical study (Figure 3 of Appendix A) will assist in preparing a site design that minimizes impacts to the populations. We recommend that the mitigation plan be prepared as early as possible, in conjunction with preparation of site design and development plans. Other options for mitigation include preservation of other local populations of these special-status plants, restoration of degraded populations on other sites in the area, and/or creation of new populations.

Special-Status Animal Species

Review of CNDDDB records showed that one special-status animal species, American badger, has been broadly mapped as occurring within the study area. In addition, eight other special-status animal species are known to occur within a 10-mile radius: Clear Lake hitch, foothill yellow-legged frog, grasshopper sparrow, Pacific fisher, Sacramento perch, Townsend's big-eared bat, tricolored blackbird, and western pond turtle (Appendix D). The CNDDDB records search also identified seven non-status animal species within the search radius: *Calasellus californicus*, Bell's sage sparrow, blennosperma vernal pool andrenid bee, double-crested cormorant, great blue heron, osprey, and silver-haired bat.

The potential for each special-status animal species to utilize the study area is evaluated in Appendix E. No special-status animal species were observed in the study area during the wildlife evaluation. However, as documented in Appendix E, two special-status animal species, grasshopper sparrow and Townsend's big-eared bat, as well as the non-status silver-haired bat could potentially utilize the site at some point during their life cycles. A checklist of wildlife species observed at the site is presented in Appendix G.

The grasshopper sparrow, a migratory bird, has a low potential to nest in the onsite annual grassland community. Potential adverse effects on nesting grasshopper sparrows can be avoided through proper timing of vegetation removal (see Nesting Migratory Birds below).

Townsend's big-eared bat and silver-haired bat could potentially forage on the site. However, they are very unlikely to roost on the site, given the lack of suitable roosting sites. Because suitable roosting habitat is much more available on other local sites and similar or higher quality foraging habitat is widely available, site development would have a negligible effect on these bat species; no mitigation is warranted.

Nesting Migratory Birds

Although no bird nests were observed in the study area during the field inspections, it is possible that migratory birds, particularly ground-nesting species, could nest on the study area in future years. The federal Migratory Bird Treaty Act requires that nesting migratory birds not be adversely affected by human activities. To ensure compliance with the Act, vegetation should be removed from the project area outside of the nesting season. In the local area, most birds nest between March 1 and July 31. Accordingly, the potential for adversely affecting nesting birds can be greatly minimized by removing vegetation before March 1 or after July 31. If this is not possible, a nesting survey should be conducted within two weeks prior to vegetation removal. If active nests are present, work within 500 feet of the nest(s) should be postponed until the young have fledged, unless a smaller nest buffer zone is authorized by the DFG.

Resource-Agency Permit Requirements

If the Corps of Engineers confirms that the small depressions and constructed ditches are waters subject to federal jurisdiction, a Department of the Army permit would be required prior to fill of the features. As a condition of the Department of the Army permit, issuance of a Water Quality Certification by the Regional Water Quality Control Board would also be required. It is unlikely that a Streambed or Lakebed Alteration Agreement would be required by the Department of Fish and Game; however, we recommend this be confirmed through consultation with Department staff. As for any

project involving more than one acre of surface disturbance, a General Construction Activity Storm Water Permit must be obtained from the State Water Resources Control Board; this requires preparation and implementation of a Storm Water Pollution Prevention Plan. Project implementation would also necessitate obtaining other permits (e.g., encroachment permits, air quality permits), but these involve issues beyond the scope of this document.

4. CONCLUSIONS AND RECOMENDATIONS

In summary, we find that the study area supports non-wetland “waters of the United States,” a unique serpentine herb community, and four special-status plant species: Colusa layia, serpentine cryptantha, bent-flowered fiddleneck, and Tracy’s clarkia. In addition, two special-status animal species (grasshopper sparrow and Townsend’s big-eared bat), the non-status silver-haired bat, and nesting migratory birds could potentially utilize the site at some point during their life cycle.

Mitigation is not warranted for the bat species because they are unlikely to roost on the site and foraging habitat is widely available. Mitigation is not warranted for Tracy’s clarkia given its relative abundance and low listing status; however, mitigation for the serpentine herb community and other three special-status plants is expected to offset the loss of Tracy’s clarkia. Implementation of the following measures would reduce the remaining biological impacts to a level below that of significance.

1. Obtain Required Resource-Agency Permits. The project proponent shall obtain all necessary resource-agency permits prior to initiating any grading or construction activities within “waters of the United States.” The required permits may include a Department of the Army Nationwide Permit from the U.S. Army Corps of Engineers, Water Quality Certification from the Regional Water Quality Control Board, and possibly a Streambed Alteration Agreement from the California Department of Fish and Game.
2. Avoid/Minimize/Offset the Loss of the Serpentine Herb Community and Associated Special-Status Plants. The project proponent shall prepare a mitigation plan identifying specific impacts of the proposed courthouse project on the serpentine herb community, Colusa layia, serpentine cryptantha, and bent-flowered fiddleneck. The plan shall include measures to avoid and minimize impacts to these resources through careful site design and establishment of onsite avoidance areas. To the extent feasible, Tracy’s clarkia shall also be avoided/protected. If avoidance is not possible or does not provide sufficient mitigation, other mitigation measures shall be designated in the plan, including preservation of offsite serpentine habitats and special-status plant populations, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, and/or creation of new habitats capable of supporting the sensitive resources. The mitigation plan shall be submitted to the California Department of Fish and Game for review, and must be approved in writing by DFG prior to initiation of site construction activities.

3. Avoid Disturbance of Nesting Migratory Birds, Including Grasshopper Sparrow. If feasible, vegetation removal shall be conducted between August 1 and February 28. If vegetation removal must be conducted between March 1 and July 31, a nesting bird survey shall be conducted within two weeks prior to initiation of work; if active nests are present, work within 500 feet of the nest(s) shall be postponed until the young have fledged, unless a smaller nest buffer zone is authorized by the DFG.

5. REFERENCES CITED

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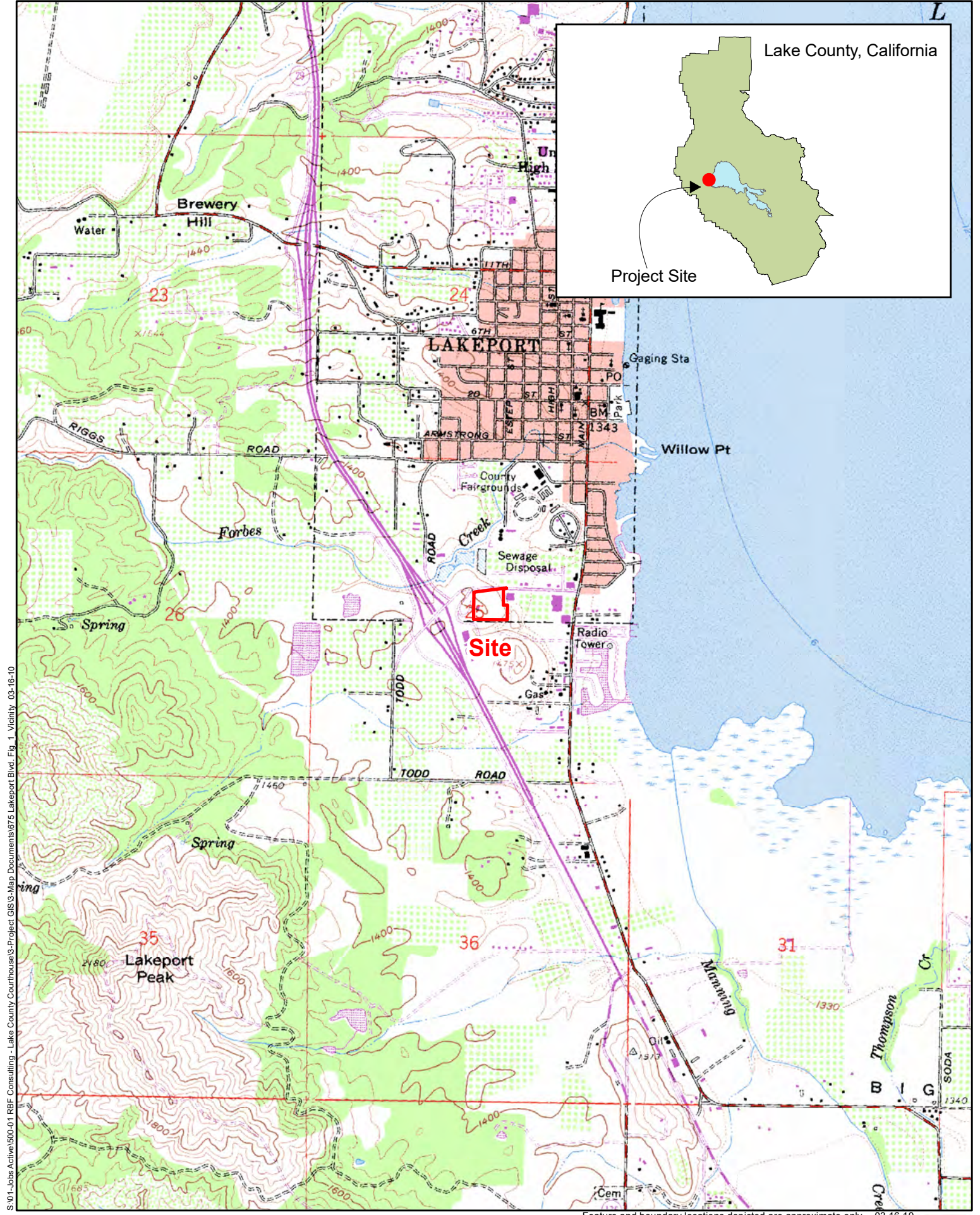
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Appendix A

Figures



S:\01-Jobs Active\600-01 RBF Consulting - Lake County Courthouse\3-Project GIS\3-Map Documents\675 Lakeport Blvd. Fig. 1 Vicinity 03-16-10

Feature and boundary locations depicted are approximate only. 03.16.10



Figure 1
Project Vicinity Map



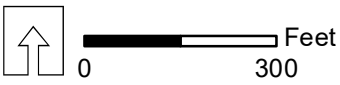


Lakeport Blvd

State Hwy 29

Site

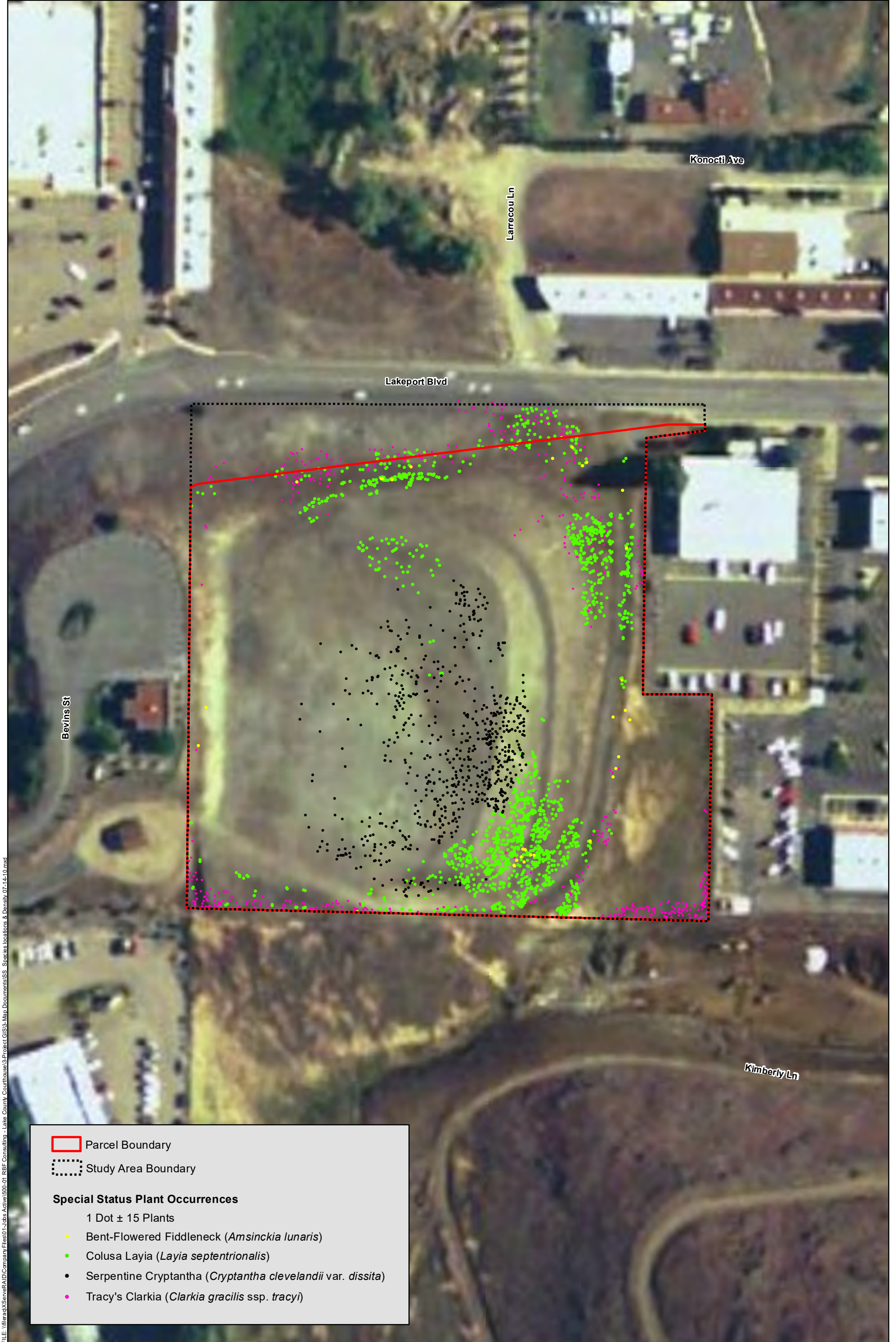
Project APE and Area Surveyed




Feature and boundary locations depicted are approximate only. 07.12.10

Figure 2
Project APE and Area Surveyed









 Parcel Boundary

 Study Area Boundary

Special Status Plant Occurrences

1 Dot ± 15 Plants

-  Bent-Flowered Fiddleneck (*Amsinckia lunaris*)
-  Colusa Layia (*Layia septentrionalis*)
-  Serpentine Cryptantha (*Cryptantha clevelandii* var. *dissita*)
-  Tracy's Clarkia (*Clarkia gracilis* ssp. *tracyi*)

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Figure 3

Feature and boundary locations depicted are approximate only. 07.15.10

Special-Status Plant Population Locations and Density Representation



Appendix B

Site Photographs

Site Photographs



Annual Grassland (front) and Serpentine Herb (back) Communities 3/17/10



Annual Grassland Community 6/17/10



Serpentine Herb Community on Upper Terrace 3/17/10



Serpentine Herb Community on Undisturbed Slope 6/17/10



Ponded Water on Upper Terrace 2/8/10



Constructed Drainage Ditch 4/29/10



Bent-flowered Fiddleneck 4/9/10



Colusa Layia 5/19/10



Serpentine Cryptantha 6/17/10



Serpentine Cryptantha on Hillside 6/17/10



Tracy's Clarkia 6/17/10



Tracy's Clarkia Habitat 6/17/10

Appendix C

Wildlife Habitat Relationships Report Summary

WHR SPECIES SUMMARY REPORT (VERSION 8.2)

**Lake County Courthouse
675 Lakeport Boulevard, Lakeport, CA**

ID	SPECIES NAME	STATUS													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
A007	California newt						7								
A043	Foothill yellow-legged frog						7				11	12			
A046	Bullfrog													14	
A071	California red-legged frog		2				7								
R004	Western pond turtle						7				11	12			
R036	Western skink						7				11				
R048	Ringneck snake											12			
R057	Gopher snake						7								
R059	California mountain kingsnake						7					12			
R061	Common garter snake	1		3		5	7								
B051	Great blue heron												13		
B052	Great egret												13		
B071	Snow goose													14	
B075	Canada goose													14	
B077	Green-winged teal													14	
B079	Mallard													14	
B080	Northern pintail													14	
B083	Cinnamon teal													14	
B084	Northern shoverler													14	
B085	Gadwall													14	
B086	Eurasian wigeon													14	
B087	American widgeon													14	
B094	Lesser scaup													14	
B110	Osprey												13		
B111	White-tailed kite				5										
B113	Bald eagle		3		5								13		
B114	Northern harrier						7								
B124	Ferruginous hawk										11				
B126	Golden eagle				5						11		13		
B129	Peregrine falcon		3		5							12	13		
B133	Ring-necked pheasant													14	
B134	Sooty grouse						7							14	
B138	Wild turkey													14	
B140	California quail						7							14	
B141	Mountain quail													14	
B149	American coot													14	
B255	Mourning dove													14	
B269	Burrowing owl						7				11				
B272	Long-eared owl						7								
B273	Short-eared owl						7								
B338	Purple martin						7								
B342	Bank swallow			4											
B353	American crow													14	
B410	Loggerhead shrike	1					7								
B461	Common yellowthroat						7								
B487	Rufous-crowned sparrow						7								
B499	Savannah sparrow		3				7								
B501	Grasshopper sparrow						7								
B505	Song sparrow						7								

Appendix D

Rarefind (CNDDDB) Report Summary

Rarefind (CNDDDB) Report Summary (March 2010 Data)
Lake County Courthouse
675 Lakeport Boulevard, Lakeport, CA

Listed Element	Quadrangle ¹											Status ²
	CM	UL	BM	PG	LA	LU	CO	HO	HS	KE	CH	
Animals												
American badger					•							SSC
<i>Calasellus californicus</i>										•		None
Bell's sage sparrow									•			None
Blennosperma vernal pool andrenid bee					•							None
Clear Lake hitch		•			•	•	•		•		•	SSC
Double-crested cormorant					•							None
Foothill yellow-legged frog				•					•	•		SSC
Grasshopper sparrow				•				•				SSC
Great blue heron					•							None
Osprey			•	•	•	•	•			•		None
Pacific fisher				•								FC, SSC
Sacramento perch					•	•	•				•	SSC
Silver-haired bat			•			•						None
Townsend's big-eared bat				•								SSC
Tricolored blackbird		•			•							SSC
Western pond turtle		•						•	•	•		SSC
Plants												
Anthony's Peak lupine			•									1B.3
Beaked tracyina				•	•			•				1B.2
Bent-flowered fiddleneck					•	•			•			1B.2
Boggs Lake hedge-hyssop										•		SE, 1B.2
Bolander's horkelia				•					•			1B.2
Brandegee's eriastrum										•		1B.2
Bristly sedge	•							•				2.1
Burke's goldfields										•		FE, SE, 1B.1
Colusa layia					•	•	•	•	•	•		1B.2
Dimorphic snapdragon									•			4.3
Eel-grass pondweed						•	•			•	•	2.2
Glandular western flax			•		•	•			•	•		1B.2
Green jewel-flower					•							1B.2
Koch's cord moss				•				•				1B.3
Konocti manzanita						•			•	•		1B.3
Mayacamas popcorn-flower					•							1A
Napa bluecurls										•		1B.2
Norris' beard moss			•		•	•			•			2.2
Oval-leaved viburnum								•				2.3
Raiche's manzanita				•								1B.1
Rincon Ridge ceanothus				•								1B.1
Robust monardella										•		1B.2
Serpentine cryptantha					•				•			1B.1
Small-flowered calycadenia									•			1B.2
Small groundcone				•				•				2.3
Sonoma canescent				•								1B.2

Rarefind (CNDDDB) Report Summary (March 2010 Data)
Lake County Courthouse
675 Lakeport Boulevard, Lakeport, CA

Listed Element	Quadrangle ¹											Status ²
	CM	UL	BM	PG	LA	LU	CO	HO	HS	KE	CH	
manzanita												
Two-carpellate western flax			•			•						1B.2
Woolly meadowfoam										•		4.2
Natural Communities												
Clear Lake Drainage Cyprinid /Catostomid Stream						•				•		None
Clear Lake Drainage Resident Trout Stream										•		None
Clear Lake Drainage Seasonal Lakefish Spawning Stream						•				•		None
Coastal and Valley Freshwater Marsh		•			•	•						None
Northern Interior Cypress Forest				•								None
Serpentine Bunchgrass				•								None

Highlighting denotes the quadrangle in which the project site is located.

¹Quadrangle Code

CM = Cow Mountain
 UL = Upper Lake
 BM = Bartlet Mtn.
 PG = Purdy's Garden

LA = Lakeport
 LU = Lucerne
 CO = Clearlake Oaks
 HO = Hopland

HS = Highland Springs
 KE = Kelseville
 CH = Clearlake Highlands

²Status Codes

Federal/State

FE = Federally Listed – Endangered
 FT = Federally Listed – Threatened
 FC = Federal Candidate Species

FD = Federally Delisted
 SE = State Listed – Endangered
 ST = State Listed – Threatened

SSC = State Species of Concern

California Native Plant Society

List 1A = Plants Presumed Extinct in California
 List 1B = Plants Rare, Threatened or Endangered in California and Elsewhere
 List 2 = Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
 List 3 = Plants About Which We Need More Information – A Review List
 List 4 = Plants of Limited Distribution – A Watch List

Threat Ranks

0.1 = Seriously Threatened in California
 0.2 = Fairly Threatened in California
 0.3 = Not Very Threatened in California

Appendix E

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur at the Project Site

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
Wildlife		
American badger <i>Taxidea taxus</i>	Badgers are most commonly found in dry, open areas in shrub, forest, and herbaceous habitats, with friable soils. Badgers dig burrows in dry, sandy soil, usually in areas with sparse overstory.	Review of CNDDDB records found that the American badger has been broadly mapped to include the project site. The exact location of this occurrence is uncertain, but has been mapped to include most of the community of Lakeport. Field inspection found no badgers or badger dens. The American badger is thus not expected to be present or affected by project implementation.
<i>Calasellus californicus</i>	<i>Calasellus californicus</i> , a freshwater isopod, is found in association with springs and seeps. The species is known to occur in Lake, Santa Clara, and Napa counties.	Springs and seeps do not occur on the project site. <i>Calasellus californicus</i> would thus not be present or affected by project implementation.
Bell's sage sparrow <i>Amphispiza belli belli</i>	Bell's sage sparrow nest in chaparral dominated by dense stands of chamise.	The project area does not support chaparral or dense stands of chamise. Bell's sage sparrow would thus not be present.
Blennosperma vernal pool andrenid bee <i>Andrena blennospermatis</i>	The blennosperma vernal pool andrenid bee is a solitary, ground-nesting bee that inhabits upland areas around vernal pools. This bee has a patchy distribution in California's Sacramento Valley and foothills.	Vernal pools do not occur on or adjacent to the project site. The blennosperma vernal pool andrenid bee would thus not be present or affected by project implementation.
Clear Lake hitch <i>Lavinia exilicauda chi</i>	Clear Lake hitch are endemic to Clear Lake (Lake County) and its associated tributaries. Hitch are also found in nearby Thurston Lake and Lampson Pond. Adults spawn in seasonal tributary streams to Clear Lake, such as Kelsey, Seigler Canyon, Adobe, Middle, Scotts, Cole, and Manning creeks. Spawning occurs in gravelly areas in the lower reaches of these streams.	The project area lacks lakes and streams. Clear Lake hitch would thus not be present or affected by project implementation.
Double-crested cormorant <i>Phalacrocorax auritis</i>	Double-crested cormorant is a year-long resident along the coast and inland lakes and rivers, and feeds primarily on fish. Double-crested cormorants are colonial nesters, and nest from April through August. Nesting/roosting habitat includes off-shore rocks, islands, cliffs, wharfs, jetties, or overhanging tree branches along lakes and rivers.	The project area lacks suitable nesting and foraging habitat for the double-crested cormorant. The double-crested cormorant would thus not be present or affected by project implementation.

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
Foothill yellow-legged frog <i>Rana boylei</i>	Foothill yellow-legged frogs are typically found in partly-shaded, shallow streams and riffles with a rocky substrate in a variety of aquatic habitats. This frog needs at least some cobble-sized substrate for egg-laying. Foothill yellow-legged frogs generally prefer low to moderate gradient streams, especially for breeding and egg-laying, although juvenile and adult frogs may utilize moderate- to steep-gradient streams during summer and early fall.	The project area lacks suitable habitat for the foothill yellow-legged frog. The foothill yellow-legged frog was not observed during the wildlife survey and is not expected to be present or affected by project implementation.
Grasshopper sparrow <i>Ammodramus savannarum</i>	Grasshopper sparrows frequent dry or well-drained native grasslands. Nesting occurs from early April through mid-July in these grasslands. Nests are constructed of grasses or forbs in slight depressions on the ground, usually at the base of an overhanging clump of grass or forbs.	Although not observed during the wildlife survey, the grassland on the project site has a low potential to provide nesting habitat for the grasshopper sparrow.
Great blue heron <i>Ardea herodias</i>	Great blue herons nest in colonies along marshes, lake margins, tideflats, wet meadows, rivers, and streams. Nests are generally in the tops of tall trees and snags. Uncommon nest sites include rock ledges, sea cliffs, and tule mats.	The project site lacks suitable nesting habitat for the great blue heron. Great blue herons were not observed during the wildlife survey and are not expected to nest on the site.
Osprey <i>Pandion haliaetus</i>	Ospreys require large bodies of permanent water and suitable nest sites. Nesting occurs on large decadent trees or structures such as powerline towers, buildings, and bridges. Ospreys are primarily associated with pine and mixed-conifer habitats, although urban or suburban nests are not unusual.	The project site lacks suitable nesting habitat for the osprey. Ospreys were not observed during the wildlife survey and are not expected to nest on the site. Review of CNDDDB records found that the nearest reported osprey nest is approximately ¼-mile southeast of the project site, along the shore of Clear Lake.
Pacific fisher <i>Martes pennanti pacificus</i>	Pacific fishers primarily inhabit mixed conifer forests dominated by Douglas-fir, although they also are encountered frequently in higher elevation fir and pine forests, and mixed evergreen/broadleaf forests. Suitable habitat for Pacific fishers consists of large areas of mature, dense forest stands with snags and greater than 50 percent canopy closure.	No forest habitat occurs on the project site. Field inspection found no fishers or fisher dens on the site. The Pacific fisher would thus not den on the site or be affected by project implementation.
Sacramento perch <i>Archoplites interruptus</i>	The Sacramento perch is a warm-water fish that historically occurred in Clear Lake (Lake County), as well as the Sacramento, San Joaquin, Pajaro, and Salinas river systems. The species is presently restricted to Clear Lake and several small reservoirs and farm ponds where they have been introduced. Adults and juveniles associate with beds of aquatic vegetation in shallow water.	Lakes and streams do not occur on the project site. The Sacramento perch would thus not be present or affected by project implementation.

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
Silver-haired bat <i>Lasionycteris noctivagans</i>	Silver-haired bats occur in coastal and montane forests. Silver-haired bats roost in hollow trees, snags, rock crevices, caves, and under bark.	The project site provides suitable foraging habitat for the silver-haired bat, but does not provide roosting habitat.
Townsend's big-eared bat <i>Corynorhinus townsendii pallescens</i>	Townsend's big-eared bat is found throughout California except in subalpine and alpine habitats, and may be found at any season throughout its range. The species is most abundant in mesic habitats. The bat requires caves, mines, tunnels, buildings, or other human-made structures for roosting.	The project site provides suitable foraging habitat for Townsend's big-eared bat, but does not provide roosting habitat.
Tricolored blackbird <i>Agelaius tricolor</i>	Tricolored blackbirds require open water, usually nesting in dense cattails or tules although they can also nest in thickets of willow, blackberry, wild rose and tall herbs. Tricolored blackbirds are colonial nesters. Nesting areas must be large enough to support a minimum colony of about 50 pairs.	The project site lacks suitable nesting habitat for the tricolored blackbird. Tricolored blackbirds were not observed during the wildlife survey and are not expected to nest on the site.
Western pond turtle <i>Actinemys marmorata</i>	The western pond turtle associates with permanent or nearly permanent water in a variety of habitats. This turtle is typically found in quiet water environments. Pond turtles require basking sites such as partially submerged logs, rocks, or open mud banks, and suitable (sandy banks or grassy open fields) upland habitat for egg-laying. In cold weather, pond turtles hibernate underwater in bottom mud.	The project site lacks suitable habitat for the western pond turtle. The western pond turtle was not observed during the wildlife survey and is not expected to be present or affected by project implementation.
PLANTS		
Anthony's Peak lupine <i>Lupinus antoninus</i>	Anthony's Peak lupine occurs on rocky outcrops and dry talus and shaley slopes on mountaintops above timberline (4,000 to 7,500 feet above sea level). The species is known to occur in Mendocino, Trinity, and Lake counties. The flowering period is May through July.	The project site is well below the elevational range of Anthony's Peak lupine. The species was not observed during the botanical survey and is not expected to be present or affected by project implementation.

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
Beaked tracyina <i>Tracyina rostrata</i>	Beaked tracyina is an annual herb that usually occurs on dry, grassy slopes in coastal prairie. The species is reported between 400 and 1,000 feet in elevation. Most populations are reported in Humboldt and Mendocino counties, although several populations are found in Lake and Sonoma counties. The flowering period is May through June.	The disturbed grassland on the project site has a low potential to support beaked tracyina. However, beaked tracyina was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Bent-flowered fiddleneck <i>Amsinckia lunaris</i>	Bent-flowered fiddleneck occurs in cismontane woodland, and valley and foothill grassland. The species is reported between 50 and 1,500 feet in elevation. Populations are known to occur in Lake, Marin, Napa, Colusa, Contra Costa, Alameda, San Benito, Santa Clara, Santa Cruz, Yolo, and San Mateo counties. The flowering period is March through June.	The project site provides suitable habitat for bent-flowered fiddleneck, and the species was observed during the botanical survey.
Boggs Lake hedge-hyssop <i>Griatiola heterosepala</i>	Boggs Lake hedge-hyssop occurs in marshes, swamps, and vernal pools. The species is reported from sea level to 7,800 feet in elevation. The flowering period is April through August.	The project site lacks marshes, swamps, and vernal pools. Boggs Lake hedge-hyssop was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Bolander's horkelia <i>Horkelia bolanderi</i>	Bolander's horkelia occurs along grassy margins of vernal pools. The species is reported between 1,500 and 3,000 feet in elevation. Populations are known to occur in Colusa, Lake, and Mendocino counties. The flowering period is June through August.	Vernal pools do not occur on the project site. Bolander's horkelia was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Brandegge's eriastrum <i>Eriastrum brandegeae</i>	Brandegge's eriastrum occurs on dry gravelly to loamy soils on flats and benches in chaparral or closed-cone pine forests. The species is reported between 1,000 and 3,400 feet in elevation in the northern Coast Range. Populations are known to occur in Colusa, Glenn, Lake, Shasta (extreme southwestern portion), Trinity, Santa Clara, and San Mateo counties. The flowering period is April through August.	Chaparral or closed-cone pine forests do not occur on the project site. Brandegge's eriastrum was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Bristly sedge <i>Carex comosa</i>	Bristly sedge occurs in marshes, and swamps, or along lake margins. This species is reported from sea level to 2,100 feet in elevation. The flowering period is May through September.	Marshes, swamps, or lake margins do not occur on the project site. Bristly sedge was not observed during the botanical survey and is not expected to be present or affected by project implementation.

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
<p>Burke's goldfields <i>Lasthenia burkei</i></p>	<p>Burke's goldfields occurs in vernal pools, meadows, and seeps. The species is reported between 50 and 2,000 feet in elevation. Populations are known to occur in Lake, Mendocino, Napa, and Sonoma counties. The flowering period is April through June.</p>	<p>Vernal pools, meadows, and seeps do not occur on the project site. Burke's goldfields was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Colusa layia <i>Layia septentrionalis</i></p>	<p>Colusa layia is an annual herb that occurs in oak woodland, chaparral, valley and foothill grasslands, and in sandy serpentinite. The species is reported between 300 and 3,600 feet in elevation. Populations are known to occur in the Coast Range and Sutter Buttes (Colusa, Glenn, Lake, Mendocino, Napa, Sonoma, Sutter, Tehama, and Yolo counties). The flowering period is April through May.</p>	<p>The project site provides suitable habitat for Colusa layia, and the species was observed on the northern portion of the upper terrace and on the slope below the terrace.</p>
<p>Dimorphic snapdragon <i>Antirrhinum subcordatum</i></p>	<p>Dimorphic snapdragon occurs on serpentine or shale soils in foothill woodland or chaparral on south or west-facing slopes, between 600 and 2,500 feet above sea level. The flowering period is April through July.</p>	<p>Serpentine rocks cover most of the project site. However, dimorphic snapdragon was not observed during the botanical survey and is not expected to be present.</p>
<p>Eel grass pondweed <i>Potamogeton zosteriformis</i></p>	<p>Eel grass pondweed occurs in ponds, lakes, streams, marshes, and swamps up to 6,000 feet in elevation. This aquatic plant has been reported in Lassen, Shasta, Modoc, Contra Costa, and Lake counties.</p>	<p>Suitable habitat for eel grass pondweed does not occur on the project site. Eel grass pondweed was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Glandular western flax <i>Hesperolinon adenophyllum</i></p>	<p>Glandular western flax generally occurs on serpentine soils in chaparral. The species is reported between 1,400 and 4,300 feet in elevation. Populations are known to occur in Lake and Mendocino counties. The flowering period is May through August.</p>	<p>Serpentine rocks cover most of the project site. However, glandular western flax was not observed during the botanical survey and is not expected to be present.</p>
<p>Green jewel-flower <i>Streptanthus breweri</i> var. <i>hesperidis</i></p>	<p>Green jewel-flower occurs in openings in chaparral and cismontane woodland, or on serpentine or rocky sites. The species is reported between 400 and 2,500 feet in elevation. Populations are known to occur in Glenn, Lake, Napa, and Sonoma counties. The flowering period is May through July.</p>	<p>Review of CNDDDB records found that the green jewel-flower has been broadly mapped to include the project site. The exact location of this occurrence is uncertain, but has been mapped to include most of the community of Lakeport. Serpentine rocks cover most of the project site. However, green jewel-flower was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
<p>Koch's cord moss <i>Entosthodon kochii</i></p>	<p>Koch's cord moss occurs on moist soils in cismontane woodland. The species is reported between 1,600 and 3,300 feet in elevation. Populations are known to occur in San Luis Obispo, Mariposa, Marin, and Mendocino counties.</p>	<p>The project site lacks cismontane woodland and is slightly below the reported elevation range for Koch's cord moss. Koch's cord moss is not expected to be present or affected by project implementation.</p>
<p>Konocti manzanita <i>Arctostaphylos manzanita</i> ssp. <i>elegans</i></p>	<p>Konocti manzanita occurs on volcanic soils in chaparral, cismontane woodland, and lower montane coniferous forest. The species is reported between 1,300 and 4,600 feet in elevation. Populations are known to occur in Colusa, Glenn, Tehama, Lake, Napa, and Sonoma counties. The flowering period is March through May.</p>	<p>The project site is nearly devoid of trees and shrubs, and lacks suitable habitat for Konocti manzanita. Konocti manzanita was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Mayacamas popcorn-flower <i>Plagiobothrys lithocaryus</i></p>	<p>Mayacamas popcorn-flower occurs on moist sites in cismontane woodland, and valley and foothill grasslands. The species is reported between 900 and 1,500 feet in elevation. Populations are known to occur in Mendocino and Lake counties. The flowering period is April through May.</p>	<p>Review of CNDDDB records found that the Mayacamas popcorn-flower has been broadly mapped to include the project site. The exact location of this occurrence is uncertain, but has been mapped to include most of the community of Lakeport. The onsite grassland provides marginally suitable habitat for Mayacamas popcorn-flower. The species was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Napa bluecurls <i>Trichostema ruygtii</i></p>	<p>Napa bluecurls occurs in vernal pools in valley and foothill grasslands, and in openings in chaparral, cismontane woodland, and lower montane coniferous forest. The species is reported between 100 and 2,000 feet in elevation. Populations are known to occur in Napa and Solano counties. The flowering period is June through October.</p>	<p>The project site lacks vernal pools, chaparral, and cismontane woodland. Napa bluecurls was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Norris' beard moss <i>Didymodon norrisii</i></p>	<p>Norris' beard moss occurs on rocks in cismontane woodland and lower montane coniferous forest. The species is reported to occur between 2,000 and 6,500 feet in elevation.</p>	<p>The project site is well below the elevational range of Norris' beard moss. The species would thus not be present.</p>

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
Oval-leaved viburnum <i>Viburnum ellipticum</i>	Oval-leaved viburnum inhabits chaparral, cismontane woodland, and lower montane coniferous forests. The species often occurs on north-facing slopes covered by dense brush. Oval-leaved viburnum is found between 700 and 4,600 feet in elevation. The flowering period is May through June.	The project site lacks chaparral, cismontane woodland, and montane coniferous forest. Oval-leaved viburnum was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Raiche's manzanita <i>Arctostaphylos stanfordiana</i> ssp. <i>raichei</i>	Raiche's manzanita occurs on serpentine soils in chaparral and lower montane coniferous forest. The species is reported between 1,500 and 3,300 feet in elevation. Populations are known to occur in Mendocino County. The flowering period is February through April.	The project site is nearly devoid of trees and shrubs, and lacks suitable habitat for Raiche's manzanita. Raiche's manzanita was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Rincon Ridge ceanothus <i>Ceanothus confusus</i>	Rincon Ridge ceanothus occurs on dry, serpentine or volcanic soils in chaparral, cismontane woodland, and lower montane coniferous forests. The species is reported between 250 and 3,500 feet in elevation. Populations are known to occur in Lake, Mendocino, Napa, and Sonoma counties. The flowering period is February through June.	The project site is nearly devoid of trees and shrubs, and lacks suitable habitat for Rincon Ridge ceanothus. Rincon Ridge ceanothus was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Robust monardella <i>Monardella villosa</i> ssp. <i>globosa</i>	Robust monardella occurs in openings in chaparral and oak woodlands. The species is reported from sea level to 4,300 feet in elevation. Populations are known to occur in Alameda, Contra Costa, Humboldt, Lake, Mendocino, Napa, Santa Clara, Santa Cruz, San Mateo, and Sonoma counties. The flowering period is June through July.	The project site is nearly barren of trees and shrubs. Robust monardella was not observed during the botanical survey and is not expected to be present or affected by project implementation.
Serpentine cryptantha <i>Cryptantha clevelandii</i> var. <i>dissita</i>	Serpentine cryptantha occurs on serpentine rock outcrops in chaparral. The species is reported between 1,100 and 2,400 feet in elevation. Populations are known to occur in Lake, Mendocino, Napa, and Sonoma counties. The flowering period is April through June.	Serpentine cryptantha was observed on the project site.
Small-flowered calycadenia <i>Calycadenia micrantha</i>	Small-flowered calycadenia generally occurs on rocky talus or in sparsely vegetated areas, but is occasionally found on serpentine soils and roadsides. The species is reported from sea level to 5,000 feet in elevation. Populations are known to occur in Monterey, Trinity, Lake, Napa, and Colusa counties. The flowering period is June through September.	The project site has a moderate potential to support small-flowered calycadenia. However, small-flowered calycadenia was not observed during the botanical survey and is not expected to be present or affected by project implementation.

Evaluation of the Potential for Special-Status Species or Other Species Identified by the CNDDDB to Occur on the Site

	Habitat Requirements	Potential to Occur
<p>Small groundcone <i>Boschniakia hookeri</i></p>	<p>Small groundcone occurs in North Coast coniferous forests, and is often found in association with salal. The species is reported between 300 and 2,900 feet in elevation. Populations are known to occur in Del Norte, Humboldt, Mendocino, Marin, and Trinity counties. The flowering period is April through August.</p>	<p>The project site is nearly devoid of trees and shrubs, and does not have suitable habitat for small groundcone. Small groundcone was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Sonoma canescent manzanita <i>Arctostaphylos canescens</i> ssp. <i>sonomensis</i></p>	<p>Sonoma canescent manzanita generally occurs in openings in chaparral. The species is most often found on dry, rocky ridges and slopes of serpentine origin. In the southern portion of its range, the species is found on volcanic soils. Sonoma canescent manzanita is reported between 650 and 4,900 feet in elevation. Populations are known to occur in Humboldt, Trinity, Mendocino, Lake, Colusa, Tehama, and Sonoma counties. The flowering period is January through June.</p>	<p>The project site is nearly devoid of trees and shrubs, and lacks suitable habitat for Sonoma canescent manzanita. Sonoma canescent manzanita was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Two-carpellate western flax <i>Hesperolinon bicarpellatum</i></p>	<p>Two-carpellate western flax occurs in serpentine barrens at the edge of chaparral. The species is reported between 500 and 2,700 feet in elevation. Populations are known to occur in Lake, Napa, and Sonoma counties. The flowering period is May through July.</p>	<p>Serpentine rocks cover most of the project site. However, two-carpellate western flax was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>
<p>Woolly meadowfoam <i>Limnanthes floccosa</i> ssp. <i>floccosa</i></p>	<p>Woolly meadowfoam generally occurs in vernal pools, ditches, and ponds in valley foothill and grasslands, cismontane woodland, and chaparral. The species is reported between 200 and 3,600 feet in elevation. The flowering period is March through June.</p>	<p>A ditch in the southeast portion of the project site has marginally suitable habitat for woolly meadowfoam. However, woolly meadowfoam was not observed during the botanical survey and is not expected to be present or affected by project implementation.</p>

Appendix F

Checklist of Vascular Plant Species Observed

CHECKLIST OF VASCULAR PLANT SPECIES OBSERVED

Lake County Courthouse Site
April 9 and 29, May 17, and June 19, 2010

Amaranthaceae

Amaranthus albus

Apiaceae

Lomatium macrocarpum

Perideridia sp.

Torilis arvensis

Asteraceae

Achyrachaena mollis

Agoseris grandiflora

Agoseris heterophylla

Ancistrocarphus filagineus

Anthemis cotula

Baccharis pilularis

Calycadenia pauciflora

Carduus pycnocephalus

Centaurea solstitialis

Chamomilla suaveolens

Cirsium cymosum

Filago gallica

Hemizonia congesta ssp. *clevelandii*

Hypochaeris glabra

Lactuca sp.

Lagophylla ramosissima var. *ramosissima*

Lasthenia californica

Layia septentrionalis

Micropus californicus var. *californicus*

Microseris douglasii ssp. *douglasii*

Psilocarphus tenellus var. *tenellus*

Rigiopappus leptocladus

Senecio vulgaris

Sonchus asper ssp. *asper*

Uropappus lindleyi

Boraginaceae

Amsinckia lunaris

Amsinckia menziesii var. *menziesii*

Cryptantha clevelandii var. *dissita*

Plagiobothrys nothofulvus

Brassicaceae

Athysanus pusillus

Brassica rapa

Capsella bursa-pastoris

Lepidium sp.

Lepidium nitidum var. *nitidum*

Streptanthus barbiger

Thysanocarpus curvipes

Amaranth Family

Tumbleweed

Carrot Family

Large-fruited lomatium

Yampah

Field hedge-parsley

Sunflower Family

Blow-wives

Large-flowered agoseris

Annual agoseris

Wooly fishhooks/false neststraw

Stinking chamomile

Coyote-brush

Smallflower western rosinweed

Italian thistle

Yellow star thistle

Pineapple weed

Peregrine thistle

Narrow-leaved filago

Hayfield tarweed

Smooth cat's ear

Prickly lettuce

Common hareleaf

California goldfields

Colusa tidytops

Slender cottonweed

Douglas' silverpuffs

Slender woolly marbles

Rigiopappus

Old-man-in-the-Spring

Prickly sow thistle

Silverpuffs

Borage Family

Bent-flowered fiddleneck

Menzies' fiddleneck

Cleveland's cryptantha

Rusty popcorn-flower

Mustard Family

Petty athysanus

Field-mustard

Shepherd's purse

Peppergrass

Shining peppergrass

Bearded jewelflower

Lace pod

CHECKLIST OF VASCULAR PLANT SPECIES OBSERVED
Lake County Courthouse Site

Campanulaceae

Githopsis specularioides

Caryophyllaceae

Cerastium glomeratum

Minuartia douglasii

Petrorhagia dubia

Scleranthus annuus ssp. *annuus*

Spergularia rubra

Convolvulaceae

Convolvulus arvensis

Crassulaceae

Crassula tillaea

Cucurbitaceae

Marah sp.

Cuscutaceae

Cuscuta californica

Euphorbiaceae

Eremocarpus setigerus

Fabaceae

Astragalus gambelianus

Lotus sp.

Lotus denticulatus

Lotus humistratus

Lotus purshianus

Lupinus bicolor

Medicago minima

Medicago polymorpha

Medicago praecox

Trifolium albopurpureum var. *dichotomum*

Trifolium bifidum var. *decipiens*

Trifolium dubium

Trifolium hirtum

Trifolium willdenovii

Vicia sativa ssp. *nigra*

Vicia villosa ssp. *villosa*

Fagaceae

Quercus lobata

Gentianaceae

Centaurium muehlenbergii

Bluebell Family

Common bluecup

Pink Family

Mouse-eared chickweed

Douglas' sandwort

Grass pink

German knotgrass

Ruby sand spurry

Morning Glory Family

Bindweed

Stonecrop Family

Moss pygmy weed

Gourd Family

Man-root

Dodder Family

Chaparral dodder

Spurge Family

Dove weed

Legume Family

Gambel's dwarf milkvetch

Lotus

Riverbar birds-foot trefoil

Hairy lotus

Spanish lotus

Bicolored lupine

Hairy bur-clover

California bur-clover

Mediterranean bur-clover

Branched Indian clover

Deceptive clover

Little hop clover

Rose clover

Tomcat clover

Garden vetch

Winter vetch

Oak Family

Valley oak (seedling)

Gentian Family

Muhlenberg's centaury

CHECKLIST OF VASCULAR PLANT SPECIES OBSERVED
Lake County Courthouse Site

Geraniaceae

Erodium botrys
Erodium brachycarpum
Erodium cicutarium

Geranium Family

Long-beaked filaree
Short-fruited storksbill
Red-stemmed filaree

Hydrophyllaceae

Phacelia corymbosa

Waterleaf Family

Serpentine phacelia

Iridaceae

Sisyrinchium bellum

Iris Family

Blue-eyed grass

Juncaceae

Juncus bufonius

Rush Family

Toad rush

Liliaceae

Allium falcifolium
Brodiaea californica var. *californica*
Calochortus vestae
Chlorogalum sp.
Dichelostemma capitatum ssp. *capitatum*

Lily Family

Scytheleaf onion
California brodiaea
Coast Range mariposa lily
Soap plant
Blue dicks

Malvaceae

Sidalcea diploscypha

Mallow Family

Fringed checkerbloom

Onagraceae

Camissonia graciliflora
Clarkia gracilis ssp. *gracilis*
Clarkia gracilis ssp. *tracyi*
Clarkia purpurea ssp. *quadrivulnera*
Epilobium minutum

Evening-Primrose Family

Hill suncup
Slender clarkia
Tracy's clarkia
Winecup clarkia
Chaparral willowherb

Orobanchaceae

Orobanche fasciculata

Broom-rape Family

Clustered broom-rape

Papaveraceae

Eschscholzia californica
Platystemon californicus

Poppy Family

California poppy
Creamcups

Plantaginaceae

Plantago sp.
Plantago erecta

Plantain Family

Plantain
Hooker's plantain

Poaceae

Aegilops triuncialis
Aira caryophyllea
Avena barbata
Avena fatua
Bromus carinatus var. *carinatus*
Bromus diandrus
Bromus hordeaceus
Bromus madritensis ssp. *rubens*
Deschampsia danthonioides

Grass Family

Barbed goatgrass
Silver hairgrass
Slender wild oats
Wild oats
California brome
Ripgut grass
Soft chess
Red brome
Annual hairgrass

CHECKLIST OF VASCULAR PLANT SPECIES OBSERVED

Lake County Courthouse Site

<i>Elymus multisetus</i>	Big squirreltail
<i>Hordeum brachyantherum</i> ssp. <i>californicum</i>	California barley
<i>Hordeum marinum</i> ssp. <i>gussoneanum</i>	Mediterranean barley
<i>Hordeum murinum</i>	Foxtail barley
<i>Lolium multiflorum</i>	Annual ryegrass
<i>Melica californica</i>	California melic
<i>Nasella pulchra</i>	Purple needlegrass
<i>Poa annua</i>	Annual bluegrass
<i>Poa secunda</i> ssp. <i>secunda</i>	One-sided bluegrass
<i>Scribneria bolanderi</i>	Scribner grass
<i>Secale cereale</i>	Rye
<i>Taeniatherum caput-medusae</i>	Medusa head
<i>Vulpia microstachys</i> var. <i>ciliata</i>	Fringed fescue
<i>Vulpia microstachys</i> var. <i>microstachys</i>	Small fescue
<i>Vulpia microstachys</i> var. <i>pauciflora</i>	Few-flowered fescue
<i>Vulpia myuros</i> var. <i>myuros</i>	Rattail fescue

Polemoniaceae

<i>Gilia capitata</i> ssp. <i>capita</i>
<i>Gilia tricolor</i>
<i>Leptosiphon bolanderi</i>
<i>Linanthus bicolor</i>

Polygonaceae

<i>Eriogonum nudum</i>
<i>Eriogonum vimineum</i>
<i>Rumex crispus</i>

Portulacaceae

<i>Calandrinia ciliata</i>
<i>Claytonia exigua</i> ssp. <i>exigua</i>
<i>Claytonia perfoliata</i>

Primulaceae

<i>Anagallis arvensis</i>

Pteridaceae

<i>Pentagramma triangularis</i> ssp. <i>triangularis</i>
--

Ranunculaceae

<i>Delphinium hansenii</i> ssp. <i>hansenii</i>
<i>Ranunculus</i> sp.

Rosaceae

<i>Crataegus</i> sp.

Rubiaceae

<i>Galium aparine</i>
<i>Galium parisiense</i>

Phlox Family

Globe gilia
Bird's eyes
Bolander's linanthus
Bicolored linanthus

Buckwheat Family

Naked buckwheat
Wicker buckwheat
Curly dock

Purslane Family

Red maids
Little miner's-lettuce
Common miner's lettuce

Primrose Family

Scarlet pimpernel

Brake Family

Goldback fern

Buttercup Family

Eldorado larkspur
Buttercup

Rose Family

Hawthorn (horticultural)

Madder Family

Cleavers
Wall bedstraw

CHECKLIST OF VASCULAR PLANT SPECIES OBSERVED
Lake County Courthouse Site

Scrophulariaceae

Castilleja attenuata
Castilleja exserta ssp. *exserta*
Castilleja rubicundala ssp. *lithospermoides*
Collinsia sparsiflora var. *sparsiflora*
Mimulus guttatus
Triphysaria eriantha
Verbascum blattaria

Taxodiaceae

Sequoia sempervirens

Valerianaceae

Plectritis macrocera

Snapdragon Family

Valley tassels
Exserted Indian paintbrush
Cream sacs
Spinster's blue eyed Mary
Common monkey-flower
Johnny tuck
Moth mullein

Bald Cypress Family

Redwood (horticultural)

Valerian Family

White plectritis

Appendix G

Checklist of Wildlife Species Observed

**Checklist of Wildlife Species Observed
Lake County Courthouse
675 Lakeport Boulevard, Lakeport, CA**

Common Name	Scientific Name	Status
BIRDS		
American crow	<i>Corvus brachyrhynchos</i>	None
Black-tailed jackrabbit	<i>Lepus californicus</i>	None
California gull	<i>Larus californicus</i>	None
Common raven	<i>Corvus corax</i>	None
Killdeer	<i>Charadrius vociferus</i>	None
Red-tailed hawk	<i>Buteo jamaicensis</i>	None
Western scrub-jay	<i>Aphelocoma californica</i>	None
MAMMALS		
California ground squirrel	<i>Otospermophilus beecheyi</i>	None
Gopher	<i>Thomomys</i> sp.	None
REPTILES		
Western fence lizard	<i>Sceloporus occidentalis</i>	None



JUDICIAL COUNCIL OF CALIFORNIA

2860 Gateway Oaks Drive, Suite 400 • Sacramento, California 95833-4336

Telephone 916-263-7885 • Fax 916-263-1966 • TDD 415-865-4272

M E M O R A N D U M

Date	Action Requested
June 23, 2022	Adopt Addendum to the Mitigated Negative Declaration for the Lakeport Courthouse Project
To	Deadline
Martin Hoshino Administrative Director	July 25, 2022
From	Contact
Pella McCormick Director of Facilities Services	Jennifer Chappelle, Manager, Risk Management
Subject	916-263-1945 phone Jennifer.chappelle@jud.ca.gov
Addendum to the Mitigated Negative Declaration for the New Lakeport Courthouse, Superior Court of Lake County	

Request:

Staff requests the Administrative Director sign the attached determination (Exhibit A), which adopts the Addendum to the Mitigated Negative Declaration (“MND”) for the new Lakeport Courthouse (“Project”).

Background

The Judicial Council acquired property for the construction of the Project on October 26, 2011. In conjunction with the acquisition of the site, and in compliance with the California Environmental Quality Act (“CEQA”), the Judicial Council’s Administrative Director adopted the MND for the Project on December 10, 2010.

The MND includes a Biological Mitigation Measure BIO-1 (“MM BIO-1”), which requires the Judicial Council prepare a mitigation plan to reduce potential impacts to special-status plant species to a less than significant level. MM BIO-1 also requires that the California Department of Fish and Wildlife (“CDFW”) review and approve the mitigation plan. However, on March 24,

2020, CDFW sent Judicial Council staff an email indicating that, because the Project does not involve species with Endangered Species Act protection or involve a Lake and Streambed Alteration Agreement, the CDFW will not review or approve the mitigation plan.

The Judicial Council is required to comply with MM BIO-1 to proceed with the Project. As MM BIO-1 is currently drafted, the mitigation measure can only be satisfied with the approval of CDFW. Since CDFW has refused to review or approve the mitigation plan, the Judicial Council must amend MM BIO-1 to remove the requirement that the mitigation plan be approved by the CDFW in order to proceed with the Project.

The amended MM BIO-1 will not result in a substantial change to the project or the mitigation plan. MM BIO-1 will maintain the requirement to prepare and implement the mitigation plan and reduce the potential impacts to special status plant species to a less than significance level.

Since the MND for the Project was adopted by the Administrative Director pursuant to the Judicial Council's Site Acquisition and Selection Policy for Court Facilities, the Addendum to the MND must also be adopted by the Administrative Director.

Deadline:

Staff requests Exhibit A be signed by July 25, 2022.

Attachments:

Exhibit A: Administrative Director's Determination Adopting the Addendum to the Judicial Council of California New Lakeport Courthouse Mitigated Negative Declaration

Attachment 1 –Addendum to the Judicial Council of California New Lakeport Courthouse Mitigated Negative Declaration

Exhibit B: Memorandum re Administrative Director's Determination Adopting the Final Mitigated Negative Declaration for the Lakeport Courthouse Project

Exhibit C: [Final Mitigated Negative Declaration](#) (link only)

Exhibit D: [Appendix M to Mitigated Negative Declaration – Mitigation Monitoring Plan](#) (link only)

EXHIBIT A

Administrative Director’s Determination Adopting the Addendum to the Mitigated Negative Declaration for the New Lakeport Courthouse Project

Whereas, the Judicial Council of California (“Judicial Council”) has acquired a parcel to construct a new courthouse in Lakeport for the Superior Court of California, County of Lake (“Project”);

Whereas, the Judicial Council, as the lead agency, adopted a Mitigated Negative Declaration (“MND”) for the Project on December 8, 2010 in compliance with the California Environmental Quality Act (“CEQA”);

Whereas, Mitigation Measure (“MM”) Bio-1, as currently drafted in the MND, requires that the Judicial Council prepare a mitigation plan in relation to three on-site special-status plant species, and that the Judicial Council have the California Department of Fish and Wildlife (“CDFW”) review and approve the mitigation plan. However, on March 24, 2020, CDFW indicated by email that it will not review or approve the mitigation plan because the Project does not involve species with Endangered Species Act protection or involve a Lake and Streambed Alteration Agreement. Thus, to move forward with the Project, the Judicial Council must amend MM BIO-1 to remove the requirement that the mitigation plan be approved by the CDFW.

Whereas, the Administrative Director has carefully reviewed the Addendum to the MND (Attachment 1); and

Whereas, all other legal prerequisites to the adoption of this Determination have occurred,

Therefore, the Administrative Director hereby finds, determines, declares, orders, and resolves that:

1. **Recitals.** All the recitals stated above are true and correct.
2. **Compliance with CEQA.** The Administrative Director reviewed and considered the information contained in the Addendum to the MND (Attachment 1) and makes the following specific findings with respect thereto:
 - a. That the Addendum to the MND (Attachment 1) prepared for the Project is a complete and accurate reporting of the environmental impacts associated with the Project as pertains to the subject matter contained therein;

- b. That the Addendum to the MND (Attachment 1) is in accordance with CEQA and the State CEQA Guidelines;
 - c. That the Addendum to the MND (Attachment 1) reflects the independent judgment of the Administrative Director.
3. **Location and Custodian of Records.** The location and custodian of records with respect to all the relevant documents and any other material that constitutes the administrative record for the Addendum to the MND, the MND and any associated project-specific technical appendices, if any, and related public documents is:

Ms. Jennifer Chappelle, Manager, Risk Management
Facilities Services
Judicial Council of California
2860 Gateway Oaks, Suite 400
Sacramento, CA 95833-3509

4. **Adoption of Addendum to the MND.** The Administrative Director of the Courts hereby adopts the Addendum to the MND.

APPROVED AND ADOPTED by the Administrative Director on the ____ of July, 2022.

Martin Hoshino
Administrative Director
Judicial Council

**ADDENDUM TO THE JUDICIAL COUNCIL OF CALIFORNIA
NEW LAKEPORT COURTHOUSE
MITIGATED NEGATIVE DECLARATION
675 Lakeport Boulevard
Lakeport, California
APN 025-401-05
SCH #2010082058**

June 2022

SUMMARY

The Judicial Council of California has prepared this Addendum to the New Lakeport Courthouse Mitigated Negative Declaration (“MND”) pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. (“CEQA”) and California Code of Regulations Section 15000 et. seq. (“CEQA Guidelines”). This Addendum analyzes whether there may be any impact from amending the Biological Mitigation Measure BIO-1 (“MM BIO-1”), specifically the requirement that the Mitigation Plan is to be reviewed and approved by California Department of Fish and Wildlife (“CDFW”) (formerly California Department of Fish and Game). The proposed amendment to MM BIO-1 removes the requirement to obtain CDFW review and written approval of the Mitigation Monitoring and Reporting Plan (“MMRP”) because CDFW declined to provide review since the species concerned are not listed under the California Endangered Species Act (“CESA”).

APPLICABILITY AND USE OF ADDENDUM

In accordance with CEQA and Section 15164 of the CEQA Guidelines, an Addendum to a negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent negative declaration have occurred. Section 15162(a) states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental

effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There have not been any substantial changes proposed to the project which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, the Judicial Council has not been made aware of any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was certified as complete, or the negative declaration was adopted. As further discussed below, this Amendment only pertains to minor technical changes to MM BIO-1.

BACKGROUND INFORMATION

The Judicial Council proposes to construct a new courthouse site in the City of Lakeport and operate the facility to serve the Superior Court. The Superior Court of California, County of Lake serves the residents of Lake County in the main business district of Lakeport. Currently the court occupies the fourth floor of the Lakeport Courthouse, a shared use facility located at 255 N. Forbes Street in the City of Lakeport. The proposed project consists of the construction of a new

courthouse building on an approximately six-acre site located at 675 Lakeport Boulevard, in the City of Lakeport and would replace the existing Courthouse currently in use in Lakeport. The proposed new courthouse, as described in the 2011 MND, will be approximately 51,000 BGSF, two stories high, and would include four courtrooms, associated support space and approximately 120 parking spaces. The current 2022 proposal includes a reduction of building size by approximately 5,000 square feet and includes 130 off-street parking spaces for employees and courthouse visitors, 10 more than the 120 spaces allocated to the proposed 2011 MND project. The additional parking reduces impacts on the surrounding community. The current 2022 proposal accommodates a staff of 56 employees vs. 53 employees analyzed in the 2011 MND. The addition of 3 staff people that are transferred to the new Courthouse from other Courthouse facilities does not create a new impact. Consistent across both 2011 MND program and current 2022 proposal are the core functional spaces: public lobby, security screening area, courtrooms (four), judges' chambers, jury selection and deliberation rooms, courtroom support spaces, clerk's office, self-help area, administration, central in-custody holding, and building support services.

The project modifications reflected by the minor changes in the 2022 courthouse proposal would neither result in new significant effects nor change the significance of any of the original MND impacts. The reduced size of the 2022 courthouse proposal project and the minor increase in staffing do not necessitate reevaluating the 2011 MND to update the environmental conclusions.

Biological Mitigation Measure BIO-1

A botanical survey was conducted on April 9, and 29, May 17 and June 19, 2010, to identify all the special-status plant species potentially occurring in the proposed project area. The survey consisted of an intensive and systematic evaluation of the proposed project site. The botanical survey confirmed the presence of three plant species on the proposed project site, including: 1) *Colusa layia*; 2) serpentine cryptantha; and 3) bent-flowered fiddleneck which are on the California Native Plant Society's ("CNPS") List 1B. MM Bio-1 also requires that Tracy's clarkia be avoided/protected where possible. Tracy's clarkia is on CNPS List 4; plants of this status rarely qualify for state listing but may be locally significant.

Since detailed site development plans have not yet been prepared, the extent of impacts to the serpentine herb community and the three on-site special-status plant species cannot be quantified at this time. However, in general terms, site development has a high potential to adversely affect these resources. Since full avoidance of the special-status plant populations and serpentine herb community does not appear to be feasible, the Judicial Council prepared MM BIO-1 to reduce potential impacts to special-status plant species to a less than significant level.

MM BIO-1 requires preparation of a MMRP to offset impacts to the on-site serpentine herb community. The MMRP shall identify the mitigation site(s); methods to be employed to protect, restore, enhance, and/or create serpentine herb habitat and the associated special status plant populations; an implementation schedule; success criteria; monitoring and reporting requirements; long-term maintenance provisions; remedial measures to be undertaken if the success criteria are not fully met; and/or other pertinent data to ensure successful mitigation. MM BIO-1 requires submittal of the MMRP to CDFW for review and approval in writing prior to initiation of construction activities.

On March 24, 2020, CDFW indicated in an email that it will not review or approve the MMRP because the project does not involve species with Endangered Species Act protection or involve a Lake and Streambed Alteration Agreement.

In 2022 the Judicial Council commissioned a plant survey on the project site addressed in MM BIO-1 to assess the locations and densities of the four special-status plant species. The plant survey identified all four plant types noted in the MM BIO-1 on the site as well as *Lasthenia californica* - *Plantago erecta* - *Vulpia microstachys* Herbaceous Alliance (“Herbaceous Alliance”). Although the Herbaceous Alliance is not formally listed as a California Sensitive Natural Community by CDFW, the *Vulpia microstachys* Association under this alliance is currently listed as an unranked California Sensitive Natural Community. The biological consultant determined that compensatory mitigation can be accomplished for both habitats within the same project site, through preservation or enhancement of off-site serpentine habitat, herbaceous alliances, and special-status plant populations identified, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, or creation of new habitats capable of supporting the sensitive resources, which the Judicial Council will undertake as part of its implementation of MM BIO-1 .

The amended MM BIO-1 will not result in a substantial change to the project or the MMRP. The Judicial Council will comply with the provisions of MM BIO-1, the amended MM-BIO-1 only removes the requirement to obtain CDFW review and approval, as CDFW subsequently declined to provide this review to the Judicial Council. MM BIO-1 will maintain the requirement to prepare and implement the MMRP and reduce the potential impacts to special status plant species to a less than significant level.

AMENDMENT TO MM BIO-1

The Judicial Council hereby amends MM BIO-1. The revised MM BIO-1 follows (deletions are shown in ~~strikethrough~~ and insertions are indicated with underline):

Mitigation Measure BIO-1: Following the development of a site plan and prior to the commencement of construction activities, the ~~AOC~~ Judicial Council shall prepare a Mitigation Plan to offset

impacts to the on-site serpentine herb community and the following three special status plants species: 1) Colusa layia; 2) serpentine cryptantha; and 3) bent-flowered fiddleneck. Tracy's clarkia shall also be avoided/protected where possible.

~~As discussed with California Department of Fish and Game (CDFG) staff, the Highest~~ The first priority for mitigation shall be to avoid and protect the existing on-site populations of the special-status plants to the extent feasible. Secondly, if suitable habitat will be temporarily disturbed but will remain viable in the long term, an effort shall be made to re-establish special-status plant populations in these areas upon completion of construction. ~~If CDFG~~ the Judicial Council determines that the available on-site options for plant protection and re-establishment do not fully compensate for the project impacts, off-site mitigation shall be provided. This can be accomplished through preservation or enhancement of offsite serpentine habitats and special-status plant populations, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, creation of new habitats capable of supporting the sensitive resources, and/or purchase of appropriate credits at a qualifying mitigation bank (if available).

The Mitigation Plan shall be ~~submitted to CDFG for review, and shall be~~ approved in writing by ~~CDFG~~ the Director of Facilities Services prior to initiation of construction activities. The Plan shall identify the mitigation site(s); methods to be employed to protect, restore, enhance, and/or create serpentine-herb habitat and the associated special-status plant populations; an implementation schedule; success criteria; monitoring and reporting requirements; long term maintenance provisions; remedial measures to be undertaken if the success criteria are not fully met; and/or other pertinent data to ensure successful mitigation.

May 26, 2022

JN 187038

JUDICIAL COUNCIL OF CALIFORNIA

Attn: Zulqar Helal
455 Golden Gate Avenue
San Francisco, CA 94102-3688

SUBJECT: Results of the Existing Conditions Reevaluation Survey and Mitigation Guidance Recommendations for the Lake County Courthouse Project – City of Lakeport, Lake County, California

Dear Mr. Helal:

Michael Baker International (Michael Baker) is pleased to submit this report to the Judicial Council of California (JCC) documenting the results of the existing conditions reevaluation survey conducted for the Lake County Courthouse Project (project) located in the City of Lakeport, Lake County, California. Survey intent was to confirm the presence of the four special-status species identified in the 2021 Mitigated Negative Declaration (RBF 2010), Colusa layia (*Layia septentrionalis*), bent flowered fiddleneck (*Amsinckia lunaris*), serpentine cryptantha (*Cryptantha dissita*), and Tracy's clarkia (*Clarkia gracilis* ssp. *tracyi*). This report serves to reevaluate site conditions as described in the *Biological Study Report Lake County Courthouse 675 Lakeport Boulevard, Lakeport, CA* (Biological Study Report) prepared for the project by Enplan on July 15, 2010 (Enplan 2010). Two (2) field surveys were performed on April 12 and 13, 2022 by Michael Baker's restoration ecologists/botanists Ryan Phaneuf and Trina Ming to document changes to site conditions and populations of the four (4) special status species that may have occurred since the 2010 surveys. This report does not discuss a census of any special-status species. Additionally, this report provides mitigation guidance recommendations for the four (4) special status species. Coordination between the JCC and the CDFW in 2020 determined per discussion that no further coordination with the CDFW was necessary as part of the special-status species mitigation (refer to Attachment A). The results of this survey serve to inform the JCC during the planning process of project development.

Project Description

The proposed project consists of an approximately 46,000 square-foot multi-level court facility that would be part of the state's Superior Court system serving the citizens of Lake County to be built on approximately 5.74 acres of vacant land at 675 Lakeport Boulevard in the City of Lakeport. The proposed project would require grading and leveling portions of the site to accommodate the courthouse building footprint and parking pad. The site would be landscaped and would accommodate the various utilities required to service a modern facility. The site would also be improved with an internal circulation network to permit access to and movement around the site.

New vehicular ingress/egress access driveways are proposed in addition to sidewalks, crossings and other pedestrian safety improvements.

The courthouse would include two stories to accommodate four courtrooms, support spaces, and approximately 130 off-street parking spaces in a surface lot adjacent to the new courthouse. The proposed courthouse would include support spaces for administration, clerk, security operations/holding, and building support. The new facility would also include a 7,000 square-foot lower level for a detention-level holding area for persons in custody, adjacent vehicular/pedestrian sally ports and sheriff parking, secure judges' parking, as well as storage and other ancillary building service areas.

Two building orientations are contemplated for spatial planning purposes and include a north and east alternative. The two proposed design alternatives are referred to as Lake Site North and Lake Site East. Both alternatives are currently considered equal with no preferred alternative.

Project Location

The project site is located at 675 Lakeport Boulevard, Lakeport, California, and is generally located south of Lakeport Boulevard, east and north of California State Route 29, and west of South Main Street (refer to Figure 1, *Regional Vicinity*, in Attachment B). The survey area is depicted in Section 25 of Township 2 North, Range 9 West, on the U.S. Geological Survey's (USGS) *Lakeport, California 7.5-minute quadrangle* (USGS 2022) (refer to Figure 2, *Project Vicinity*, in Attachment B).

Methodology

Literature Review

Michael Baker conducted a thorough review of the Biological Study Report (Enplan 2010) to familiarize staff with site conditions in preparation for the existing conditions reevaluation survey.

Field Surveys

Michael Baker conducted a field survey over the course of two days, April 12 and 13, 2022 to assess site conditions and document changes since the 2010 botanical field surveys were conducted. Four (4) special-status plant species were previously observed and mapped in the survey area as detailed in the 2010 *Biological Study Report* including Colusa layia (California Rare Plant Rank (CRPR) 1B.2¹), bent flowered fiddleneck (CRPR 1B.2), serpentine cryptantha (CRPR 1B.2), and Tracy's clarkia (CRPR 4.2²). The survey included an assessment to determine if suitable habitat for these special-status species is still present onsite as well as mapping general boundaries of the special-status species distribution throughout the survey area. The survey area, consisting of the outer limits of the grading footprint for both project alternatives and the project site boundary, was assessed systematically on foot by walking transects that varied between approximately 10 to 50 feet apart based on plant density, visibility, and distribution of on-site habitat patches (refer to Attachment C). All observed plant species were recorded and listed in Attachment D. Scientific names in this report are provided immediately following common names of plant species (first reference only). Vegetation communities were mapped and classified to the alliance level in accordance with *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009) (refer to Figure 3, *Vegetation*

¹ CRPR 1B.2 refers to a plant that is rare throughout its range with a majority of them endemic to California and is moderately threatened.

² CRPR 4.2 refers to a plant that has a limited or infrequent distribution throughout California and is moderately threatened.

Communities and Other Land Uses, in Attachment B). Geographic Information Systems (GIS) ESRI ArcGIS Pro software was then used to digitize the mapped special-status plant species and vegetation communities and display these data onto an aerial photograph.

All plants observed were identified to the lowest taxonomic level possible given the timeframe of the survey period. The survey was performed in mid-April which captures the blooming period for most of the species expected to be present onsite.

Refer to Table 1 below for a summary of the survey dates, timing, surveyors, and weather conditions.

Table 1: Survey Dates, Timing, Surveyors, and Weather Conditions

Date	Time (start / finish)	Surveyors*	Weather Conditions	
			Temperature (°F) (start / finish)	Wind Speed (mph) (start / finish)
April 12, 2022	1040 / 1620	RP, TM	42 cloudy / 50 cloudy	9 – 10
April 13, 2022	0700 / 1221	RP, TM	36 cloudy / 46 cloudy	4 – 6
*RP=Ryan Phaneuf, TM=Trina Ming				

Survey Results

The survey area has experienced minimal changes in land cover since the 2010 surveys and generally consisted of annual grasslands that were primarily located in the lower, eastern edge of the survey area. The remainder of the areas indicate serpentine conditions as determined by the growth of serpentine endemic species. As part of the 2022 site conditions reevaluation survey, land cover was further classified into vegetation communities within this report.

Four (4) natural vegetation communities were observed within the survey area and included *Eschscholzia (californica) – Lupinus (nanus)* Herbaceous Alliance, *Corethrogyne filangifolia – Eriogonum (elongatum, nudum)* Herbaceous Alliance, Disturbed *Corethrogyne filangifolia – Eriogonum (elongatum, nudum)* Herbaceous Alliance, and *Lasthenia californica - Plantago erecta - Vulpia microstachys* Herbaceous Alliance. Two (2) semi-natural vegetation communities were also observed including *Avena spp. – Bromus spp. – Clarkia gracilis ssp. tracyi* Herbaceous Semi-Natural Alliance and *Avena spp. – Bromus spp.* Herbaceous Semi-Natural Alliance. Other land cover types included Disturbed Habitat and Developed.

These vegetation communities and land cover types are identified in Table 2 below and depicted on Figure 3, *Vegetation Communities and Other Land Uses*, in Attachment B. The vegetation communities descriptions below document other species identified during the survey but do not require mitigation.

Table 2: Vegetation Communities within the Survey Area

Vegetation Community	Habitat Type	Acreage³
California poppy – Lupine fields (<i>Eschscholzia (californica) – Lupinus (nanus)</i> Herbaceous Alliance)	Annual Grassland	0.12
Sand-aster and perennial buckwheat fields (<i>Corethrogyne filangifolia – Eriogonum (elongatum, nudum)</i> Herbaceous Alliance)	Valley and Foothill Grassland	0.46
Disturbed sand-aster and perennial buckwheat fields (Disturbed <i>Corethrogyne filangifolia – Eriogonum (elongatum, nudum)</i> Herbaceous Alliance)	Valley and Foothill Grassland	1.35
California goldfields - dwarf plantain - small fescue flower fields (<i>Lasthenia californica - Plantago erecta - Vulpia microstachys</i> Herbaceous Alliance)	Native Grassland	0.24
Wild oats, annual brome, and Tracy’s clarkia grasslands (<i>Avena spp. – Bromus spp. – Clarkia gracilis ssp. tracyi</i> Herbaceous Semi-Natural Alliance)	Non-native Grassland	0.07
Wild oats and annual brome grasslands (<i>Avena spp. – Bromus spp.</i> Herbaceous Semi-Natural Alliance)	Non-native Grassland	0.99
Disturbed Habitat	Disturbed	2.50
Developed	Developed	0.03
TOTAL		5.76

California Poppy – Lupine Fields

Approximately 0.12 acre of California poppy – Lupine fields (*Eschscholzia (californica) – Lupinus (nanus)* Herbaceous Alliance) was documented within two small strips along the western and eastern edge of the site. This vegetation community was generally dominated by California poppy (*Eschscholzia californica*) intermixed with patches of non-native herbaceous annuals including wild oats (*Avena* sp.), foxtail barley (*Hordeum murinum*), soft chess (*Bromus hordaceus*), coastal heron’s bill (*Erodium cicutarium*), red clover (*Trifolium hirtum*), and red brome (*Bromus madritensis ssp. rubens*). Native vegetation in lesser quantities included butter lupine (*Lupinus luteolus*), big squirreltail grass (*Elymus multisetus*), naked buckwheat (*Eriogonum nudum*), Colusa layia, miniature lupine (*Lupinus bicolor*), and short podded lotus (*Acemispom brachycarpus*).

Sand-aster and Perennial Buckwheat Fields

Approximately 0.46 acre of sand-aster and perennial buckwheat fields (*Corethrogyne filangifolia – Eriogonum (elongatum, nudum)* Herbaceous Alliance) was documented along patches throughout the site. This vegetation community was comprised of naked buckwheat which provided the dominant vegetation coverage. Other species present included big squirreltail grass, Tracy’s clarkia, small fescue (*Festuca*

³ Totals may not equal sum due to rounding.

*microstachys*⁴), California poppy, and bigseed biscuitroot (*Lomatium macrocarpum*). The remainder of the areas were unvegetated.

Disturbed Sand-aster and Perennial Buckwheat Fields

Approximately 1.35 acres of disturbed sand-aster and perennial buckwheat fields (*Corethrogyne filangifolia* – *Eriogonum (elongatum, nudum)* Herbaceous Alliance) was observed along the central portion of the survey area. These areas consist of the previously graded areas that remained largely unvegetated. Reestablishment with vegetation including naked buckwheat and non-native grasses, wild oats and foxtail barley, was overall low in coverage. Other species present included serpentine phacelia (*Phacelia corymbosa*), California poppy, and soap plant (*Chlorogalum* sp.).

California Goldfields - Dwarf Plantain - Small Fescue Flower Fields

Approximately 0.24 acre of California goldfields – dwarf plantain – small fescue flower fields (*Lasthenia californica* - *Plantago erecta* - *Vulpia microstachys* Herbaceous Alliance) was observed along the northern section of the survey area. This area consisted of a mixture of native annual species with dominant coverage provided by small fescue. Low coverage of California poppy, larkspur (*Delphinium* sp.), serpentine phacelia, Colusa layia, bent flowered fiddleneck, Tracy’s clarkia, sand fringe pod (*Thysanocarpus curvipes*), soap plant, rosinweed (*Calycadenia* sp.), slender cottonweed (*Micropus californicus* var. *californicus*), and big squirreltail grass was dispersed throughout this vegetation community.

Lasthenia californica - *Plantago erecta* - *Vulpia microstachys* Herbaceous Alliance is not formally listed as a California Sensitive Natural Community by CDFW, however, the *Vulpia microstachys* Association under this alliance is currently listed as an unranked California Sensitive Natural Community⁵ (CDFW 2021). Impacts to sensitive natural communities need to be addressed in the California Environmental Quality Act (CEQA) environmental review processes and its equivalents.

Wild Oats, Annual Brome, and Tracy’s Clarkia Grasslands

Approximately 0.07 acre of wild oats, annual brome, and Tracy’s clarkia grasslands (*Avena* spp. – *Bromus* spp. – *Clarkia gracilis* ssp. *tracyi* Herbaceous Semi-Natural Alliance) was located in the southwestern corner of the survey area. This alliance is a modified version of the wild oats and annual brome grasslands alliance defined in *A Manual of California Vegetation, Second Edition* as it is codominantly vegetated with Tracy’s clarkia and foxtail barley. Other vegetation noted includes naked buckwheat and California poppy.

Wild Oats and Annual Brome Grasslands

Approximately 0.99 acre of wild oats and annual brome grasslands (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance) is located along the eastern border of the site. This vegetation community consisted of a heavy dominance by foxtail barley with individuals of hairy vetch (*Vicia villosa* ssp. *villosa*), branched indian clover (*Trifolium dichotomum*), and woolly fishhooks (*Ancistrocarphus filagineus*).

⁴ Formerly known as *Vulpia microstachys*.

⁵ Not all sensitive associations have received sensitivity rankings by the CDFW.

Disturbed Habitat

Approximately 2.50 acres of disturbed habitat is located within the central portion of the survey area associated with previously graded areas that have not passively revegetated since the disturbance. This land cover was largely unvegetated with less than 10-percent coverage by naked buckwheat, bigseed biscuitroot, dotseed plantain (*Plantago erecta*), serpentine phacelia, big squirreltail grass, small fescue, and serpentine cryptantha.

Developed

Approximately 0.03 acre of developed habitat is located along the southeastern edge of the survey area associated with the parking lot for the offsite shopping center. The developed area consisted of hardscape and planted ornamental purple leaf plum (*Prunus cerasifera*).

Special-Status Species Habitat Suitability

The survey area was assessed to determine if suitable habitat for the special-status species (Colusa layia, bent flowered fiddleneck, serpentine cryptantha, and Tracy's clarkia) were still present in 2022. Colusa layia, serpentine cryptantha, and Tracy's clarkia are indicators for serpentine soils with serpentine cryptantha and Tracy's clarkia broadly endemic to serpentine conditions. Serpentine soils are often open, rocky landscapes with reduced water retention and deficient in nutrients necessary for plant growth including nitrogen, phosphorus, potassium, and sulphur (Rajakaruna and Boyd 2014). As such, serpentine habitats contain low vegetative cover due to the harsh growing conditions. Suitable defined in this report includes areas that contain either serpentine soils or plants that are serpentine indicators. As evidence of serpentine soils and/or serpentine indicator plants were observed in all of the vegetation communities, it was determined that the entire survey area still contains suitable habitat for these special-status species. General boundaries of the distribution for each special-status species observed during the surveys were mapped to determine the potential impacts due project development.

Potential Impacts

The project development contains two alternatives, Lake Site North and Lake Site East. Both alternatives have the potential to impact special-status species (refer to Figure 4A *Lake Site North Alternative Map* and Figure 4B *Lake Site East Alternative Impact Map* in Attachment B). As a census was not performed as part of this reevaluation survey, no numbers of potentially impacted individuals will be provided in this report. However, as general distributions of the special-status species were mapped, approximate acreages of impacts for each alternative have been provided in Table 3 below as well as impacts to the sensitive natural community onsite.

Table 3: Alternatives Acreage Impacts

Impacted Resource	Lake Site North (Acres)	Lake Site East (Acres)
Bent-flowered fiddleneck	0.06	0.07
Colusa layia	0.08	0.06
Serpentine cryptantha	0.28	0.42
Tracy's clarkia	0.10	0.11
TOTAL	0.52	0.65

Conclusion

The results of the existing conditions reevaluation survey indicate minimal change in site conditions since the 2010 surveys. Suitable serpentine conditions are still present onsite as noted by the presence of all four (4) special-status and other serpentine obligate species.

A Mitigation Plan shall be prepared by the Design Build Entity (DBE) to offset impacts to the on-site serpentine herb community and the following four special-status plants species: 1) Colusa layia; 2) serpentine cryptantha; 3) bent-flowered fiddleneck; and 4) Tracy's clarkia. Within this Plan, mitigation should also offset impacts associated with the *Lasthenia californica* - *Plantago erecta* - *Vulpia microstachys* Herbaceous Alliance. Though it is not formally listed as a California Sensitive Natural Community by CDFW, the *Vulpia microstachys* Association under this alliance is currently listed as an unranked California Sensitive Natural Community.

Compensatory mitigation can be accomplished for both habitats within the same project site, through preservation or enhancement of off-site serpentine habitat, herbaceous alliances, and special-status plant populations identified, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, or creation of new habitats capable of supporting the sensitive resources.

Additionally, the DBE will be responsible for completing the mitigation guidance recommendations in the sections below as determined based on survey results.

Mitigation Guidance Recommendations

CEQA was prepared for the project in 2010 (RBF 2010). Mitigation Measure BIO-1 states:

Following the development of a site plan and prior to the commencement of construction activities, the AOC⁶ shall prepare a Mitigation Plan to offset impacts to the on-site serpentine herb community and the following three special-status plants species: 1) Colusa layia; 2) serpentine cryptantha; and 3) bent-flowered fiddleneck. Tracy's clarkia shall also be avoided/protected where possible. As discussed with California Department of Fish and Game (CDFG [now CDFW]) staff, the highest priority for mitigation shall be to avoid and protect the existing on-site populations of the special-status plants to the extent feasible. Secondly, if suitable habitat will be temporarily disturbed but will remain viable in the long term, an effort shall be made to re-establish special-status plant populations in these areas upon completion of construction. If CDFG determines that the available on-site options for plant protection and reestablishment do not fully compensate for the project impacts, off-site mitigation shall be provided. This can be accomplished through preservation or enhancement of offsite serpentine habitats and special-status plant populations, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, creation of new habitats capable of supporting the sensitive resources, and/or purchase of appropriate credits at a qualifying mitigation bank (if available). The Mitigation Plan shall be submitted to CDFG for review, and shall be approved in writing by CDFG prior to initiation of construction activities. The Plan shall identify the mitigation site(s); methods to be employed to protect, restore, enhance, and/or create serpentine-herb habitat and the associated special-status

⁶ Administrative Office of Courts, now the Judicial Council of California

plant populations; an implementation schedule; success criteria; monitoring and reporting requirements; long-term maintenance provisions; remedial measures to be undertaken if the success criteria are not fully met; and/or other pertinent data to ensure successful mitigation.

This memorandum outlines the mitigation recommendations and procedures to offset impacts to the special-status habitat and populations. While the mitigation measure does not include requirements for mitigation of Tracy's clarkia, this species will be discussed in our recommendations as procedures can be applied to all four (4) species. Michael Baker recommends complying with conditions set forth in Mitigation Measure BIO-1. As noted previously, discussions between the JCC and the CDFW in 2020 determined that the CDFW has no jurisdiction over the project and will not review or approve the project.

Contracting

It is recommended that the following entities be contracted for the planning and execution of the mitigation activities:

1. Project Restoration Ecologist experienced in special-status species mitigation projects
2. Native seed and plant nursery experienced in seed collection
3. A qualified Restoration Contractor experienced in special-status species mitigation projects

Mitigation Site Selection and Preparation

It is recommended the location of the mitigation site be determined early in the planning process to ensure that a location for soil and seed translocation is prepared prior to impacts to the project site. The proposed mitigation site should contain suitable conditions (slopes with serpentine soils) for the special-status species, whether onsite or offsite, to ensure the mitigation plan is feasible.

As the unique soil chemistry of serpentine soils naturally inhibit the growth of many plant species, it is not expected that non-native vegetation would be present at the chosen mitigation site. However, if sufficient non-native vegetation is present at the mitigation site, at least two (2) cycles of grow-and-kill activities are recommended to occur. Grow-and-kill refers to the process of applying water to an area to germinate seeds for removal. This process is repeated several times based on the level of non-native invasion in order to exhaust the non-native seed bank.

Seed Collection and Storage

Project impacts should aim to avoid the special-status populations to the greatest extent possible. Seed collection should occur only in areas of project impacts and should aim to collect all the seed possible in those areas. Collection activities are recommended to be conducted by a nursery experienced with native seed collection, cleaning, and storage for restoration purposes. Based on the general blooming period of the special-status species, the seed collection activities should occur between May and July. Table 4 below outlines the blooming period of the four (4) special-status species.

Table 4: Blooming Periods for the Special-Status Species

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bent-flowered fiddleneck <i>Amsinckia lunaris</i>												
Colusa layia <i>Layia septentrionalis</i>												
Serpentine cryptantha <i>Cryptantha dissita</i>												
Tracy's clarkia <i>Clarkia gracilis</i> ssp. <i>tracyi</i>												

As all species are annuals, blooming and seeding periods are expected to vary year by year due to fluctuations in rainfall timing and quantities. Therefore, several phenological monitoring and seed collection events may be necessary to determine the correct timing to collect all seed within the impact areas. Following seed collection, a nursery will dry, process, and properly store seeds until revegetation within a mitigation site can occur. Seed should not be stored for longer than two (2) years as viability will decrease over time.

Soil Salvage and Translocation

Soil salvage is recommended to occur due to the unique serpentine soils that are present on site. Serpentine soils are formed from weathered ultramafic rocks and are generally deficient in many nutrients necessary for plant growth including nitrogen, phosphorus, potassium, and sulphur. Serpentine soils are often open, rocky landscapes with reduced water retention. Due to these harsh conditions, they support low vegetative cover by serpentine adapted species (Rajakaruna and Boyd 2014). These conditions were observed during the 2022 Existing Conditions Reevaluation Survey performed by Michael Baker as well as the presence of serpentine indicator species which determined that serpentine conditions are present onsite. Serpentine regions comprise 1-percent of California’s land area (Brandy et al. 2005). Therefore, there is a low expectation that suitable habitat will be found offsite. Additionally, preliminary outreach to restoration nurseries indicated a low confidence for purchasing seed of these special-status plants. Soil salvage will allow the capture of the specific soil chemistry unique to serpentine soils and the existing seed bank in the soil.

As serpentine soils naturally inhibit the growth of many plant species due to their inhospitable soil chemistry, the expectation of non-native species growth following soil relocation is low. This was also evident during the 2022 existing conditions reevaluation survey as the serpentine habitats were almost entirely devoid of non-native vegetation. Soil salvage is recommended to avoid areas of heavy non-native cover and should be restricted to areas in which coverage is less than 10-percent to prevent the spread of non-native seeds. Soil salvage also has multiple restoration benefits including capturing important soil microbes and fungi that have beneficial relationships with native plants, increase plant diversity which will aid in the resilience of our restoration site, and the burial and suppression of the non-native seed bank within the relocation area (Schmidt et al. 2020).

The upper six (6) inches of soil should be collected from the project site and spread in the mitigation site at a thickness of four (4) to six (6) inches deep where possible. These depths allow for the suppression of the non-native seed bank and higher translocated soil bank germination (Schmidt et al. 2020; Waryszak et al.

2021). Translocation of soil should occur as soon as possible following collection to reduce mortality of beneficial fungi and microbes in the soil. Soils to be salvaged can be carefully scraped and placed on top of the soils in mitigation site in a manner that reduces disturbance to the maximum extent possible. If soils need to be stored for an extended period of time, they should be stockpiled in a weed free area and covered to prevent non-native growth.

A large source of non-native seed dispersal results from contaminated equipment. To prevent the spread of non-native vegetation during the soil salvage and translocation process, it is recommended that tools, equipment, clothing, boots, and vehicles be sanitized utilizing the procedures outlined in the California Invasive Plant Council's (Cal-IPC) *Best Management Practices for Land Managers* document (Cal-IPC 2012). Cleaning considerations are also summarized below:

- Designate cleaning areas for tools, equipment, clothing, boots, and vehicles away from sensitive resources and on paved or sealed surfaces.
- Inspect tools, equipment, clothing, boots, and vehicles before entering and exiting the site.
- Clean soil and plant material from tools, equipment, clothing, boots and vehicles before entering and exiting the site using methods such as, but not limited to brushing, high pressure washing, vacuuming, and high air pressure devices. Contaminated water should be disposed of at a waste management facility or incinerator.

Soil salvage and project construction should occur outside of the nesting bird season between August 1 and February 28. If soil salvage or project construction activities must be conducted between March 1 and July 31, nesting bird surveys must be conducted within two weeks prior to initiation of work by a qualified biologist. If active nests are present, work within 500 feet of nest(s) will be postponed until young have fledged. Soil salvage should occur in September or October following the focused botanical surveys and seed collection.

Seed Broadcast

Seed broadcasting may be performed by a qualified Restoration Contactor. Seed should be hand broadcasted within the mitigation site after all preparation activities (site selection, seed collection, and soil salvage and translocation) are complete and at the onset of the rainy season, generally in November or December. Hand broadcasting consists of hand dispersal of seed in areas that match the microhabitat needs of each of the species. Seeds may be lightly raked into the soil as necessary to ensure full soil contact. Specific procedures for seed broadcast should be determined by the Project Restoration Ecologist at the time of seed dispersal based on site conditions and availability of seed.

Optional – Contract Grow

The establishment of special-status plant species may significantly vary year to year as these species are annuals, relying on sufficient rainfall for germination. Sourcing of seed for these species is expected to be difficult due to their rarity. Therefore, it is recommended to diversify the revegetation techniques whenever possible. An option to reserve 10-percent of the collected seed for contract grow at a nursery either as plants or for additional seed may be desirable. Contract grow can occur at any time during the mitigation process. The quantity of seed set aside for contract grow will depend on a variety of factors such as the quantity of

seed collected, expected rainy season, and conditions at the mitigation site. These procedures may be modified at the time of mitigation installation by the Project Restoration Ecologist as needed.

Summary of Mitigation Recommendations

Table 5 below summarizes the recommended timeline for mitigation activities.

Table 5: Recommended Mitigation Timeline

Mitigation Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Focused Botanical Surveys												
Seed Collection												
Soil Salvage and Translocation												
Seed Broadcast												
Project Construction												
Optional – Contract Grow												

Please feel free to contact me at (949) 855-3674 or at anisha.malik@mbakerintl.com or Trina Ming at (949) 472-3495 or at trina.ming@mbakerintl.com with any questions you may have regarding the results and/or recommendations provided in this report.

Sincerely,



Anisha Malik, CERP, SITES-AP
 Project Manager
 Natural Resources



Trina Ming
 Restoration Ecologist/Botanist
 Natural Resources

Attachments:

- A. *CDFW Coordination*
- B. *Project Figures*
- C. *Site Photographs*
- D. *Plant Species Observed List*
- E. *References*

Attachment A

CDFW Coordination

From: Wilson, Billie@Wildlife
To: Ripperda, Jerry
Subject: RE: CEQA Biological Mitigation for the New Lakeport Courthouse
Date: Tuesday, March 24, 2020 2:47:30 PM

Hi Jerry,

Thank you for your patience. Your summary is correct in that CDFW does not have any discretionary action (LSA Agreement nor CESA permit needed). You will just need to fulfill your CEQA requirements and I recommended that you contact the local CNPS Chapter for assistance in that effort.

Have a good day!

Billie

Billie Wilson

Senior Environmental Scientist (Supervisor)
North Central Region – Region 2
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 767- 1569
billie.wilson@wildlife.ca.gov
www.wildlife.ca.gov

From: Ripperda, Jerry <Jerry.Ripperda@jud.ca.gov>
Sent: Tuesday, March 24, 2020 11:23 AM
To: Wilson, Billie@Wildlife <Billie.Wilson@wildlife.ca.gov>
Subject: RE: CEQA Biological Mitigation for the New Lakeport Courthouse

Hello again, Billie:

We had a telephone conversation on February 12 regarding the Judicial Council's planned construction of a new courthouse in Lakeport, and the project's CEQA mitigation requirements for sensitive plant species. The purpose of my message is to document my recollections of the meeting and request your verification of my summary.

As I explained below in my February 11 message (see below), the Judicial Council wanted to resume mitigation discussions with Fish and Wildlife, which began several years ago. I explained that the Judicial Council was no longer considering on-site mitigation and planned to develop mitigation alternatives. You informed me that Fish and Wildlife does not plan to review the Judicial Council's mitigation plans since the courthouse project does not involve species with endangered species act protection or involve a Streambed Alteration Agreement.

Is my summary correct, Billie?

From: Ripperda, Jerry

Sent: Tuesday, February 11, 2020 10:38 AM

To: billie.wilson@wildlife.ca.gov

Subject: CEQA Biological Mitigation for the New Lakeport Courthouse

Importance: High

Hello, Billie

I am the Environmental, Health, & Safety supervisor for the Judicial Council of California (JCC) , which manages Superior Court courthouses in California, and I need to discuss a CEQA mitigation issue with Fish and Wildlife staff. The JCC (formerly the Administrative Office of the Courts) completed a mitigated negative declaration (SCH2010082058) in 2010 for the New Lakeport Courthouse project in Lake County, and the JCC purchased a parcel in Lakeport for the proposed courthouse. Due to funding issues, the JCC deferred work on the project from 2014 to the present, but the JCC expects approval of funding for the project in the next State of California budget. I've attached a portion of the CEQA document's biological resources documentation, which shows the project location.

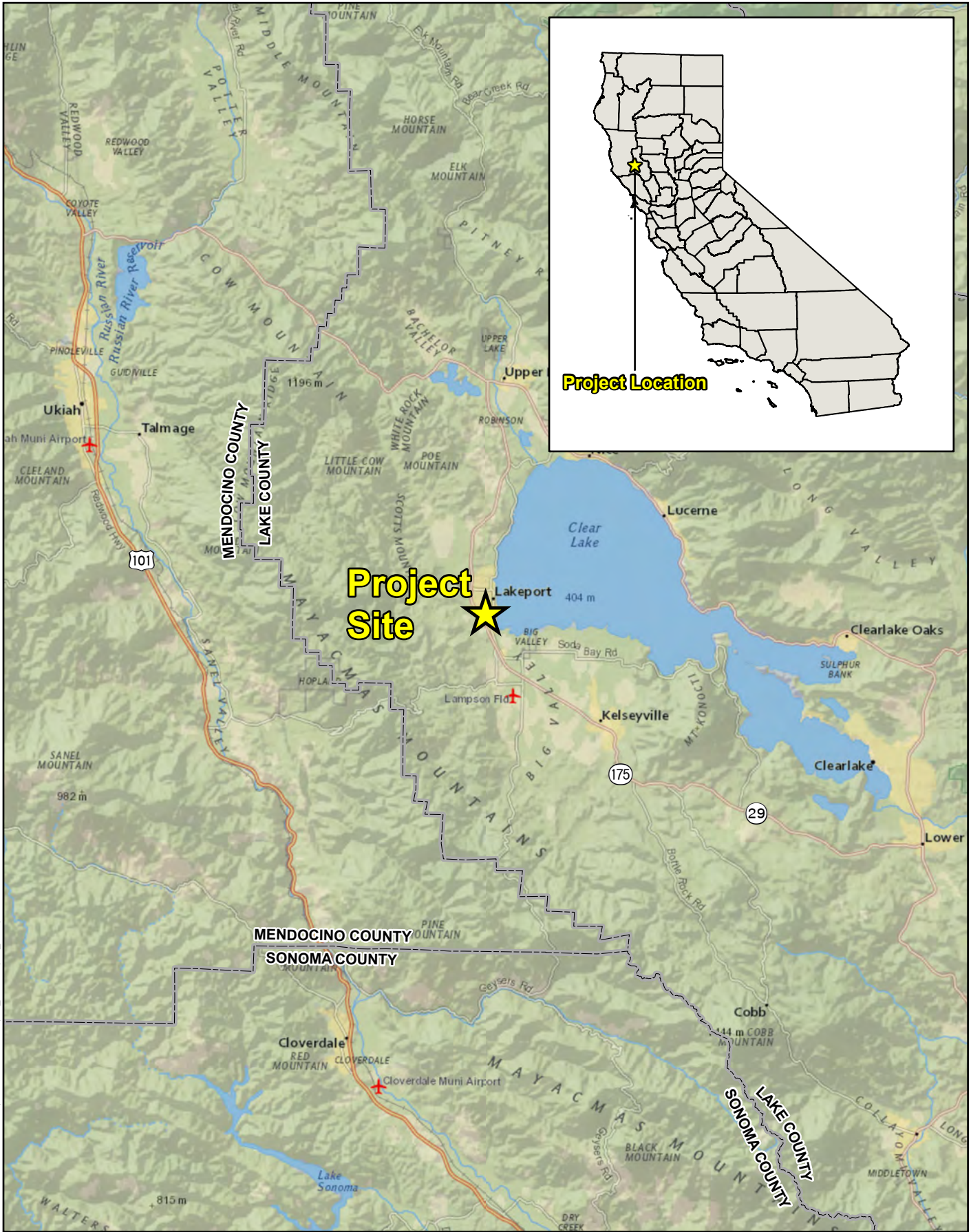
The CEQA document identified biological impacts to the following special status species: *Layia septentrionalis*, *Amsinckia lunaris*, *Cryptantha dissita*, and *Clarkia gracilis* ssp. *Tracyi*. The *Layia*, *Amsinckia*, and *Cryptantha* have California Rare Plant Rank: 1B.2, while *Clarkia* is 4.2. The JCC's proposed project will probably eliminate the species from the project site. The project's CEQA mitigation measures include: "Ensure that the Mitigation Plan is submitted to the California Department of Fish and Game for review, and approved in writing by the California Department of Fish and Game."

The CEQA project manager, Ms. Laura Sainz, apparently consulted with Fish and Wildlife staff for a mitigation agreement in 2014(?), but she retired and left no records of her consultations with Fish and Wildlife. I wish to restart mitigation discussions with Fish and Wildlife staff to settle the mitigation requirements.

Please contact me at 916-263-8865 to discuss how to proceed. Thanks for your assistance.

Attachment B

Project Figures

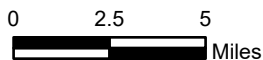


4/19/2022, IN C:\187038 - Lakeport\GIS\APRX\Lakeport_Bio.aprx

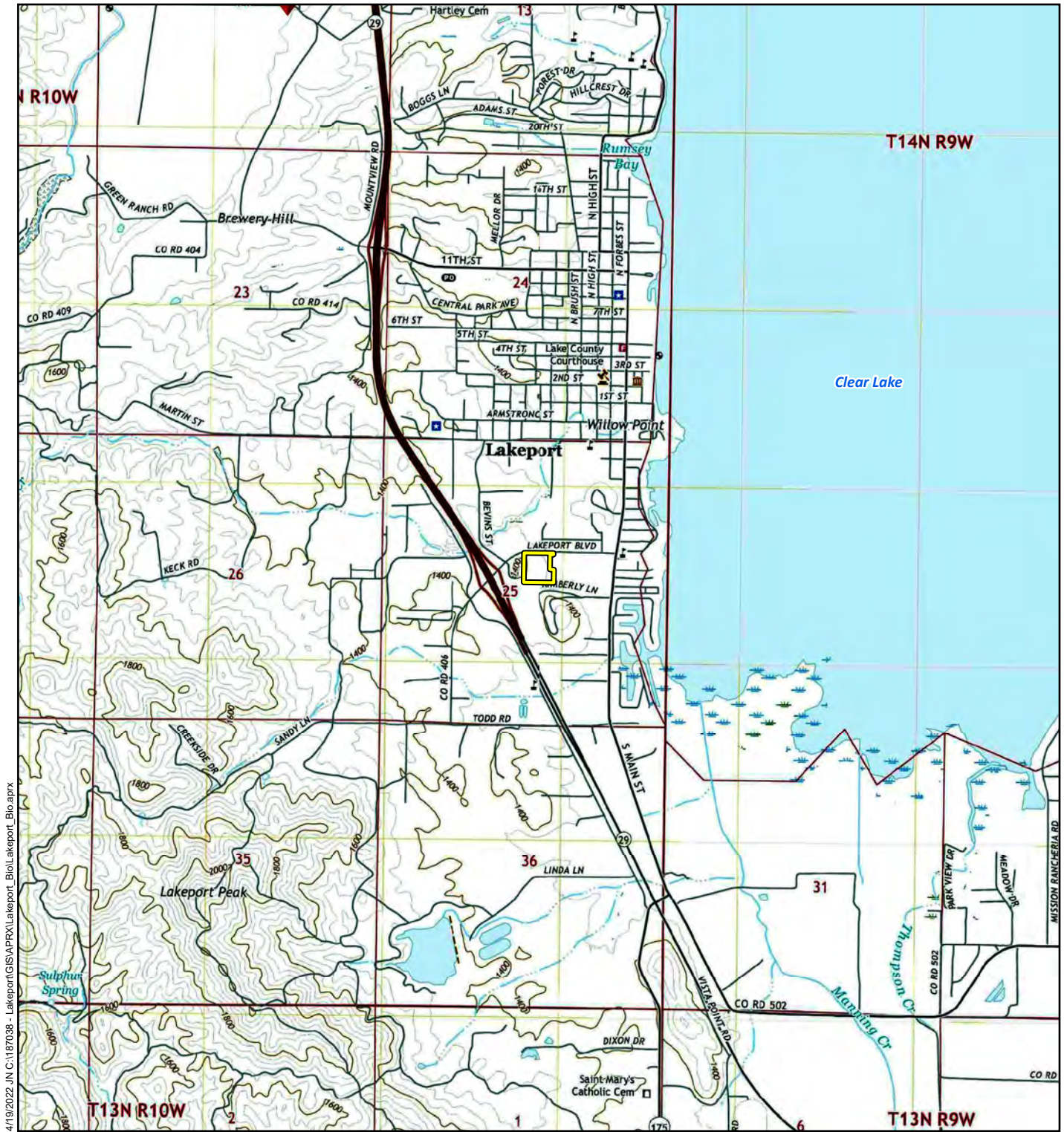
LAKE COUNTY COURTHOUSE PROJECT
EXISTING CONDITIONS REEVALUATION SURVEY

Regional Vicinity

Figure 1



Source: ArcGIS Online, 2018



4/19/2022 JN C:187038 - Lakeport\GIS\APRX\Lakeport - BiolLakeport_Bio.aprx

Legend

Project Site

Michael Baker INTERNATIONAL

0 0.25 0.5 Miles

Source: USGS 7.5-Minute topographic quadrangle maps: Lakeport, California (2022)

LAKE COUNTY COURTHOUSE PROJECT
 EXISTING CONDITIONS REEVALUATION SURVEY
Project Vicinity

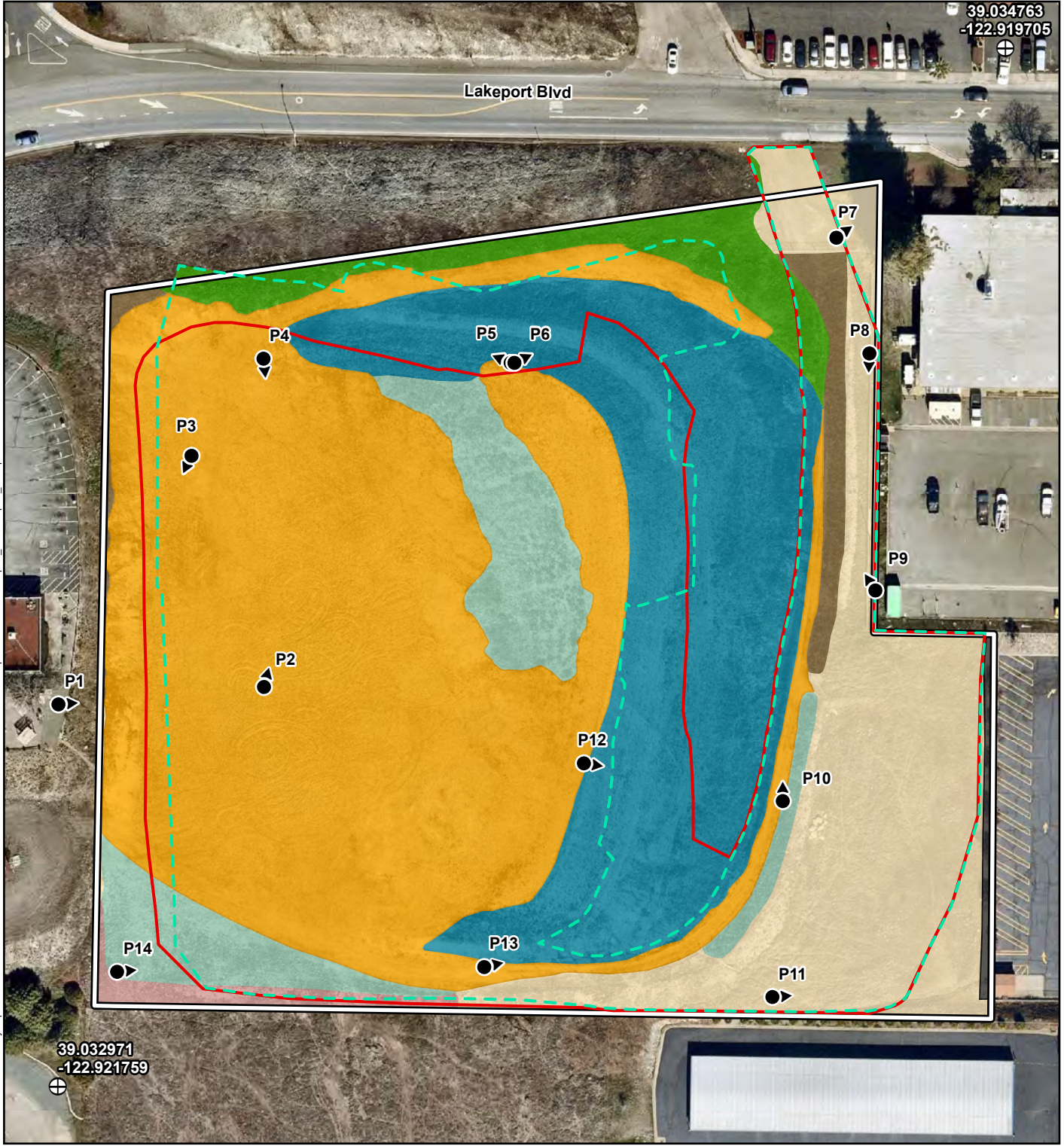
Figure 2

39.034763
-122.919705

Lakeport Blvd

39.032971
-122.921759

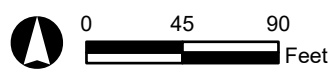
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Legend			

LAKE COUNTY COURTHOUSE PROJECT
EXISTING CONDITIONS REEVALUATION SURVEY

Vegetation Communities and Other Land Uses



Source: Nearthmap (03/2022)


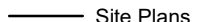



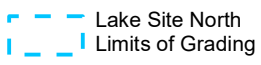






Figure 3

39.034763
-122.919705

Lakeport Blvd

39.032971
-122.921759

4/21/2022 J:\C:\Users\ryan.phaneuf\OneDrive - Michael Baker International\Documents\GIS\187038 - Lakeport\GIS\MXD\Fig 04A Lake Site North Alternative Impact Map.mxd RP

Legend		Preliminary Special-Status Species Distribution	
 Project Site	 Site Plans	 Colusa layia	 Colusa layia
 Reference Point	 Lake Site North Limits of Grading	 serpentine cryptantha	 serpentine cryptantha
		 Tracy's clarkia	 Tracy's clarkia
		 bent flowered fiddleneck	 bent flowered fiddleneck



Source: Nearmap (03/2022)

LAKE COUNTY COURTHOUSE PROJECT
EXISTING CONDITIONS REEVALUATION SURVEY
Lake Site North Alternative Impact Map

Figure 4A

39.034763
-122.919705

Lakeport Blvd

39.032971
-122.921759

4/21/2022_JN.C:\Users\ryan.phaneau\OneDrive - Michael Baker International\Documents\GIS\187038 - Lakeport\GIS\MXD\Fig 04B Lake Site East Alternative Impact Map.mxd RP

Legend		Preliminary Special-Status Species Distribution					
	Project Site		Site Plans		Colusa layia		Colusa layia
	Reference Point		Lake Site East Limits of Grading		serpentine cryptantha		serpentine cryptantha
			Tracy's clarkia		Tracy's clarkia		Tracy's clarkia
			bent flowered fiddleneck		bent flowered fiddleneck		bent flowered fiddleneck



LAKE COUNTY COURTHOUSE PROJECT
EXISTING CONDITIONS REEVALUATION SURVEY
Lake Site East Alternative Impact Map

Figure 4B

Attachment C

Site Photographs



Photograph 1: Standing in the central portion of the western boundary of the survey area facing east towards California poppy – lupine fields in the foreground and disturbed habitat in the background.



Photograph 2: View of the disturbed habitat facing northeast depicting low vegetative coverage.



Photograph 3: Standing in the western portion of the site depicting disturbed habitat along a slope and previously graded area.



Photograph 4: Standing in the northwestern portion of the site facing south depicting disturbed habitat.



Photograph 5: Standing in the central portion of the northern boundary facing northwest depicting California goldfields – dwarf plantain – small fescue flower fields.



Photograph 6: Standing adjacent to Photograph 5 at the central portion of the northern boundary facing northeast depicting California goldfields – dwarf plantain – small fescue flower fields.



Photograph 7: Standing northeastern corner of the survey area facing northeast depicting wild oats and annual brome grasslands.



Photograph 8: Standing in the eastern portion of the survey area facing south depicting wild oats and annual brome grasslands (left) and California poppy – lupine fields (right).



Photograph 9: Standing in the eastern portion of the site facing northwest depicting wild oats and annual brome grasslands and California poppy – lupine fields in the foreground and disturbed sand-aster and perennial buckwheat fields along the slope in the background.



Photograph 10: Standing in the southeastern portion of the survey area, facing north depicting disturbed sand-aster and perennial buckwheat fields (left) and disturbed habitat (right).



Photograph 11: Standing in the southeastern portion of the survey area, facing east of wild oats and annual brome grasslands.



Photograph 12: Standing in the central portion of the survey area, facing east towards disturbed sand-aster and perennial buckwheat fields in the foreground and disturb habitat and wild oats and annual brome grasslands in the background.



Photograph 13: Standing in the southern portion of the survey area, facing east depicting disturbed habitat (left) and wild oats and annual brome grasslands (right).



Photograph 14: Standing in the western portion of the survey area, facing east towards sand-aster and perennial buckwheat fields (left) and wild oats, annual brome, and Tracy's clarkia grasslands (right).

Attachment D

Plant Species Observed List

Table D-1: Plant Species Observed List

<i>Scientific Name*</i>	Common Name	Cal-IPC Rating**	CRPR***
<i>Acmispon americanus</i>	Spanish lotus		
<i>Acmispon brachycarpus</i>	short podded lotus		
<i>Agoseris heterophylla</i>	annual agoseris		
<i>Allium falcifolium</i>	scytheleaf onion		
<i>Amsinckia lunaris</i>	bent flowered fiddleneck		1B.2
<i>Ancistrocarphus flagineus</i>	woolly fishhooks		
<i>Avena</i> sp.*	wild oat	Moderate	
<i>Bromus diandrus*</i>	ripgut brome	Moderate	
<i>Bromus hordeaceus*</i>	soft chess	Limited	
<i>Bromus madritensis</i> ssp. <i>rubens*</i>	red brome	High	
<i>Calycadenia</i> sp.	rosin weed		
<i>Castilleja rubicundula</i> ssp. <i>lithospermoides</i>	cream sacs		
<i>Centaurea solstitialis*</i>	yellow star thistle	High	
<i>Chlorogalum</i> sp.	soap plant		
<i>Clarkia gracilis</i> ssp. <i>tracyi</i>	Tracy's clarkia		4.2
<i>Collinsia sparsiflora</i> ssp. <i>sparsiflora</i>	few flowered collinsia		
<i>Cryptantha dissita</i>	serpentine cryptantha		1B.2
<i>Cryptantha</i> sp.	cryptantha		
<i>Cuscuta</i> sp.	dodder		
<i>Delphinium</i> sp.	larkspur		
<i>Elymus multisetus</i>	big squirreltail grass		
<i>Eriogonum nudum</i>	naked buckwheat		
<i>Erodium cicutarium*</i>	coastal heron's bill	Limited	
<i>Eschscholzia californica</i>	California poppy		
<i>Festuca microstachys</i>	small fescue		
<i>Festuca perennis*</i>	Italian rye grass	Moderate	
<i>Galium aparine</i>	common bedstraw		
<i>Gilia capitata</i>	blue field gilia		
<i>Hemizonia congesta</i>	hayfield tarweed		
<i>Hordeum marinum</i> ssp. <i>gussoneanum*</i>	barley	Moderate	
<i>Hordeum murinum*</i>	foxtail barley	Moderate	
<i>Lagophylla ramosissima</i>	common hareleaf		
<i>Layia septentrionalis</i>	colusa layia		1B.2
<i>Lepidium nitidum</i>	Shining pepper grass		
<i>Lomatium macrocarpum</i>	bigseed biscuitroot		
<i>Lupinus bicolor</i>	miniature lupine		
<i>Lupinus luteolus</i>	butter lupine		
<i>Lupinus</i> sp.	lupine		
<i>Lysimachia arvensis*</i>	scarlet pimpernel		
<i>Melica imperfecta</i>	California melic		
<i>Micropus californicus</i> var. <i>californicus</i>	slender cottonweed		

Table D-1: Plant Species Observed List

<i>Scientific Name*</i>	Common Name	Cal-IPC Rating**	CRPR***
<i>Minuartia douglasii</i>	Douglas' sandwort		
<i>Pentagramma triangularis ssp. triangularis</i>	gold back fern		
<i>Perideridia sp.</i>	yampah		
<i>Phacelia corymbosa</i>	serpentine phacelia		
<i>Plantago erecta</i>	dotseed plantain		
<i>Plantago sp.</i>	plantain		
<i>Poa secunda ssp. secunda</i>	Sandberg's bluegrass		
<i>Prunus cerasifera*</i>	purple leaf plum	Limited	
<i>Quercus lobata</i>	valley oak		
<i>Ranunculus occidentalis</i>	western buttercup		
<i>Rumex sp.*</i>	dock		
<i>Sequoia sempervirens</i>	coast redwood		
<i>Sidalcea diploscypha</i>	fringed checkerbloom		
<i>Sisyrinchium bellum</i>	blue eyed grass		
<i>Thysanocarpus curvipes</i>	sand fringepod		
<i>Torilis arvensis*</i>	field hedge parsley	Moderate	
<i>Trifolium dichotomum</i>	branched indian clover		
<i>Trifolium hirtum*</i>	rose clover	Limited	
<i>Uropappus lindleyi</i>	silver puffs		
<i>Vicia villosa ssp. villosa*</i>	hairy vetch		

* Non-native species

**** California Invasive Plant Council (Cal-IPC) Ratings**

- High These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically.
- Moderate These species have substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance. Ecological amplitude and distribution may range from limited to widespread.
- Limited These species are invasive, but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.

***** California Rare Plant Rank**

1B Plants rare throughout their range with the majority endemic to California

Threat Ranks

.2 Moderately threatened in California (20 to 80 percent of occurrences threatened/moderate degree and immediacy of threat).

4 Plants of limited distribution – Watch List.

Threat Ranks

.2 Moderately threatened in California (20 to 80 percent of occurrences threatened/moderate degree and immediacy of threat).

Attachment E

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END OF DOCUMENT

May 26, 2022

JN 187038

JUDICIAL COUNCIL OF CALIFORNIA

Attn: *Mr. Zulqar Helal*
455 Golden Gate Avenue
San Francisco, California 94102

SUBJECT: Delineation of State and Federal Jurisdictional Waters for the Lake County Courthouse Project – City of Lakeport, Lake County, California

Dear Mr. Helal,

On behalf of the Judicial Council of California, Michael Baker International (Michael Baker) has prepared this technical letter report to document the jurisdictional authority of the U.S. Army Corps of Engineers Sacramento District (Corps), Central Valley Regional Water Quality Control Board (Regional Board), and California Department of Fish and Wildlife North Central Region (CDFW) within the proposed Lake County Courthouse Project (project or project site). Specifically, this report has been prepared to describe, map, and quantify aquatic and other hydrologic features located within the project site. The fieldwork for this jurisdictional delineation was conducted on April 12, 2022.

This report explains the methodology utilized throughout the course of the delineation, defines the jurisdictional authority of the regulatory agencies, and documents the findings made by Michael Baker. This report presents Michael Baker's determination of jurisdictional boundaries using the most up-to-date regulations, written policy, and guidance provided by the regulatory agencies. However, only the regulatory agencies can make a final determination of jurisdictional limits.

Project Location

The project site is generally located to the west of Clear Lake, south of Lakeport Boulevard, and east of California State Route 29 (refer to Figure 1, *Regional Vicinity*). The survey area is depicted in Section 25 of Township 14 North, Range 10 West, on the U.S. Geological Survey's (USGS) *Lakeport, California* 7.5-minute quadrangle (refer to Figure 2, *Project Vicinity*). Specifically, the project site is located at 675 Lakeport Boulevard in the City of Lakeport, California and adjoins Lakeport Boulevard to the south (refer to Figure 3, *Project Site*).

Project Description

The proposed project consists of an approximately 46,000 square-foot multi-level court facility that would be part of the state's Superior Court system serving the citizens of Lake County to be built on approximately 5.74 acres of vacant land at 675 Lakeport Boulevard in the City of Lakeport. The proposed project would require grading and leveling portions of the sloping site to accommodate the courthouse building footprint and parking pad. The

site would be landscaped and would accommodate the various utilities required to service a modern facility. The site would also be improved with an internal circulation network to permit access to and movement around the site. New vehicular ingress/egress access driveways are proposed for the site in addition to sidewalks, crossings, and other pedestrian safety improvements.

The courthouse would include two stories to accommodate four courtrooms, support spaces, and approximately 130 off-street parking spaces in a surface lot adjacent to the new courthouse. The proposed courthouse would include support spaces for administration, clerk, security operations/holding, and building support. The new facility would also include a 7,000 square-foot lower level for a detention-level holding area for persons in custody, adjacent vehicular/pedestrian sally ports and sheriff parking, secure judges' parking, as well as storage and other ancillary building service areas.

Two building orientations are contemplated for spatial planning purposes and include a north and east alternative. The two proposed design alternatives are referred to as Lake Site North and Lake Site East. Both alternatives are currently considered equal with no preferred alternative.

Summary of Regulations

There are three (3) key agencies that regulate activities within streams, wetlands, and riparian areas applicable to this project. The Corps Regulatory Division regulates activities pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates activities under Sections 1600 *et seq.* of the California Fish and Game Code (CFG) and the Regional Board regulates activities pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

Literature Review

A thorough review of relevant literature and materials was conducted to obtain a general understanding of the environmental setting and preliminarily identify features/areas that may fall under the jurisdiction of the regulatory agencies. Relevant materials utilized during the literature review are summarized below with references provided in Attachment B.

Watershed

The project site is located within the Manning Creek – Frontal Clear Lake Hydrologic Unit Code (HUC 180201160310) of the larger Kelsey Creek – Clear Lake Watershed (HUC 1802011603). The major waterway within this watershed is Kelsey Creek. The Kelsey Creek – Clear Lake watershed drains approximately 792 square miles of land in Lake, Mendocino, and Sonoma Counties. The headwaters of Kelsey Creek begin in the Mayacamas Mountains and flow in a northwesterly direction for approximately 22 miles before discharging into Clear Lake at the Kelsey Slough. The watershed is bound to the east and west by the Northern California Coast Ranges. Big Valley occupies the majority of the Kelsey Creek – Watershed and is comprised primarily of agricultural and urban land uses.¹

¹ 2010 Water Resources Division of the County of Lake Department of Public Works. *Kelsey Creek Watershed Assessment*.

Soils

On-site and adjoining soils were reviewed prior to conducting the field delineation using the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Web Soil Survey (refer to Attachment C). According to the *Custom Soil Resource Report for Lake County, California* the project site is underlain by the Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, MLRA 15 (142) map unit.

Hydric Soils List of California

Michael Baker then reviewed the *Hydric Soils List for California* (USDA 2018) to preliminarily verify whether any of the soils indicated to be within the project site are considered to be hydric. According to the aforementioned list, Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, MLRA 15 (142) is not listed as hydric.

National Wetlands Inventory

Michael Baker reviewed the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Mapper. No portion of the project site has been mapped as a riparian or wetland feature by the National Wetlands Inventory.

Flood Zone

Michael Baker also reviewed the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer. Based on the Flood Insurance Rate Map No. 06033C0491D, the project site is located in Zone X. Zone X is described as areas of 0.2% annual chance of flood hazard or areas of 1% annual chance of flood with average depth less than one foot or areas of minimal flood hazard. Refer to Attachment E for a copy of the FEMA flood zone map.

Methodology

Michael Baker wetland delineators, Ryan Phaneuf and Tim Tidwell (Professional Wetland Scientist [PWS]), conducted a jurisdictional delineation of the project site on April 12, 2022, using the most recent, agency approved methodology, to identify and map jurisdictional limits within the project site. The delineation was conducted to determine the jurisdictional limits of waters of the U.S. (WoUS), including potential wetlands, and waters of the State located within the boundaries of the project site. For this location, potential wetlands were delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Arid West Regional Supplement; Corps, 2008). For evaluation of wetland waters of the State, methods were modified so that an area can lack vegetation and still qualify as a State wetland in accordance with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*.

While in the field, jurisdictional features were recorded on an aerial base map at a scale of 1" = 80' using topographic contours and visible landmarks as guidelines. Data points were obtained with a Garmin GPS Map 64 Global Positioning System (GPS) device to record and identify specific widths for ordinary high water mark (OHWM) indicators, locations of photographs, soil pits, and other pertinent jurisdictional

features, if present. This data was then transferred as a .shp file and added to the project's jurisdictional figures. The jurisdictional figures were prepared using ESRI ArcGIS Pro software.

Site Conditions

Refer to Attachment F for representative photographs taken within the project site during the jurisdictional delineation.

Non-Wetland Features

Two unnamed ephemeral drainage features, Aquatic Feature 1 (AF-1) and Aquatic Feature 2 (AF-2) were identified within the project site during the April 12, 2022 site visit.

Aquatic Feature 1

AF-1 originates within the northwestern portion of the project site as an earthen channel conveying surface flows from the onsite terraces and hillside slopes in the northern portion of the project site. AF-1 generally flows in an easterly direction conveying surface flows down a constructed slope prior to dispersing and infiltrating into the surrounding soils at the eastern edge of the project site. No surface water was observed within AF-1 during the site reconnaissance. However, evidence of an OHWM was observed including the presence of drift and debris, a defined bed and bank, as well as a change in terrestrial vegetation from a lack of vegetation within the channel invert to upland species along the bank slopes and beyond top of bank. Vegetation associated with AF – 1 primarily consists of sparse occurrences of small fescue (*Festuca microstachys* [NI]), naked buckwheat (*Eriogonum nudum* [NI]), California plantain (*Plantago erecta* [NI]), big squirreltail grass (*Elymus multisetus* [NI]), red brome (*Bromus rubens* [NI]), and Colusa layia (*Layia septentrionalis* [NI]). Within the project site, AF-1 measures approximately 289 feet in length and ranges in width from approximately 1 to 6 feet.

Aquatic Feature 2

AF-2 originates in the southern portion of the project site as an earthen channel conveying surfaces flows from the onsite terraces and hillside slopes in the southern portion of the project site. AF-2 generally flows in a easterly direction conveying surface flows down a constructed slope prior to entering a 14-inch corrugated metal pipe culvert and underneath an onsite dirt access road. Beyond the dirt access road, AF-2 transitions into an earthen channel in the southeastern corner of the project site and continues in an easterly direction towards the eastern boundary of the project site. AF-2 proceeds offsite and enters the City's municipal stormwater system at a drop inlet within the parking lot adjoining the project site to the east. No surface water was observed within AF-2 during the site reconnaissance. However, evidence of an OHWM was observed including presence of drift and debris, a defined bed and bank, as well as a change in terrestrial vegetation from a lack of vegetation within the channel invert to upland species along the bank slopes and beyond top of bank. Vegetation associated with AF-2 primarily consists of foxtail barley (*Hordeum murinum* [FACU]), hairy vetch (*Vicia villosa* ssp. *villosa* [NI]), big squirreltail grass (*Elymus multisetus* [NI]), and serpentine phacelia (*Phacelia corymbosa* [NI]). Within the project site, AF-2 measures approximately 133 feet in length and ranges in width from approximately 2 to 6 feet. Table 1, *Jurisdictional Limits within the Project Site*, below provides a summary of the jurisdictional limits for the onsite aquatic features.

Table 1: Jurisdictional Limits within the Project Site

Feature	Location Lat/Long	Cowardin Type	Linear Feet	Jurisdictional Limits (acres)			
				Corps/ Regional Board	Regional Board	CDFW Jurisdictional Streambed*	
				Non- Wetland WoUS	Non- Wetland Waters of the State	Vegetated Streambed	Non- Vegetated Streambed
AF-1	39.03436°/ -122.92058°	Riverine	289	0.000	0.014	0.000	0.000
AF-2	39.03311°/ -122.92005°	Riverine	133	0.008	0.000	0.000	0.000
TOTAL			422	0.008	0.014	0.000	0.000

*CDFW does not have discretionary authority over the project site and therefore, no CDFW jurisdiction is located within the boundaries of the project site.

Wetland Features

No Corps or Regional Board jurisdictional wetland features were identified within the project site. To assess for the presence of hydric soils and determine the presence/absence of wetlands within the project site, three soil pits (SP1, SP2, and SP3) were performed where wetland hydrology or hydrophytic vegetation was observed or previously observed. SP1 was performed on the upper terrace at the toe of a steep hillside in the western portion of the project site where previous ponding was identified. SP1 was dug to a depth of approximately 2 inches before encountering a restrictive layer of rock and cobble. SP1 exhibited a texture of sand and cobble and displayed a matrix color of 10YR 3/3 when moist with no redoximorphic features observed. No hydrophytic vegetation and no indicators of wetland hydrology were observed in the vicinity of SP1.

SP2 was performed south of SP1 on the same upper terrace area in the southwestern portion of the project site where previous ponding was identified and indicators of wetland hydrology including surface soil cracking were observed. SP2 was dug to a depth of approximately 2 inches before encountering a restrictive layer of rock and cobble. SP2 exhibited a texture of sand and cobble and displayed a matrix color of 10YR 3/3 when moist with no redoximorphic features observed. No hydrophytic vegetation was observed in the vicinity of SP2.

SP3 was performed within a low-lying depression in the northeastern corner of the project site. SP3 was dug to a depth of approximately 2 inches before encountering a restrictive layer of rock and cobble. SP3 exhibited a texture of sandy loam and displayed a matrix color of 10YR 3/3 when moist with no redoximorphic features observed. No hydrophytic vegetation was observed in the vicinity of SP3. In addition, no indicators of wetland hydrology were observed in the vicinity of SP3. Based on the results of the field delineation, it was determined that none of the soil pits met the required three parameters and thus did not qualify as Corps wetland WoUS or Regional Board wetland waters of the State. Refer to Attachment G for copies of the wetland determination data forms.

Findings

U.S. Army Corps of Engineers

Evidence of an OHWM was identified in association with AF-1 and AF-2. However, flows within AF-1 eventually fan out and infiltrate into the surrounding soils at the eastern edge of the project site. Therefore, AF-1 lacks a hydrologic connection to a downstream Traditional Navigable Water (TNW) and would not be subject to regulation under Section 404 of the CWA by the Corps. AF-2 exhibits a hydrologic connection to Clear Lake and the Sacramento River, a TNW, and thus qualifies as Corps non-wetland WoUS. Therefore, AF-2 would be subject to regulation under Section 404 of the CWA and Corps jurisdiction totals approximately 0.008 acre and 133 linear feet of non-wetland WoUS. Refer to Figure 4, *Corps/Regional Board Jurisdictional Map*, provided in Attachment A.

Based on project design plans, the Lake Site North Alternative would permanently impact approximately 0.005 acre and 88 linear feet of Corps jurisdiction (non-wetland WoUS). The Lake Site East Alternative would permanently impact approximately 0.005 acre and 89 linear feet of Corps jurisdiction (non-wetland WoUS). Refer to Table 2, *State and Federal Jurisdictional Impacts Summary* below for a summary of the impacts for each alternative as well as to Figures 5A and 5B, *Corps/Regional Board Jurisdictional Impacts Map*, for a depiction of impacts to Corps jurisdiction for each alternative.

Regional Water Quality Control Board

The Regional Board regulates discharges of fill and dredged material to surface waters under Section 401 of the CWA, and the Porter-Cologne Act for those that do not. AF-1 is considered isolated since it terminates in the eastern portion of the project site where flows infiltrate into the surrounding soils. Therefore, AF-1 is pursuant to regulation under the Porter-Cologne Act and totals approximately 0.014 acre and 289 linear feet of non-wetland Waters of the State. AF-2 is subject to regulation of Section 404 of the CWA. Therefore, for AF-2, the jurisdiction of the Regional Board reflects that of the Corps and totals approximately 0.008 acre and 133 linear feet of non-wetland WoUS. Refer to Figure 4, *Corps/Regional Board Jurisdictional Map*, provided in Attachment A.

Based on project design plans, the Lake Site North Alternative would permanently impact approximately 0.005 acre and 88 linear feet of Regional Board jurisdiction (non-wetland WoUS), and approximately 0.010 acre and 222 linear feet (non-wetland Waters of the State). The Lake Site East Alternative would permanently impact approximately 0.005 acre and 89 linear feet of Regional Board jurisdiction (non-wetland WoUS). The Lake Side East Alternative would not result in impacts to Regional Board non-wetland Waters of the State. Refer to Table 2 below for a summary of the impacts for each alternative as well as to Figures 5A through 5B, *Corps/Regional Board Jurisdictional Impacts Map*, for a depiction of impacts to Regional Board jurisdiction for each alternative.

California Department of Fish and Wildlife

On March 4, 2020, the Judicial Council of California received concurrence from the CDFW – North Central Region (Region 2) that CDFW does not have discretionary authority over the project site. Therefore, AF-1 and AF-2 would not be considered CDFW jurisdictional streambed no portion of the project site contains CDFW jurisdictional areas. Please refer to Attachment H – *CDFW Concurrence Letter*.

Table 2: State and Federal Jurisdictional Impacts Summary

Jurisdictional Feature	Corps/Regional Board Non-Wetland WoUS		Regional Board Non-Wetland Waters of the State		CDFW Jurisdictional Streambed*	
	Impact Acreage		Impact Acreage		Impact Acreage	
	Lake Site North	Lake Site East	Lake Site North	Lake Site East	Lake Site North	Lake Site East
AF-1	-	-	0.010	-	0.000	0.00
AF-2	0.005	0.005	-	-	0.000	0.000
TOTAL	0.005	0.005	0.010	0.00	0.000	0.000

*CDFW does not have discretionary authority over the project site and therefore, no CDFW jurisdiction is located within the boundaries of the project site.

Regulatory Approval Process

This report has been prepared for the Judicial Council of California to document the jurisdictional authority of the Corps, Regional Board and CDFW within the project site. The following sections provide a general summary of the various permits, certifications, and agreements that would be required prior to any temporary or permanent impacts occurring to jurisdictional areas within the project site.

U.S. Army Corps of Engineers

The Corps regulates discharges of dredged or fill materials into WoUS, including wetlands, pursuant to Section 404 of the CWA. Based on a review of the proposed project, it will be necessary for Judicial Council of California to acquire a Section 404 permit from the Corps for impacts occurring within Corps jurisdictional areas. Since the proposed project will result in the permanent loss of less than a ½-acre of Corps jurisdiction, it is anticipated that the proposed project can be authorized via a Nationwide Permit (NWP), specifically NWP No. 14: *Linear Transportation Projects*. In addition, since the project will result in less than 1/10-acre of impact to Corps jurisdiction, a Pre-Construction Notification (PCN) is not required to be submitted to the Corps. No further action with the Corps is required.

Regional Water Quality Control Board

The Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the Porter-Cologne Act. Therefore, a CWA Section 401 WQC and/or a Waste Discharge Requirements (WDR) issued from the Regional Board may be required prior to commencement of any construction activities within Regional Board jurisdictional areas. However, since it is anticipated that notification to the Corps is not required due to the minimal amount of impacts to WoUS and CDFW has indicated no discretionary authority over the project site, it is recommended the Judicial Council of California coordinate with the Regional Board prior to application submittal to verify that a Section 401 WQC and/or a WDR is still required.

The Regional Board also requires that California Environmental Quality Act (CEQA) compliance be obtained prior to issuance of the final WQC. Further, an application fee is required, which is calculated based on both the total temporary and permanent impact acreages (as applicable).

California Department of Fish and Wildlife

As described above, the Judicial Council of California received concurrence from the CDFW North Central Region that CDFW does not have discretionary authority over the project site. Therefore, the Judicial Council of California is not required to obtain a Section 1602 Lake or Streambed Alteration Agreement (LSAA) from CDFW for the proposed project.

Please feel free to contact me at (408) 330-4208 or at timothy.tidwell@mbakerintl.com with any questions you may have regarding the information presented in this report.

Sincerely,



Tim Tidwell
Regulatory Specialist, PWS
Natural Resources and Regulatory Permitting



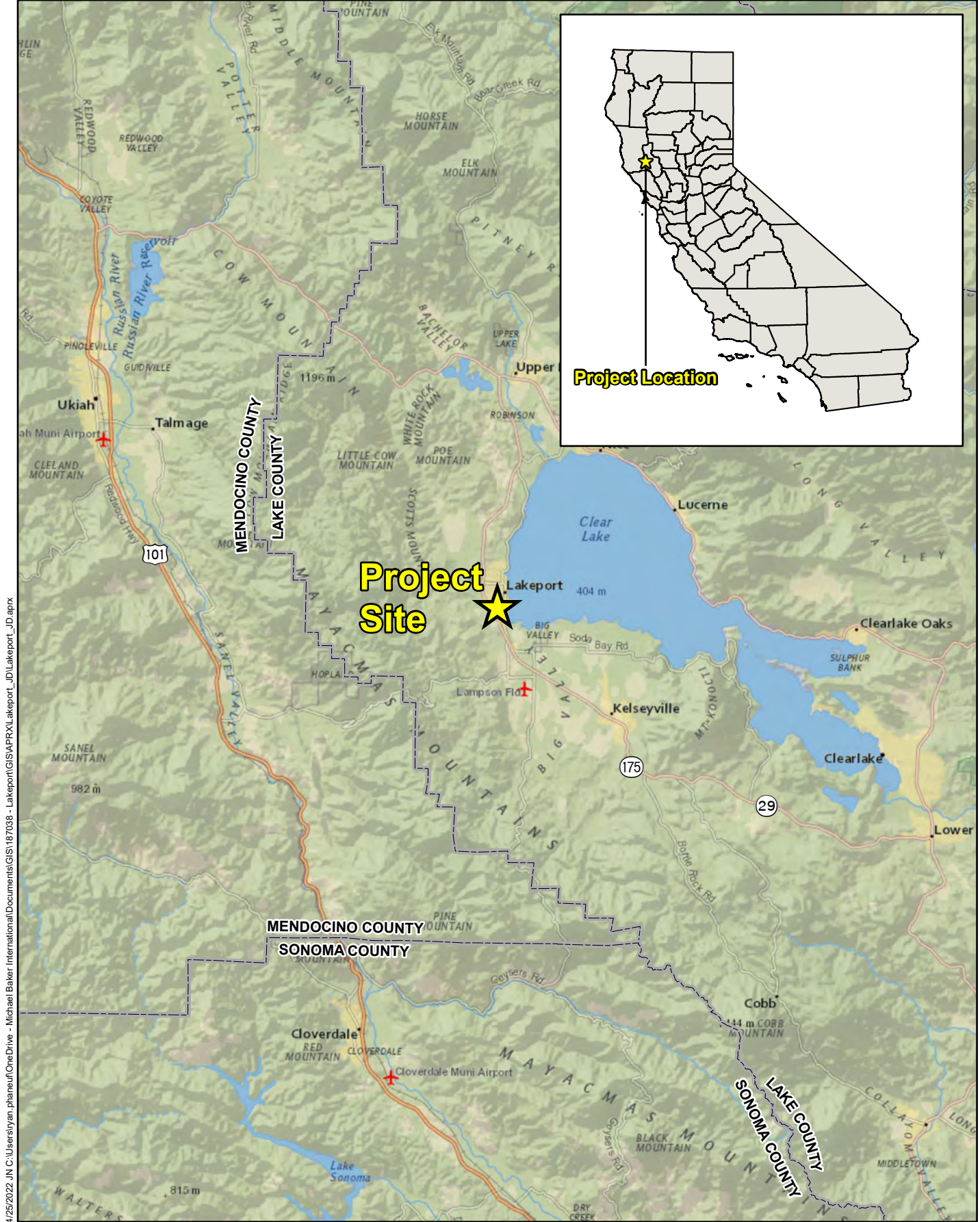
Ryan Phaneuf
Regulatory Analyst
Natural Resources and Regulatory Permitting

Attachments:

- A. *Project Figures*
- B. *References*
- C. *USDA Custom Soil Resources Report*
- D. *USFWS National Wetlands Inventory Map*
- E. *FEMA Flood Zone Maps*
- F. *Site Photographs*
- G. *Wetland Determination Data Forms*
- H. *CDFW Concurrence Letter*

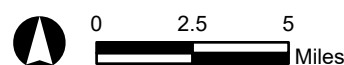
Attachment A

Project Figures



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LAKE COUNTY COURTHOUSE PROJECT
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Regional Vicinity



Source: ArcGIS Online, 2018

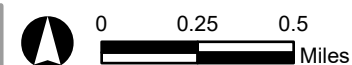
Figure 1

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Legend

 Project Site



Source: USGS 7.5-Minute topographic quadrangle maps: Lakeport, California (2022)

LAKE COUNTY COURTHOUSE PROJECT
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Project Vicinity

Figure 2



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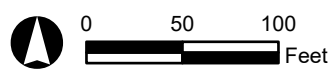


39.034763
-122.919705

Lakeport Blvd

39.032971
-122.921759

- Legend**
-  Project Site
 -  Reference Point



Source: Nearmap (03/2022)

LAKE COUNTY COURTHOUSE PROJECT
DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Project Site

Figure 3

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Project Site	Corps/Regional Board Non-Wetland Waters of the U.S. (0.008 acre)	Discontinuous OHWM	Metal Pipe Culvert
Photograph Point and Direction	Regional Board Non-Wetland Waters of the State (0.014 acre)	Flow Direction	Soil Pit
Reference Point			

LAKE COUNTY COURTHOUSE PROJECT
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Corps/Regional Board Jurisdictional Map

Michael Baker INTERNATIONAL

Source: Nearmap (03/2022)

Figure 4

39.034763
-122.919705

Lakeport Blvd

AF-1











AF-2

AF-2

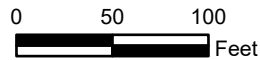
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Legend

 Project Site	 Corps/Regional Board Non-Wetland Waters of the U.S. (0.008 acre)	 Permanent Impact Area	 Discontinuous OHWM
 Reference Point	 Regional Board Non-Wetland Waters of the State (0.014 acre)	 Permanent Impacts (Corps/Regional Board Non-Wetland WoUS, 0.005 acre)	 Metal Pipe Culvert
	 Permanent Impacts (Regional Board Non-Wetland Waters of the State, 0.010 acre)	 Flow Direction	

LAKE COUNTY COURTHOUSE PROJECT
DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS



Source: Nearmap (03/2022)

Corps/Regional Board Jurisdictional Impact Map - Lake Site North

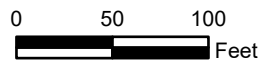
Figure 5A

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Legend			
	Project Site		Corps/Regional Board Non-Wetland Waters of the U.S. (0.008 acre)
	Reference Point		Permanent Impact Area
			Permanent Impacts (Corps/Regional Board Non-Wetland WoUS, 0.005 acre)
			Regional Board Non-Wetland Waters of the State (0.014 acre)
			Discontinuous OHWM
			Metal Pipe Culvert
			Flow Direction

LAKE COUNTY COURTHOUSE PROJECT
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS



Source: Nearmap (03/2022)

Corps/Regional Board Jurisdictional Impact Map - Lake Site East

Figure 5B

Attachment B

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Attachment C

USDA Custom Soil Resources Report

Custom Soil Resource Report for Lake County, California



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:1,370 if printed on A landscape (11" x 8.5") sheet.

0 20 40 80 120 Meters


0 50 100 200 300 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole

 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals


Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County, California
Survey Area Data: Version 18, Sep 6, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2019—Jul 5, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
142	Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, MLRA 15	5.8	100.0%
Totals for Area of Interest		5.8	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Lake County, California

142—Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, MLRA 15

Map Unit Setting

National map unit symbol: 2xcb0
Elevation: 1,000 to 3,250 feet
Mean annual precipitation: 26 to 52 inches
Mean annual air temperature: 57 to 60 degrees F
Frost-free period: 212 to 300 days
Farmland classification: Not prime farmland

Map Unit Composition

Henneke and similar soils: 40 percent
Montara and similar soils: 30 percent
Rock outcrop: 16 percent
Minor components: 14 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Henneke

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Residuum weathered from serpentinite

Typical profile

A - 0 to 3 inches: gravelly loam
Bt1 - 3 to 11 inches: gravelly clay loam
Bt2 - 11 to 16 inches: very gravelly clay
Bt3 - 16 to 19 inches: very gravelly clay
R - 19 to 29 inches: bedrock

Properties and qualities

Slope: 10 to 50 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.2 to 0.5 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Very low (about 2.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D

Custom Soil Resource Report

Ecological site: F015XY010CA - Hills >40"ppt
Hydric soil rating: No

Description of Montara

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Residuum weathered from serpentinite

Typical profile

A - 0 to 6 inches: clay loam
Bt - 6 to 12 inches: clay loam
R - 12 to 16 inches: bedrock

Properties and qualities

Slope: 10 to 50 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.14 to 1.42 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.2 to 0.5 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Very low (about 1.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: D
Ecological site: F015XY010CA - Hills >40"ppt
Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Mountains
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Free face
Down-slope shape: Convex
Across-slope shape: Convex

Interpretive groups

Land capability classification (irrigated): None specified
Ecological site: F015XY015CA - Loamy Mountains >40"ppt
Hydric soil rating: No

Minor Components

Dubakella

Percent of map unit: 5 percent
Landform: Hillslopes

Custom Soil Resource Report

Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Okiota

Percent of map unit: 4 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Maxwell

Percent of map unit: 3 percent
Landform: Alluvial fans
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Millsholm

Percent of map unit: 2 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

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Attachment D

USFWS National Wetlands Inventory Map



April 20, 2022

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

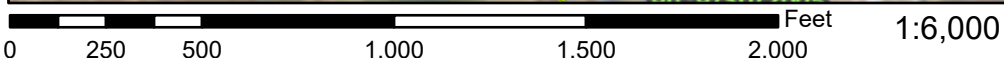
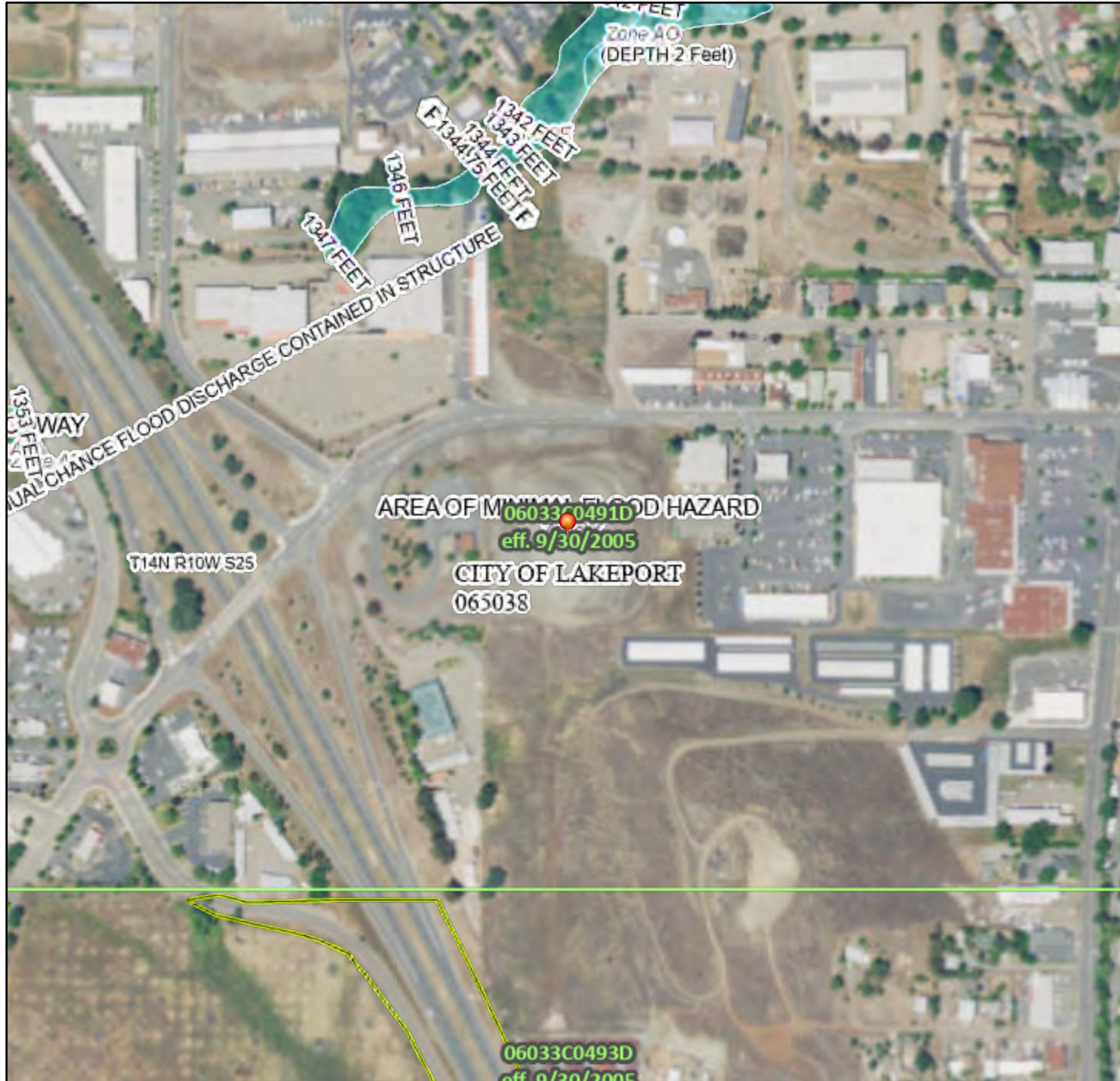
Attachment E

FEMA Flood Zone Maps

National Flood Hazard Layer FIRMette



122°55'34"W 39°2'15"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

122°54'57"W 39°1'48"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/18/2022 at 6:12 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Attachment F

Site Photographs



Photograph 1: View looking northeast at AF-1 in the northern portion of the project site.



Photograph 2: View looking northwest at AF-1 in the northern portion of the project site.



Photograph 3: View looking east at AF-2 in the southern portion of the project site.



Photograph 4: View looking east at AF-2 in the southern portion of the project site.



Photograph 5: View looking north at a non-jurisdictional swale at the eastern edge of the project site.



Photograph 6: View looking south at the western portion of the project site.



Photograph 7: View looking northeast at the southwestern portion of the project site.



Photograph 8: View looking south at Soil Pit 3 (SP3) within a non-jurisdictional swale at the northeastern edge of the project site.

Attachment G

Wetland Determination Data Forms

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Lake County Courthouse Project City/County: Lakeport/Lake Sampling Date: 04/12/2022
 Applicant/Owner: Judicial Council of California State: CA Sampling Point: SP1
 Investigator(s): Tim Tidwell Section, Township, Range: 25, 2 North, 9 West
 Landform (hillslope, terrace, etc.): Flat land Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): Mediterranean Lat: 39.033922° Long: -122.921476° Datum: WGS 84
 Soil Map Unit Name: Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, ML NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: No evidence of hydrophytic vegetation, hydric soils, or wetland hydrology was observed.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>N/A</u>	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>98</u> % Cover of Biotic Crust <u>0</u>				
Hydrophytic Vegetation Indicators: <input type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)				
¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				

Remarks:
 Area was previously disturbed resulting in extremely low vegetative cover. No hydrophytic vegetation observed.

SOIL

Sampling Point: SP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	10 YR 3/3	100	N/A	N/A	N/A	N/A	Sand/cob	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)

- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Vernal Pools (F9)

Indicators for Problematic Hydric Soils³:

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Rock/cobble
 Depth (inches): 2 inches

Hydric Soil Present? Yes No

Remarks:

Substrate consists of many rock/cobble. No profile able to be performed due to restrictive layer. No redox present.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

- Salt Crust (B11)
- Biotic Crust (B12)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
- Drift Deposits (B3) (Riverine)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): _____
 Saturation Present? (includes capillary fringe) Yes No Depth (inches): _____

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

No hydrological indicators.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Lake County Courthouse Project City/County: Lakeport/Lake Sampling Date: 04/12/2022
 Applicant/Owner: Judicial Council of California State: CA Sampling Point: SP2
 Investigator(s): Tim Tidwell Section, Township, Range: 25, 2 North, 9 West
 Landform (hillslope, terrace, etc.): Terrace/slight depression Local relief (concave, convex, none): concave/flat Slope (%): 0
 Subregion (LRR): Mediterranean Lat: 39.033383° Long: -122.921491° Datum: WGS 84
 Soil Map Unit Name: Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, ML NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: 	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>N/A</u>	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>100</u> % Cover of Biotic Crust <u>0</u>				

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes No

Remarks:
No vegetation was present.

SOIL

Sampling Point: SP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	10 YR 3/3	100	N/A	N/A	N/A	N/A	Sand/cobles	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)	Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	
<input type="checkbox"/> Sandy Redox (S5)	
<input type="checkbox"/> Stripped Matrix (S6)	
<input type="checkbox"/> Loamy Mucky Mineral (F1)	
<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Vernal Pools (F9)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present): Type: <u>Rock/cobble</u> Depth (inches): <u>2</u>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	---

Remarks:
 Very compact substrate with many rock and cobble.

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Crayfish Burrows (C8)
<input checked="" type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
 Surface soil cracks identified with a very small area of potential ponding. No ponding was present at the time of survey.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Lake County Courthouse Project City/County: Lakeport/Lake Sampling Date: 04/12/2022
 Applicant/Owner: Judicial Council of California State: CA Sampling Point: SP3
 Investigator(s): Tim Tidwell Section, Township, Range: 25, 2 North, 9 West
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): concave Slope (%): 0
 Subregion (LRR): Mediterranean Lat: 39.034469° Long: -122.920028° Datum: WGS 84
 Soil Map Unit Name: Henneke-Montara-Rock outcrop complex, 10 to 50 percent slopes, MLh NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Sequoia sempervirens</u>	<u>30</u>	<u>Y</u>	<u>UPL</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
<u>30</u> = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)				
1. <u>Quercus lobata</u>	<u>1</u>	<u>N</u>	<u>FACU</u>	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>80</u> x 3 = <u>240</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>30</u> x 5 = <u>150</u> Column Totals: <u>110</u> (A) <u>390</u> (B) Prevalence Index = B/A = <u>3.55</u>
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>1</u> = Total Cover				
Herb Stratum (Plot size: <u>5'</u>)				
1. <u>Festuca perennis</u>	<u>80</u>	<u>Y</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators: <input type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Hordeum marinum</u>	<u>5</u>	<u>N</u>	<u>FACU</u>	
3. <u>Lupinus bicolor</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
4. <u>Acmispon americanus</u>	<u>7</u>	<u>N</u>	<u>UPL</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
<u>93</u> = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. <u>N/A</u>	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>7</u> % Cover of Biotic Crust <u>0</u>				
Remarks:				

Hydrophytic Vegetation Present? Yes No

SOIL

Sampling Point: SP3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	10 YR 3/3	100	N/A	N/A	N/A	N/A	Sandy loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)

- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Vernal Pools (F9)

Indicators for Problematic Hydric Soils³:

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: Rock/cobble
 Depth (inches): 2

Hydric Soil Present? Yes No

Remarks:

Significant rock/cobble present. Restrictive layer of rock/cobble prevents profile sample.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

- Salt Crust (B11)
- Biotic Crust (B12)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
- Drift Deposits (B3) (Riverine)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): _____
 Saturation Present? Yes No Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Pit performed in low lying depression at northeastern edge of the site. No signs of hydrology are noted.

Attachment H

CDFW Concurrence Letter

From: [Wilson, Billie@Wildlife](mailto:Wilson_Billie@Wildlife)
To: [Ripperda, Jerry](mailto:Ripperda_Jerry)
Subject: RE: CEQA Biological Mitigation for the New Lakeport Courthouse
Date: Tuesday, March 24, 2020 2:47:30 PM

Hi Jerry,

Thank you for your patience. Your summary is correct in that CDFW does not have any discretionary action (LSA Agreement nor CESA permit needed). You will just need to fulfill your CEQA requirements and I recommended that you contact the local CNPS Chapter for assistance in that effort.

Have a good day!

Billie

Billie Wilson

Senior Environmental Scientist (Supervisor)
North Central Region – Region 2
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 767- 1569
billie.wilson@wildlife.ca.gov
www.wildlife.ca.gov

From: Ripperda, Jerry <Jerry.Ripperda@jud.ca.gov>
Sent: Tuesday, March 24, 2020 11:23 AM
To: Wilson, Billie@Wildlife <Billie.Wilson@wildlife.ca.gov>
Subject: RE: CEQA Biological Mitigation for the New Lakeport Courthouse

Hello again, Billie:

We had a telephone conversation on February 12 regarding the Judicial Council's planned construction of a new courthouse in Lakeport, and the project's CEQA mitigation requirements for sensitive plant species. The purpose of my message is to document my recollections of the meeting and request your verification of my summary.

As I explained below in my February 11 message (see below), the Judicial Council wanted to resume mitigation discussions with Fish and Wildlife, which began several years ago. I explained that the Judicial Council was no longer considering on-site mitigation and planned to develop mitigation alternatives. You informed me that Fish and Wildlife does not plan to review the Judicial Council's mitigation plans since the courthouse project does not involve species with endangered species act protection or involve a Streambed Alteration Agreement.

Is my summary correct, Billie?

From: Ripperda, Jerry

Sent: Tuesday, February 11, 2020 10:38 AM

To: billie.wilson@wildlife.ca.gov

Subject: CEQA Biological Mitigation for the New Lakeport Courthouse

Importance: High

Hello, Billie

I am the Environmental, Health, & Safety supervisor for the Judicial Council of California (JCC) , which manages Superior Court courthouses in California, and I need to discuss a CEQA mitigation issue with Fish and Wildlife staff. The JCC (formerly the Administrative Office of the Courts) completed a mitigated negative declaration (SCH2010082058) in 2010 for the New Lakeport Courthouse project in Lake County, and the JCC purchased a parcel in Lakeport for the proposed courthouse. Due to funding issues, the JCC deferred work on the project from 2014 to the present, but the JCC expects approval of funding for the project in the next State of California budget. I've attached a portion of the CEQA document's biological resources documentation, which shows the project location.

The CEQA document identified biological impacts to the following special status species: *Layia septentrionalis*, *Amsinckia lunaris*, *Cryptantha dissita*, and *Clarkia gracilis* ssp. *Tracyi*. The *Layia*, *Amsinckia*, and *Cryptantha* have California Rare Plant Rank: 1B.2, while *Clarkia* is 4.2. The JCC's proposed project will probably eliminate the species from the project site. The project's CEQA mitigation measures include: "Ensure that the Mitigation Plan is submitted to the California Department of Fish and Game for review, and approved in writing by the California Department of Fish and Game."

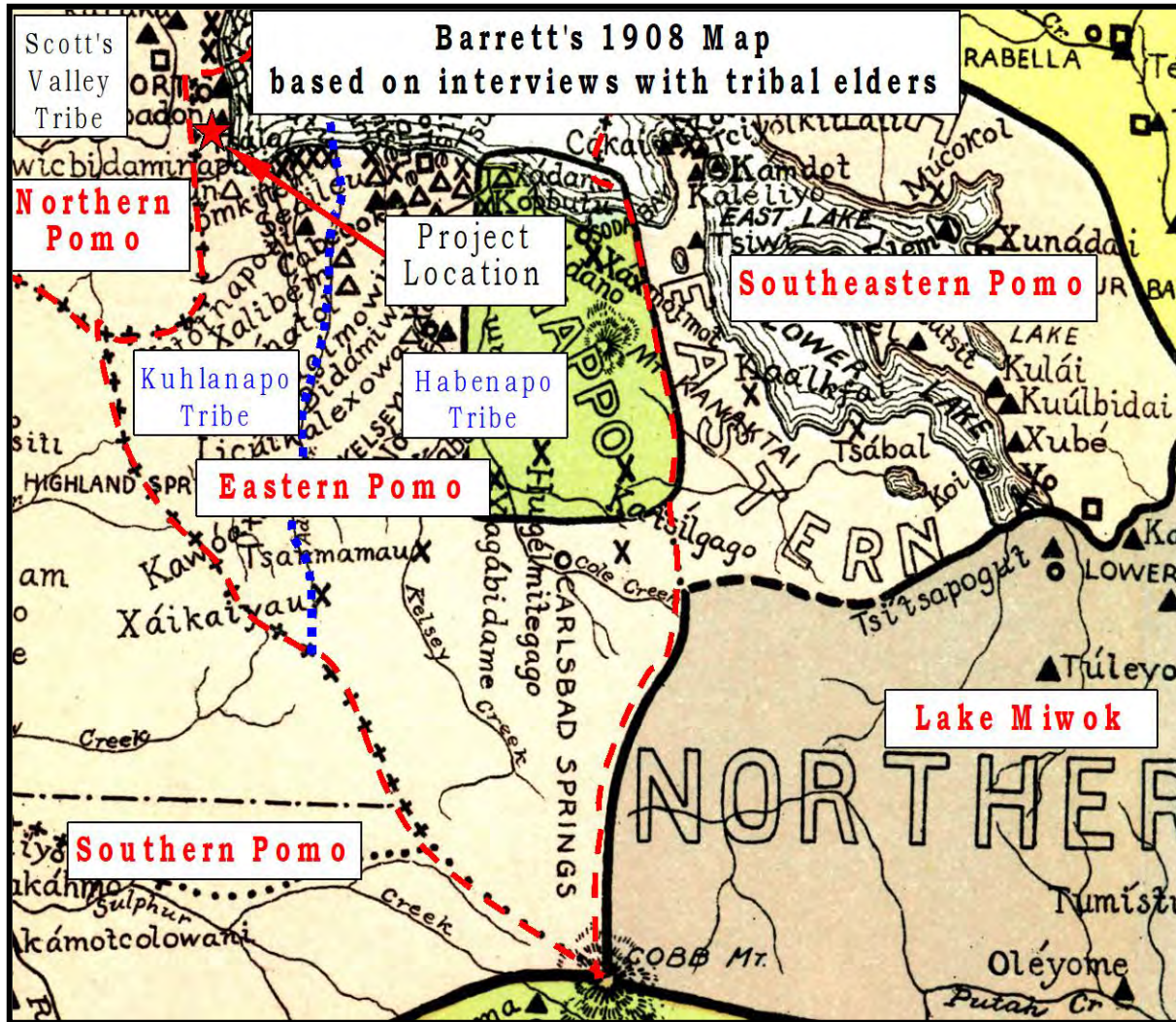
The CEQA project manager, Ms. Laura Sainz, apparently consulted with Fish and Wildlife staff for a mitigation agreement in 2014(?), but she retired and left no records of her consultations with Fish and Wildlife. I wish to restart mitigation discussions with Fish and Wildlife staff to settle the mitigation requirements.

Please contact me at 916-263-8865 to discuss how to proceed. Thanks for your assistance.



John Parker
 PO Box 1353
 Lucerne, CA 95458
 (707) 274-2233
dr.john@wolfcreekarcheology.com

**TRIBAL CULTURAL RESOURCES TREATMENT AND MONITORING PLAN
 FOR THE LAKEPORT COURTHOUSE PROJECT**



Prepared for:
 The Judicial Council of California

Prepared by:
 John Parker, Ph.D., RPA

Revised February 1, 2022

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BACKGROUND

Introduction

On October 1st, Holly Roberson of Kronick, Moskovitz, Tiedemann, and Girard (KMTG) requested that the author coordinate with the Lake County Native American community and the Judicial Council of California ("JCC") to assess the impact to and need for mitigation of Tribal Cultural Resources ("TCR") that may be located within the area of a planned new courthouse facility in Lakeport, California.

This work entailed:

1. A review of the existing archaeological report conducted for the project (Wiant 2010) and cultural resources inventory (ENPLAN 2010),
2. Updating the background research for those reports,
3. Facilitating consultation and communication between the project sponsors and the local native American community,
4. Assisting with the development of a Tribal Cultural Resource Mitigation and Monitoring Plan.

This report outlines the steps taken and results of those activities.

The purpose of this document is to specify the procedures to be implemented to reduce potential impacts to cultural and tribal resources resulting from the Project to below the level of significance pursuant to the California Environmental Quality Act ("CEQA") in accordance with the mitigation measures which apply to this Project. Most importantly, these procedures are developed to respectfully address the concerns of the Kuhlano Native American nation that is traditionally and culturally affiliated with the Project area and have direct ancestral ties to the Project location. The Kuhlano tribe reside with members of the Habenapo tribe on the Mission Rancheria in Lake County, California.

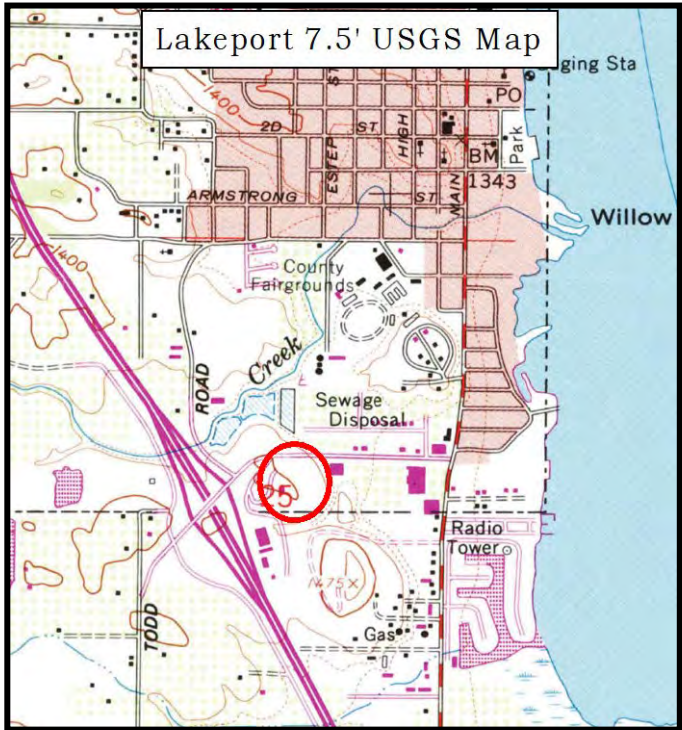
Though no cultural resources were encountered during the archaeological field inspection, there is a chance that buried (undiscovered) cultural materials may exist within the project area. The three mitigation measures in the Final Initial Study and Mitigated Negative Declaration require a plan to identify and mitigate impacts to such resources if they are encountered (California Judicial Council 2010:3-29 and Appendix M).

This document, called the Cultural Resources Treatment and Monitoring Plan, coupled with the Tribal Monitoring Agreement, meets the requirements of the mitigation measures. The Tribal Monitoring Agreement will be prepared by the Construction Management Agency for the Courthouse once it is selected by the Judicial Council.

This Plan was prepared to comply with state, county, and local regulations as they were written at the time of project approval, and to be consistent with the above listed documents as well as the City of Lakeport General Plan Mitigation Measure 3.5-1 § PR 1,10-c.

Project Description/ Location and Setting

The proposed project will involve the construction of a new courthouse building on an approximately six-acre site located at 675 Lakeport Boulevard, in the City of Lakeport. The proposed new courthouse would be approximately 51,000 BGSF, two stories high, and would include four courtrooms, associated support space, and approximately 130 parking spaces. The proposed new courthouse would include space for all court operations, and would include support space for court administration, court clerk, court security operations and holding, and building support space. The proposed new courthouse would also include a basement containing approximately 7,000 BGSF for a detention-level holding area for persons in custody and associated vehicular/pedestrian sally ports and sheriff parking, secure judges' parking, storage and other required areas to service the building.

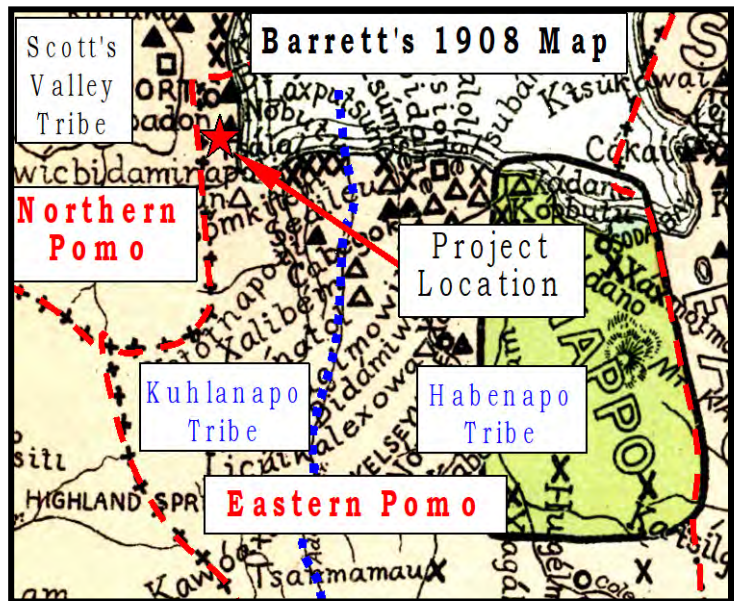


The project area consists of an east facing, terraced, serpentine hillside above the Clear Lake flood plain. Past grading had removed much of the surface soils to a graded depth of approximately 20 feet. Immediately west of the project area is the Lake County Visitor Center. To the east is a retail shopping center.



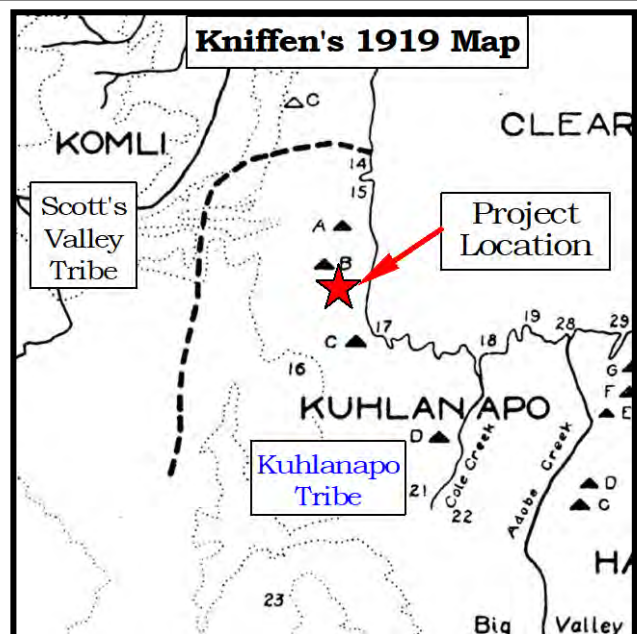
Tribal Affiliation

At the time of European arrival, the western 1/2 of Big Valley and the area of south Lakeport was controlled by the Kuhlanapo Tribe. The Kuhlanapo tribal territory appears to have been fairly stable during the 3,000 to 6,000 years before European arrival. The project area was most likely controlled by the village of Kashibadon (Barrett 1908:7, Gifford 1923, 1926, Kniffen 1939). Today, members of the Kuhlanapo tribe live at the Big Valley Rancheria.



The Kuhlanapo spoke a language belonging to the Hokan language family. Hokan is considered the oldest language family in California and possibly in the New World (Shipley 1978). It is likely that Hokan speaking people first arrived in the Clear Lake Basin about 14,000 years ago (Parker 1994, 2008).

In 2010, the Scott's Valley Tribe responded to the Judicial Council's request for Native American input. Their concern was noted and they were invited to consult during the writing of this Monitoring Plan. Patricia Franklin (representing the Scott's Valley Tribe) indicated that the Big Valley



Rancheria representatives should consult with the Judicial Council rather than the Scott's Valley Tribe. (See page 7.)

Archaeological Findings

The original Archaeological Inventory and updated background research indicated that 11 previous archaeological surveys had been conducted on parcels within 1/2 mile of the project area including the inspection conducted for the project in 2010. In addition, 6 cultural sites had been recorded within 1/2 mile of the project area. None of the cultural sites existed within or immediately adjacent to the project area (Wiant 2010, Parker 2021).

It is unlikely that undiscovered cultural sites will be encountered during the ground disturbance process, however, due to the nearby location of 6 cultural sites, it is recommended that monitoring of all ground disturbing site work take place.

Regulatory framework

Environmental review under CEQA was concluded and the Project was approved December 2010. The Project is within the area considered by the City of Lakeport General Plan, which was adopted in 2009. The Mitigated Negative Declaration for the project was finalized on in December 2010. All environmental review for this Project was completed in accordance with CEQA.

TRIBAL COMMUNICATIONS

Though the environmental analysis for this project was completed before the passage of AB 52 (Gatto, 2014), the Judicial Council of California wanted to make sure that any potential cultural or tribal cultural resources would be addressed through voluntary tribal consultation.

The following information describes the consultation process, tribal input expressed, and the development of the Tribal Cultural Resources Treatment Plan.

10-22-2021

Summary of field meeting with Native American Representatives.

Arriving at the Lake County Visitor Center parking lot were Ron Montez (Big Valley Tribal Historic Preservation Officer), Patricia Franklin (Scotts Valley Tribal Historic Preservation Officer), and Jessie Gonzales (Scotts Valley Tribe).

Also attending were Brad Blemker (Judicial Council of California), Krista Levier (Lake County Court) and the author.

After short introductions, the group looked over the terraced project area and realized that extensive grading had taken place in the past. A walk was taken around the project area by all but Ron Montez. During the walk, there was

discussion about the view-shed and any potential possibility of finding buried cultural material.

Following the walk, everyone rejoined Ron Montez in the parking lot and talked at length about Native American concerns in the area in general, and for the site specifically. Although there was agreement that previous grading had removed surface indications of cultural material, Patricia Franklin expressed concern that the grading may have actually mixed up surface soils with buried soils and that some original surface soils might still exist at depth in the graded fill. Ron Montez indicated that human remains could turn up anywhere in the area.

There was a verbal consensus from Ron Montez and Patty Franklin that Native American monitors would be needed to watch ground disturbing site work during construction.

The author asked Ron Montez and Patty Franklin to work together to formalize their input in writing so that it could be shared with the Judicial Council.



10-25-2021

Email from Patricia Franklin to the author:

Hi John,

Thank you for meeting with Jesse and I the other day to discuss the plans for the future courthouse building. I wanted to get back to you before much time passes with our response. We believe that cultural monitoring should take place and are fine with Big Valley taking the lead on that. Although we are tied to the area, we are confident they will do a good job monitoring and watching out for our

ancestors.

We appreciate you including us and inviting us to be a part of this process as it relates to our historical areas.

Thank you,

Patty Franklin
Scotts Valley Band of Pomo Indians

11-11-2021

1st Draft of Tribal Cultural Resources Treatment Plan

Based on concerns expressed during the 10-22 field meeting, a draft Tribal Cultural Resources Treatment Plan was developed and sent to Ron Montez (Big Valley Pomo Tribal Historic Preservation officer "THPO") for review.

11-15-2021

Meeting to discuss 1st Draft

The author and Ron Montez met at the Big Valley Tribal Environmental Office to review and edit the draft Tribal Cultural Resources Treatment Plan.

11-29-2021

Tribal Cultural Resources Treatment Plan developed (2nd draft)

This final Tribal Cultural Resources Treatment Plan was written incorporating tribal concerns and the existing mitigation requirements as outlined in the CEQA Mitigated Negative Declaration and Mitigation Monitoring Plan¹.

This plan was sent to Ron Montez for review.

1-24-2022

Video Meeting to address Tribal review and additions needed to the Cultural Resources Treatment Plan

A video conference was held with Ron Montez (THPO), Zulqar Helal (Senior Project Manager), Brad Blemker (Manager, Project Management), John Parker (Project Archaeologist), and Holly Roberson (Outside Counsel). The meeting included a discussion of both Judicial Council and Tribal input. Ron Montez (THPO) expressed his preferences that:

- The Big Valley Band will participate in the pre-construction safety training (WEAP).
- Tribal monitors will be present from the beginning of ground disturbing site work until excavation hits bedrock.

¹ JCC 2010:3-25

- There will be one tribal monitor per piece of heavy equipment
- The Tribe will have access to the site for a blessing before ground disturbance begins

1-27-2022

Video Meeting to finalize Tribal concerns for incorporation into the final Cultural Resources Treatment Plan.

A video conference was held with Sarah Ryan (Big Valley Tribal Environmental Director), Zulqar Helal (Senior Project Manager), Brad Blemker (Manager, Project Management), John Parker (Project Archaeologist), and Holly Roberson (Outside Counsel). The meeting served to finalized Judicial Council and Tribal input into the Plan.

The roles of the tribal monitor and Senior tribal monitor/THPO are described below.

The Judicial Council agreed to having one tribal monitor per piece of ground disturbing heavy equipment during excavation, and to provide access to the site for ceremonial purposes before construction begins.

The Judicial Council agreed to include a term in the cultural resources plan which says that in the event of a dispute between the Tribe and the Construction Management Agency, the matter can be escalated to the Judicial Council directly. This change is made out of respect for the Big Valley Band of Pomo Indian's status as a sovereign nation and in consideration of the Tribe's preference for a government to government relationship with the Judicial Council.

A generic template version of a tribal monitoring agreement will be provided as an example in the bid packet for the Construction Management Agency.

The Judicial Council asked whether the Tribe would prefer private access to the site for a blessing before groundbreaking, or to participate in the public groundbreaking ceremony and provide a blessing at that time. When the Tribe decides, then its preference for how to conduct this religious practice will be accommodated.

CULTURAL RESOURCES MITIGATION MEASURES

These mitigation measures are taken from the Final Initial Study and Mitigated Negative Declaration. Italicized additions were added for clarity through consultation with the Big Valley Rancheria Tribal Historic Preservation Officer.

Archaeological/Paleontological Monitoring

The accidental discovery of archaeological or paleontological materials during ground-disturbing activities cannot be entirely discounted. In the unlikely event that archaeological materials are unearthed, implementation of **Mitigation Measures CUL-1 and CUL-2** would reduce potential impacts to archaeological and paleontological resources to less than significant levels.

Mitigation Measures CUL-1 and CUL-2: If previously unidentified cultural or paleontological resources are encountered, all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist and a Native American representative can make an assessment of the discovery and recommend/implement mitigation measures as necessary.

There is no natural obsidian in this area. If isolated artifacts or pieces of obsidian are observed on the ground, it is the result of cultural activity. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, dietary bone or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammer stones and pitted stones. Historic-period materials might include stone, concrete; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the Project Archaeologist and Native American representative determine that the resources may be significant, they will notify the JCC. An appropriate treatment plan for the resources should be developed. The Project Archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources.

1. *Native American Monitor Required:* No grading, trenching, or excavation are to take place without the presence of a Native American Monitor. One monitor will be required for each piece of excavation equipment in use.
2. *Isolated Artifacts:* There is no natural obsidian in this area. If isolated artifacts or pieces of obsidian are observed on the ground, it is the result of cultural activity. Isolated artifacts can be mapped and removed by Tribal monitors during the earth moving process without a major work stoppage.
3. *Intact Cultural Soils:* If an intact archaeological feature or site soil is encountered during excavation, and in danger of disturbance, construction work within 75 feet of the find shall be suspended and the Native American monitor will contact Dr. John Parker (Project Archaeologist). Dr. Parker will evaluate the feature and recommend an appropriate action based on the requirements of CEQA²³. Work

² CEQA § 21083.2, and § 15126.4c

³ Lakeport General Plan Mitigation Measure 3.5-1 § PR 1,10-c

may need to be temporarily redirected to another area while the feature or site soil is mapped and removed.

4. *Dr. Parker will designate “resource safe” areas where work can continue while archaeological mapping and recovery take place at the discovery location.*
5. *Ron Montez (Tribal Historic Preservation Officer) will coordinate all Native American monitors. Ron Montez and Dr. John Parker will provide pre-construction sensitivity training to all construction excavation contractors and workers (WEAP Training). Both Ron Montez and Dr. Parker will be available on-call during the duration of construction activities.*

Mitigation Measure CUL-3: If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Lake County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

Compliance Plan: The Judicial Council's Construction Management Agency will retain the Big Valley Rancheria Cultural Monitoring Team to monitor all Project ground-disturbing site work in an effort to identify any isolated or buried cultural resources. Dr. John Parker of Archaeological Research has been retained to be on-call during project grading to work side-by-side with Tribal monitors if cultural materials are encountered. Dr. Parker is well versed in the differences between potentially significant archaeological sites and significant or important Tribal Cultural Resources (TCR's). Dr. Parker is also trained in the identification of human remains. Reliance will be placed on Tribal Monitors to identify potential TCRs and the Tribe will determine significance of TCRs.

Tribal Monitoring

At least 30 days prior to beginning ground disturbing site work on the Project site, the Construction Management Agency shall contact Ron Montez of the Big Valley Rancheria to notify him of any proposed grading or excavation and how many pieces of equipment will be used. Ron Montez will organize and provide tribal monitors to be on-site during all ground disturbance activity.

Monitors will be versed in the identification of cultural materials, applicable legal requirements, and how to safely work alongside heavy equipment. Monitors will keep daily logs of activities and plot all cultural findings on a project construction map. Any items collected will be bagged and labeled with date of discovery and location.

Project Archaeological and Native American Responsibilities

Native American monitors/ Tribal monitors will assist in the pre-construction training and work alongside excavation and grading equipment and observe the soils being moved. Backdirt piles will also be inspected for cultural materials. If a cultural item is observed, the monitor will signal the equipment operator for safety before entering the excavation area to recover the item. Once the item is recovered, the monitor will signal the operator that excavation work can continue.

If bone or cultural soils are encountered, then the Tribal monitor will have the authority to halt excavation work within 75 feet of the find and contact the Project Archaeologist for an evaluation.

Tribal monitors will keep a daily log of activities including the type of excavation conducted and where. All cultural materials recovered will be mapped with a number on a construction plan and bagged with the date and number in a Ziploc. All cultural materials will be boxed and secured at the Big Valley Tribal Environmental Office.

The Senior Tribal Monitor/ THPO will provide a pre-construction cultural sensitivity training. All construction personnel are required to participate in this training, including new construction personnel who start later in the construction cycle.

The THPO's role also includes scheduling the tribal monitors, review and approval of the daily logs from the tribal monitors, participation throughout the inadvertent discovery process in the event that it is needed, and review of finds made by the tribal monitors to determine if there is a need for additional analysis by the Project Archaeologist. Two days of ceremonial time will be included at a minimum, additional time may be needed depending on whether there are significant cultural finds during the Project.

The Project Archaeologist will provide cultural material and feature identification expertise during the project. The Project Archaeologist will conduct a pre-construction archaeology and safety training and be available (on call) in the event that any cultural features or materials require identification or significance evaluation for archaeological purposes.

Following the earth movement process, the Project Archaeologist will identify, analyze, report on, and curate any cultural items recovered in consultation with the Tribe.

Disposition of Cultural Materials

All recovered cultural materials will be boxed and housed at the Big Valley Rancheria Environmental Office under Ron Montez guidance until all ground disturbance work is completed. Once excavation is finished, the cultural materials

will be loaned to Dr. Parker for non-destructive analysis. Following analysis, all cultural material will be returned to the Big Valley Tribe for accessioning into the Big Valley Rancheria's collection facility. In the event that the Tribe would prefer to rebury cultural materials on site, an appropriate location will be determined in consultation with the Judicial Council.

CULTURAL RESOURCES TREATMENT AND MONITORING PLAN

Pre-Construction Worker Training

Prior to the commencement of construction excavation, all subcontractors, heavy equipment operators, and supervisors will participate in a short training session on the types of cultural materials that may be discovered, as well as the responsibilities and authority of the Tribal monitors and Project Archaeologist.

Monitoring Frequency and Scheduling

Tribal monitoring will take place anytime ground disturbing site work is taking place. There will be one tribal monitor for each piece of excavation equipment operating on the site. The designated Construction Management Agency employee will communicate the project excavation schedule to Ron Montez (Big Valley Rancheria Tribal Historic Preservation Officer) on a regular basis so the proper number of monitors are on site at all times during work hours.

Description of Potential Cultural Resources

Prehistoric cultural items that may be found in this area include both obsidian and chert chipped stone tool manufacturing material and tools, ground stone tools (milling slabs, manos, mortars, pestles, hammer stones, abrading stones), dietary bone, and shell. Cultural features may include intact cultural soils, stone alignments, fire hearths, baking pits, refuse and storage pits, house floors, and human burials.

Historic cultural items that may be found include glass, ceramics, metal, dietary bone and shell. Historic features may include stone or concrete foundation footings, fences, or cisterns, wells, privies, and trash pits.

Qualifications of Project Archaeologist and Tribal Monitors

The Project Archaeologist will have an advanced degree in anthropology or archaeology, at least 2 years of field and lab experience, demonstrated ability in analysis and report writing, and be a Registered Professional Archaeologist ("RPA").

Native American monitors will be designated by the Big Valley Band of Pomo Indians, have the ability to represent the tribe's wishes concerning Tribal Cultural Resources ("TCRs"), complete a monitor training program, and have the ability to

safely work alongside heavy equipment. Information about the Big Valley Band of Pomo Indian's rate for tribal cultural monitoring and other services is available by contacting the Judicial Council of California.

Procedures for Inadvertent Discoveries

Isolated Artifacts: The inadvertent discovery of an isolated artifact will require retrieval by the Tribal monitor. This will typically take place during construction grading or trenching and will involve the monitor signaling the equipment operator. Once the operator acknowledges the signal, the monitor may enter or use a shovel to retrieve the item from the excavation area. Once retrieved, the monitor will signal the operator to continue excavation.

Potential Intact Cultural Soils or Features: If a monitor discovers an intact feature or cultural soils (see Potential Cultural Resources listed above), then the monitor has the authority to stop all excavation within 75 feet of the feature and must contact the on-site construction supervisor and the Project Archaeologist. The Project Archaeologist will examine the feature and (in consultation with the Tribal monitor) decide if the feature contains significant cultural information or is a significant TCR.⁴

Evaluation and Treatment

As discussed above, some unexpected discoveries may need to be evaluated both archaeologically and from a tribal perspective to determine if the finds are potentially eligible as a significant archaeological resource or as a TCR. If found to be potentially eligible as a significant archaeological resource or TCR, a Treatment Plan will be developed in consultation with the Project Archaeologist, Tribal Historic Preservation Officer, and the Judicial Council. Because the find will be located within an active construction area or ground disturbing site work area, temporary protective measures should be immediately employed, and a Treatment Plan will be developed within 48 hours of the find. Treatment Plans must adhere to all applicable legislation including those that apply to the discovery of human remains discussed below.

Treatment of a potential resource may include in-place preservation (if Project redesign is feasible), additional field recording, collection of artifacts, data recovery excavation, or other measures that reduce the impacts of the undertaking determined by the Tribal Historic Preservation Officer for TCR.

Any treatment for an archaeological site should not cause damage or harm to a find determined to be a TCR if the Tribal Historic Preservation Officer determines other feasible treatment options are possible. Following meaningful consultation among

⁴ as determined by PRC § 5024.1, Title 14 CCR, Sec. 4852

the Tribal Historic Preservation Officer, the Project Archaeologist and the Judicial Council, the Judicial Council will determine the appropriate actions to be taken.

Treatment Measures should be determined with the underlying intent and purpose to avoid or limit adverse effects to identified physical resources as well as the adverse effects that damaging the resources has on the emotions and cultural sensitivities of the Tribe.

Isolated Artifacts: When discovered, these items will be mapped, bagged, and labeled with the date of discovery and location. These materials will be stored at the Big Valley Environmental Office until all ground disturbance activity is completed.

Intact Cultural Features: Any intact archaeological features that can't be preserved in place, shall be mapped and recovered. All associated material will be labeled and bagged by feature and date and stored at the Big Valley Environmental Office until all ground disturbance activity is completed.

Discoveries of Human Remains

If bone is discovered, Dr. Parker will be called in to identify the bone. If it is determined that it represents or may represent human remains, the State Health and Safety Code Section 7050.5 requirements will be followed: no further disturbance shall occur within 75 feet of the discovery until the Lake County Sheriff Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission ("NAHC").

The NAHC will then identify the person(s) thought to be the Most Likely Descendent ("MLD"), who will help determine what course of action should be taken in dealing with the remains.

The Judicial Council Project Manager and Construction Management Agency's personnel shall ensure that any potential or verified human remains encountered during construction of or ground disturbing site work for the Project are treated with respect and any actions taken are consistent with applicable laws. The MLD shall be contacted to make recommendations and engage in consultation regarding the treatment of the remains per PRC Section 5097.98.

The MLD shall be granted access to examine the remains and then has 48 hours after being granted access to provide recommendations for the treatment or reburial of the remains.

If removal of the remains is deemed appropriate (for reburial), the Project Archaeologist will carefully document and recover the remains under the direction of

the Tribal representatives. The remains will be turned over to the Tribal representatives for appropriate action.

Once remains have been removed, construction excavation can continue in the area.

Disposition of Collected Artifacts

Following identification, counting, weighing, sorting, cataloging, and non-destructive analysis, all cultural material will be turned over to the Big Valley Collection Facility for curation.

Any testing proposed needs to be approved by the Tribal Historic Preservation Officer in writing and shall be limited to nondestructive methods only. No laboratory analysis, testing (invasive or non-invasive), sorting, or recordation of human remains, grave goods, ceremonial, or sacred items is permitted without the Big Valley Band of Pomo Indians' Tribal Historic Preservation Officer's written consent.

Settlement of Disputes

If a dispute arises between the Tribal Monitoring Program and the Construction

Name	Position	Email	Phone
Zulqar Helal	Senior Project Manager	Zulqar.Helal@jud.ca.gov	916.643.8047 C 916.846.3033
Brad Blemker	Manager, Project Management	Brad.Blemker@jud.ca.gov	C 415.865.7419
Holly Roberson	Outside CEQA and Tribal Counsel	hroberson@kmtg.com >	916.321.4517 C 510.219.6657
Dr. John Parker	Project Archaeologist	dr.john@wolfcreekarcheology.com	707.274.2233 C 707.413.9606
Ron Montez	Tribal Historic Preservation Officer	rmontez@big-valley.net	707.263.3924 ext. 135 C 541.570.5799
Sarah Ryan	Director, Tribal Environmental Dept.	sryan@big-valley.net	707.263.3924 x132 C 707.349.4040

Management Agency which cannot be resolved, the Tribe can appeal the concern to the Judicial Council for resolution.

CONTACT LIST

Attachments

An example of a generic tribal monitoring agreement and contract is enclosed for reference. An tribal monitoring agreement and contract specific to this Project will need to be developed and agreed to by the Tribe and the Construction Project Manager.

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FURNITURE PROCUREMENT METHOD

Project: Lake County – New Lakeport Courthouse
DBE: (Insert DBE)

CFCI: DBE Furnished and Installed
 OFOI: Judicial Council (Owner) Furnished and Installed
 OFCI: Judicial Council (Owner) Furnished, Contractor Installed

Furnishings and Equipment Description	Notes	COST RESPONSIBILITY		CFCI - DBE	OFOI - JC	OFCI JC & DBE	COURT F&I	MAINTAINED BY	Comments
		Project Capital Cost	Court Cost						
A. FURNITURE									
Courtroom Fixed Furniture (Judge, Clerk Benches, Attorney Tables, Witness Stand, Lectern, Court Reporter, Bailiff Stations, Spectator Benches, Jury Box Chairs)		x		x				JC	
Fixed Benches to Public Corridor		x		x				JC	
Breakroom Furniture - Fixed-Banquettes		x		x				JC	
Judges/ Chambers Furniture (Fixed & Loose)		x			x			Court	
Loose Furniture (Case Goods, Conference Tables, Chairs)		x			x			Court	
Office Furniture (File cabinets, Bookcases, Shelving Units)		x			x			Court	
Modular Workstations / System Furniture		x			x			Court	
Breakroom Furniture - Movable Tables / Chairs								Court	
Office Equipment (Phones, Computers, Fax, Copy Machine, Printers, Mail Meters)			x				x	Court	
B. FURNISHINGS									
Window Treatments		x		x				JC	
Markerboards and Tack Boards		x		x				JC	
Lockers		x		x				JC	
Site Furniture		x		x				JC	
C. EQUIPMENT									
Building Maintenance/Window Washing Equipment		x		x				JC	
Breakroom Dishwasher, Garbage Disposal		x		x				Court	
High Density Filing System		x		x					
Lockers		x		x					
Parking Equipment		x		x				JC	
Wheelchair Ramps, Evacuation Chairs		x		x				JC	
Loading Dock Equipment		x		x					
Stanchion Systems (Removable Crowd Control Posts)		x		x					
Breakroom Television Mounting Hardware		x		x					
Storage (Metal Shelving for Storage Rooms; Lateral Files; Bookcases)		x			x				
Package Scanners and Magnetometers		x			x			JC	
Breakroom Appliances (Refrigerator, Microwave, Water Cooler)			x				x	Court	
Breakroom Television							x	Court	
Vending Machines, Botteled Water, Coffee Services							x	Court	Department of Rehabilitation Responsibility
Safes			x				x	Court	
D. SIGNAGE									
Directional Signage		x		x				JC	
Informational and Identification Signage		x		x				JC	
State Seals in Courtrooms		x		x				JC	
Code Required Signage		x		x				JC	

FURNITURE PROCUREMENT METHOD

CFCI: DBE Furnished and Installed
 OFOI: Judicial Council (Owner) Furnished and Installed
 OFCI: Judicial Council (Owner) Furnished, Contractor Installed

Furnishings and Equipment Description	Notes	COST RESPONSIBILITY		CFCI - DBE	OFOI - JC	OFCI JC & DBE	COURT F&I	MAINTAINED BY	Comments
		Project Capital Cost	Court Cost						
E. OTHER ITEMS									
Public Art			x				x	Court	
Artwork in Non-Public Spaces			x				x	Court	
Trash Casns, Recycling Bins (Located in Offices, Breakrooms, Etc)			x				x	Court	
<i>*note: exception is fixed outside trash receptacles which are considered FF&E</i>									
F. TECHNOLOGY									
Antenna cabling, pathway and mounting for master building antena systems		x		x					
Initial phone connection to building (for building systems-i.e. elevator, fire system...)		x			x				
LAN/WAN network: hardware routers, switches, etc. (based on 12/4/09 assessment report)		x			x				
Network/communication cabling		x		x					
Satellite dishes (for JCC Education)		x			x				
Service application for network connection to building		x			x				
Video arraignment cabling		x		x					
Video arraignment equipment		x		x					
Video conference equipment (assuming it can be used for video arraignment as well)		x		x					
VOIP system (including WAN service application)			x				x		
Two way radios, radio repeaters, microphones, batteries, chargers, base stations,			x				x		
Local servers, printers, faxes			x				x		
Antenna-radio equipment and connections			x				x		If Marshal services- court responsibility; if Sheriff services - county responsibility
Maintenance of LAN/WAN network			x				x		
Audio Recording equipment (to tie into existing system)			x				x		
G. MOVING									
Employee relocation			x				x	Court	
Equipment relocation			x				x	Court	
Existing furniture relocation			x				x	Court	
File relocation			x				x	Court	
Sheriff/Marshal office relocation			x				x	Court	
H. SECURITY MOVING									
Access control		x		x				JC	
Cameras		x		x				JC	
Duress alarms		x		x				JC	
Gun lockers		x		x				JC	
Magnatometer/Xray scanners		x			x			JC	
NOTES:									
1 Judicial Council provides graphic of state and superior court seal for inclusion in Project.									
2 A/E Team Coordinates location of Judicial Council equipment in construction documents.									
3 A/E Interior team coordinates selection and design layouts for furniture (freestanding and modular); installation drawings/specifications to be provided by separate installer.									



Owner Controlled Insurance Program (OCIP) Manual

JUDICIAL COUNCIL OF CALIFORNIA



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

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1.0 INTRODUCTION

1.1 Overview

The Judicial Council of California (Sponsor) has elected to use an Owner Controlled Insurance Program (OCIP) for [PROJECT NAME] (Project). Under such a program, the Sponsor purchases certain insurance policies for protection of some (but not all) of the insurable risks that exist on a construction project. The insurance purchased by the Sponsor will be endorsed to extend coverage of the policy to any enrolled Contractors, Subcontractors, or Sub-Subcontractors. Contractors of every tier on the Project should carefully consider the OCIP and its implications to their company before executing a contract requiring their participation in the OCIP.

The OCIP provides the following insurance for all Contractors, regardless of tier, that are approved for participation in the insurance program:

- Commercial General/ Excess Liability
- Workers' Compensation

The following additional coverages are provided outside of the OCIP:

- Builders' Risk
- Pollution Liability Insurance

Certain Contractors are ineligible for this program. These parties are identified in the Definitions, Section 3.0 of this manual.

The Sponsor will pay all insurance premiums for the OCIP coverage listed above. You should notify your insurer(s) to delete from your insurance program charges and coverage for the on-site activities of this Project that are covered under the OCIP.

Alliant, the OCIP Program Broker/Administrator, will be administering the program on the behalf of the Sponsor.

Insurance coverage and limits provided under the OCIP are limited in scope and specific to this project only. Your insurance representative should review this information. Any additional coverage you may wish to purchase will be at your own expense.

The guidelines in this manual are to be used for informational purposes only. Any conflict between this document and any contract or subcontract, the contract or subcontract will govern. Any difference with the actual OCIP policies will control in the event of any inconsistency or misunderstanding.

1.2 About this Manual

This manual is designed to identify, define, and assign responsibilities for the administration of the OCIP. The guidelines in this manual are to be used for informational purposes only.

This Manual:

- Generally describes the OCIP
- Identifies responsibilities of the various parties involved in the project with regards to the OCIP
- Provides a basic description of the OCIP operation
- Describes audit and administration procedures for the OCIP
- Provides answers to basic questions about the OCIP

This manual will be updated throughout the course of the project if necessary

This Manual does not:

- Provide coverage interpretations
- Provide complete information about coverage
- Provide answers to specific claims questions

Specific questions about the OCIP, its administration, or the coverage provided should be referred to the OCIP Administrator identified in the Project Directory section immediately following this introduction.

1.3 Responsibilities Concerning Loss Control & Claim Reporting

It will be the responsibility of all Contractors of any tier to exercise every reasonable action to prevent work related injuries, property and equipment damage at the project site, as well as to minimize the exposure of risk to the public and third party property. All Contractors of any tier will conduct loss control prevention practices according to those requirements set by Federal, State and Local Laws, statutes, and specific project procedures developed for this project.

In the event of an accident, it will be the obligation of the responsible Contractor of any tier to see that the injured workers or members of the public are given immediate medical treatment. Also, all appropriate medical and claim forms must be filed with the appropriate Authorities, the Primary OCIP Carrier, Site Safety Personnel, and the OCIP Administrator.

2.0 PROJECT DIRECTORY

OCIP ADMINISTRATOR

Alliant Insurance Services Construction Services Group 701 B St, 6 th Floor San Diego, CA 92101	Cory Doucette Office: 619-849-3771 Cdoucette@alliant.com
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PROGRAM MANAGER	PROGRAM ADMINISTRATOR
------------------------	------------------------------

Traci Dorris Office: 619-849-3917 tdorris@alliant.com	Tamika Owens Office: 619-849-3997 tamika.owens@alliant.com
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OCIP SAFETY MANAGER

Jay Zuhlke Office: 909-230-2737 jzuhlke@alliant.com

WORKERS' COMPENSATION CLAIMS REPORTING

WC DIRECT CLAIM REPORTING TO: TBD
 Please refer to OCIP Claim Kit for WC Reporting Requirements

OCIP PORTAL – ALLIANT WRAPX

OCIP Document Submission Email:alliantwrapx@alliant.com	Online Enrollment, Payroll Reporting & Document Management Website: http://alliantwrapx.alliantinsurance.com/contractorportal *Contact Project Administrator for User Access
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OCIP Coverages

INSURANCE COMPANIES	POLICIES
TBD	Workers' Compensation
TBD	General Liability
TBD	Excess Liability

Additional Coverages

INSURANCE COMPANIES	POLICIES
TBD	Builders' Risk
TBD	Pollution

3.0 PROJECT DEFINITIONS

The following definitions apply to this project and to the descriptions of the Project Coverage used in this manual:

Approved Off-Site Locations:

Storage yards or staging areas used solely in connection with performing work at the Project Site. All locations must be approved by the Sponsor and insurer.

Certificate of Insurance:

A Document providing evidence of the existence of coverage for a particular insurance policy or policies.

Contract:

A written agreement between the Sponsor and the Contractor for specific work and also includes an agreement between a Subcontractor and any tier of Subcontractor.

Contractor Claims Obligation:

The amount Contractors of every tier are responsible for paying as their contribution for settlement of an insured loss.

Employer:

Any individual, firm, or corporation that provides direct construction labor for work performed at the Project Site.

Enrolled:

Applies to those eligible Contractors, Subcontractors, and Sub-Subcontractors that have submitted all necessary enrollment forms and have been accepted into the OCIP as evidenced by a Certificate of Insurance. *Also described in this manual as a Participating Contractor.*

Ineligible:

Applies to Contractors of any tier excluded from participation in the OCIP, including those involved in loading, transporting, and unloading materials, personnel, parts, or equipment, or any other items to, from or within the Site. *Also described in this manual as an Excluded Contractor.*

PROJECT DEFINITIONS

Insured:

The Sponsor, Participating Contractors, and any other party so named in the insurance policy.

Insurer:

The insurance company named on a policy or certificate of insurance that provided coverage for the OCIP.

Participating Contractor: *See Enrolled*

Project Site:

Project Site shall mean those areas designated in writing by Sponsor for performance of the Work and such additional areas as may be designated in writing by Sponsor for Contractors use in performance of the Work. Subject to notification and other requirements for off-site locations, the term Site shall also include (a) field office sites, (b) property used for bonded storage of material for the Project approved by Sponsor, (c) staging areas dedicated to the Project, and (d) areas where activities incidental to the Project are being performed by Contractors covered by the workers' compensation policy included in the OCIP, but excluding any permanent locations of Contractors.

Sponsor:

Judicial Council of California

Work:

Operations as fully described in the Contract, performed at, or emanating directly from the Project Site. Also, the entire completed construction or the various separately identifiable parts required to be furnished under the Contract documents.

4.0 CONTRACTOR RESPONSIBILITIES

Contractors of any tier are required to cooperate fully with the Sponsor and its OCIP Administrator in all aspects of OCIP operation and administration. All Contractors of any tier will be required to provide information necessary to bind coverage under the OCIP on a “per contract” basis. Responsibilities of the Contractor include:

- Identifying the cost of insurance which is excluded from their bid as appropriate; submits the Contractors Insurance Cost Worksheet (Form B) with their bid.
- Completion of all OCIP enrollment forms
- Include the OCIP provisions in all subcontracts as appropriate
- Notifying the OCIP Administrator of all subcontracts awarded and to provide all necessary enrollment forms
- Notifying the OCIP Administrator of all lower tier subcontracts awarded by providing the Notice of Award Form (Form F) and ensuring eligible lower tier subcontractors enroll in the OCIP
- Maintaining and reporting monthly payroll records
- Cooperating with the OCIP Administrator’s requests for information
- Complying with insurance, claim, and safety procedures
- Paying Contractor Claims Obligation promptly as required
- Notifying the OCIP Administrator immediately of any insurance cancellation or non-renewal (contractor-required insurance)

4.1 Alliant WrapX

Alliant WrapX (WrapX) is a proprietary Risk Management Information System (RMIS). All relevant OCIP information will be captured and stored online in a “paperless” format through WrapX. Information to be stored includes award notifications, enrollment information, OCIP payroll, and notice of work completions for all contractors on a per contract basis. Alliant Insurance will provide all OCIP Eligible Contractors a project welcome letter detailing instructions for utilizing the WrapX contractor portal upon receipt of a Notice of Award for the awarded contractor.

Submission of all OCIP related documents should be sent by e-mail to:

alliantwrapx@alliantinsurance.com

If you should have any questions or require additional information about this process or other matters related to the OCIP, please contact your OCIP Administrator identified in Section 2: Project Directory of this Manual.

4.2 Contractor Bids

Each bidder is required to **exclude from the bid/contract price** its normal cost for the insurance coverages provided by the OCIP. Contractors of any tier shall submit an Insurance Cost Worksheet (see Section 8) to the Sponsor, which will identify the estimated Cost of OCIP Coverages.

The “Cost of OCIP Coverages” is defined as the amount of Contractors’ reduction in insurance costs due to eligibility for OCIP Coverages, as determined by using the Alliant WrapX system which includes the Enrollment Form and the Insurance Cost Worksheet. Instructions for access to Alliant WrapX are located in Section 8 of this Insurance Manual. The Cost of OCIP Coverages includes reduction in insurance premiums, related taxes and assessments, markup on the insurance premiums and losses retained through the use of the self-funded program, self-insured retention, or deductible program. The Cost of OCIP Coverages must include expected losses within any retained risk.

Contractor must deduct the Cost of OCIP Coverages for all lower tier subcontractors, in addition to its own Cost of OCIP Coverages. If, upon verification by the OCIP Administrator, it is found by the Sponsor that the Cost of OCIP Coverages were not excluded from the contract, a deductive change order will be issued to remove these costs.

Upon award of a contract, Contractor will receive access to the OCIP Administrator’s website, for online data submission. (see instructions in Section 8) Contractor shall submit their Insurance Cost Worksheet online, including copies of their Workers’ Compensation, General Liability and Excess Umbrella rate and declaration pages. They must, include any deductible or Self-Insured retention (SIR) amounts, for Costs of OCIP Coverage verification purposes. Up to 5 years of loss runs may also be required when a large deductible program is in place with the Contractor.

In the event the Sponsor elects not to include a Contractor of any tier’s work under the OCIP, the standard terms and conditions regarding insurance listed in the Contract

Document will then apply. The OCIP Administrator will advise a Contractor of any tier which has submitted an enrollment form if they excluded from the OCIP.

Contractor shall cooperate fully with the OCIP Administrator in providing the necessary insurance data and information as required in the bid specifications and associated documents furnished by the Sponsor and/or OCIP Administrator during the duration of the project or until Sponsor-furnished insurance coverages are terminated.

4.3 Enrollment

Enrollment into the OCIP is required but not automatic. Eligible Contractors must complete the enrollment form online (see instructions in Section 8), and participate in the enrollment process for the OCIP coverage to apply. Access to the project site will not be permitted until the enrollment is complete.

Each Contractor of any tier shall provide details about its lower tier subcontractors via the Notice of Contract Award Form F (contained in Section 8). This form must be completed and submitted to the OCIP Administrator prior to mobilization. Each Contractor is responsible to complete their Enrollment online to obtain coverage under the OCIP.

A separate online Enrollment and Contractor's Insurance Cost Work Sheet is required for each Contract which you are performing Work; however, only one Workers' Compensation policy will be issued for your firm.

4.4 Assignment of Return Premiums

The Sponsor will pay the cost of the OCIP insurance coverage. The Sponsor will be the sole recipient of any return OCIP premiums or dividends. All Participating Contractors shall assign to Sponsor all adjustments, refunds, premium discounts, dividends, credits, or any other monies due from the OCIP insurers.

4.5 Payroll Reports

Each Participating Contractor must submit a Monthly Payroll Report online identifying man-hours and payroll for all work performed at the Project Site on a "per contract" basis to the OCIP Administrator. This information will be used to provide the insurance company with the information required to determine the premium for the OCIP.

The monthly man-hour reports shall certify all Work performed at or emanating directly from the Project Site, including supervisory and clerical personnel on site.

Payroll shall be unburdened and allocated by Workers' Compensation Classification(s) and shall exclude the excess or premium paid for overtime (i.e., only the straight time rate shall apply to overtime hours worked). Furthermore, such records shall limit the payroll for Owners and Executive Officers as stated in manual rules.

A Separate Monthly Payroll is required for each Contract for Work you are performing.

4.6 Insurance Company Payroll Audit

Each Participating Contractor is required to maintain payroll records for the Project Site in accordance with the Basic Manual of Rules, Classifications, and Experience Rating Plan for Workers' Compensation and Employers Liability Insurance. Each Participating Contractor is required to participate in any audit conducted by the insurers for the OCIP, and to cooperate with the auditor(s) conducting such audit.

4.7 Completion of Work

When a Participating Contractor has completed its work, each Participating Contractor shall complete a Notice of Work Completion online and submit it to the OCIP Administrator. The Sponsor will not release final payment until all required data has been submitted to and approved by the OCIP Administrator. It is the upper-tier Contractor's responsibility to assure that each of their lower-tier subcontractors completes this form. This form must be completed separately for each contract.

Any Contractor Claims Obligation that Contractors of any tier are responsible for will be considered at the time of the Contract close-out unless the actual cost of the claim has been established and considered prior to close-out.

4.8 Approved Off-Site Locations

The Contractor is responsible, on behalf of itself or its lower tier Contractors, for applying for approval to have off-site locations covered by the OCIP. The Contractor, prior to the use of the site, shall notify the OCIP Administrator of the need and shall request approval of the site. The request should include the location address, description of the site, intended use, and the duration of the work to be performed at the site. The off-site location must be dedicated 100 % to the Project. The OCIP Administrator will notify the Contractor if and when the off-site location is approved by the OCIP Insurer. Contractor shall not assume OCIP coverage is provided for the off-site location until it has received confirmation from the OCIP Administrator.

4.9 Safety

Contractors of any tier are required to establish a written safety program and to provide a full-time qualified Safety Manager or designated competent safety representative who shall be onsite when any work is in progress. Non-compliance with Project Loss Control Requirements could be considered to be the same as non-compliance with another contractual condition. Minimum standards for Contractor programs are outlined in the OCIP Safety Manual.

The Sponsor or its loss control representatives will have the right to “Stop Work” when serious defective conditions, unsafe work activities, or life-threatening hazards are identified. In accordance with contract requirements, if deemed necessary, the Sponsor may remove any contractor and/or contractor employees that blatantly violate these requirements. The Sponsor, at its discretion, will designate an individual to act on its behalf, in all matters relating to work site safety and health.

4.10 Claims Reporting

Please refer to section 7 of this Manual.

4.11 Change Order Procedures

All change orders submitted by Contractor of any tier will be priced to **exclude** their normal cost of insurance for the coverage(s) that are provided by the OCIP. The final adjustment will take into account all insurance charges associated with any approved change orders. The Sponsor reserves the right to adjust the initial insurance deductive change order for any significant change orders.

5.0 INSURANCE COVERAGE

5.1 Covered Parties

Contractors of any tier must enroll in the OCIP before coverage is available to them for any loss. Therefore, no Contractor of any tier shall begin work on site until they have properly enrolled in the OCIP. All insurance, underwriting, payroll, rating or loss history information (including evidence of other insurance required under Section 5 requested by the Administrator) must be provided to the Administrator by Contractor of any tier within five (5) working days of the request. *A Contractor of any tier shall not be deemed to be a Participating Contractor and shall not be permitted to work on the project until a confirmation of enrollment has been provided to the Contractor by the Administrator. Evidence of enrollment will be established upon issuance by the Administrator of a OCIP Certificate of Insurance to the Participating Contractor.* Every Participating Contractor shall, at all times during and after the Project, cooperate with the Sponsor, the Administrator, and the OCIP insurers and adjusters concerning matters relating to the OCIP.

5.2 Parties Not Covered

Contractors of any tier who will not be included in participation in the OCIP (Nonparticipating Contractors) are haulers or truckers (or others merely making deliveries or pickups from the Project Site); vendors, suppliers (who do not perform installation); material dealers; manufacturing representatives, equipment rental companies who perform equipment maintenance (does not apply to those who provide operators); architects, surveyors, soil testing contractors, and their consultants; asbestos abatement, or other hazardous materials remediation contractors; Contractors whose sole scope of work includes blasting or demolition (unless specifically enrolled); Nonparticipating Contractors shall not be permitted to work on the Project until they have provided to the Sponsor evidence of their compliance with the insurance requirements as outlined in the Contract document.

5.3 Exclusion of Contractors from the OCIP

The Sponsor has the exclusive right to exclude other Contractors of any tier from participating in the OCIP. Such Nonparticipating Contractors, who will not be covered under the OCIP, must comply with the insurance requirements as outlined in the Contract document.

5.4 Evidence of OCIP Coverage

Each Participating Contractor will be issued an individual Workers' Compensation policy including Employer's Liability coverage. The OCIP Administrator will also provide a Certificate of Insurance evidencing General Liability, and Excess Liability insurance to each Participating Contractor, each of whom will be a named insured on the policy. Other documentation including forms, posting notices, if any, will be furnished to each Participating Contractor. A complete copy of the policy will be furnished to an authorized representative of each Participating Contractor upon written request.

5.5 Description of Insurance Coverages

The following coverage is provided by the OCIP:

- Commercial General/ Excess Liability
- Workers' Compensation and Employer's Liability

The following additional coverages are provided outside of the OCIP:

- Builders' Risk
- Pollution Liability Insurance

Non-Workers' Comp Insurance Policies: Master policies will be endorsed to include the Sponsor and any of their affiliates, or subsidiary companies or corporations, as well as the Contractors enrolled in the OCIP as a Named Insured.

The following coverage summaries are provided for informational purposes only. The actual terms and conditions of the coverage provided are contained in the insurance policies under the OCIP, and the Sponsor and others shall not rely upon this summary in lieu of the policies themselves. Copies of the policies will be made available to all potential Participating Contractors upon written request.

5.5.1 Workers' Compensation and Employer's Liability Insurance

Workers' Compensation and Employer's Liability

Part One:	Workers' Compensation	Statutory Limit
Part Two:	Employer's Liability	Annual Limits Per Insured
	Bodily Injury by Accident, each accident	\$1,000,000
	Bodily Injury by Disease, each employee	\$1,000,000
	Bodily Injury by Disease, policy limit	\$1,000,000

Each Enrolled Contractor will be issued a separate workers' compensation policy

5.5.2 Commercial General Liability Insurance

Limits of Liability	
Shared by All Insureds for All Projects	
General Aggregate (Reinstates Annually)	\$ 4,000,000
Products/ Completed Operations Aggregate	\$ 4,000,000
Personal/ Advertising Injury	\$ 2,000,000
Each Occurrence Limit	\$ 2,000,000
Fire Damage Legal Liability (any one fire)	\$ 100,000
Medical Payments (any one person)	\$ 10,000
Products/Completed Operations Tail	10 years/Statute of Limitation
Deductible	Paid for by Sponsor

The deductible will apply only to loss covered by insurance policies in the OCIP. The deductible does not impose upon the Sponsor any duties of an insurer toward Participating Contractor. A Single General Liability policy will be issued covering all insureds.

5.5.3 Excess Liability Insurance

Limits of Liability	
Shared by All Insureds for All Projects	
Each Occurrence Limit	\$ 50,000,000 Minimum
Aggregate Limit	\$ 50,000,000 Minimum
Follow Form Excess Policy	

5.5.4 Builders' Risk Insurance

The Sponsor shall obtain and maintain in force during the term of this Agreement, a Builders' Risk Insurance policy or policies separate from the OCIP, which shall insure against all risks of physical loss and/ or damage but excluding flood and earthquake, subject to normal policy exclusions, to all buildings, structures, materials, and real property on site, which are intended to be, or have already been incorporated into and forming part of the Project, whether or not such buildings, structures, materials, or real property will have been supplied or made available to Contractors by Sponsor.

The Builders' Risk policy shall be endorsed to add Contractors of any tier as additional named insureds', as their interests may appear and to waive the carrier's right of recovery under subrogation against Sponsor and all other Contractors of any tier whose interests are insured under such policy.

Unless required otherwise by Sponsor, claims under Builders' Risk insurance provided are subject to a Contractor Claims Obligation of up to fifty thousand dollars (\$50,000) per occurrence in the event of loss due to water damage and up to twenty-five thousand dollars (\$25,000) in the event of loss due to all other perils. If a claim results from any construction activity, the responsible Contractor, Subcontractor, or Sub-Subcontractor shall pay the Contractor Claims Obligation up to \$50,000 due to water damage and \$25,000 for all other perils. All Builders' Risk losses will be adjusted with and payable to the Sponsor or the Designee for the benefit of all parties as their interest may appear.

The Sponsor shall **not** be responsible for loss or damage to, or obtaining and/or maintaining in force insurance on temporary structures, construction equipment, tool or personal effects, owned or rented to or in the care, custody, and control of a Contractor of any tier.

5.5.5 Pollution Liability Insurance

- a. **Insurer:** To Be Determined
- b. **Policy Limits:**
 - \$ 25,000,000 Per Occurrence
 - \$ 25,000,000 Aggregate
- c. **Policy Form:** Pollution Liability-Occurrence Form
- d. **Coverage Extension:**
 - Microbial Matter Coverage Endorsement
 - Wrap-Up Endorsement
 - Products Completed Operations Extension – 10 years
- e. **Premium Payments** By Sponsor
- f. **Deductibles/ SIR** By Sponsor

5.6 OCIP Termination or Modification

The Sponsor reserves the right to terminate or modify the OCIP or any portion thereof. If the Sponsor exercises this right, Contractors will be provided notice as required by the terms of their individual contracts. At its option, Sponsor may procure alternate coverage or may require the Contractors to procure and maintain alternate insurance coverage.

6.0 CONTRACTOR REQUIRED COVERAGE

Contractors of any tier are required to maintain insurance coverage that protects the Sponsor from liabilities arising from the Contractor of any tier's operations performed away from the project site, for types of coverage not provided by the OCIP, and for operations performed in connection with excluded parties operating under your control or direction.

Verification of insurance shall be submitted in the form of a Certificate of Insurance on a standard ACORD Form 25-S and the required and applicable endorsements to the listed policies. A sample of an acceptable Certificate of Insurance and other documentation is provided for your review in the Appendix.

Contractors are responsible for monitoring their lower tier subcontractors insurance documents, whether enrolled or excluded. The Sponsor reserves the right to disapprove the use of Contractors unable to meet the insurance requirements. Certificates evidencing compliance shall be submitted to Sponsor.

The limits of liability shown for the insurance required of the Contractor and minimum limits only and are not intended to restrict the liability imposed on the Contractors for Work performed under their Contract.

Contractors of any tier agree to obtain and maintain during the life of this contract the following minimum insurance requirements. Contractors of any tier shall pay the premiums required for such insurance.

The insurance requirements described in the OCIP Manual are not intended to, and shall not in any way, limit or quantify the liabilities and obligations Contractor assumes pursuant to its contract.

6.1 Workers' Compensation

All Participating Contractors shall maintain at their own expense Workers' Compensation Insurance applicable to all employees and subcontractors hired by the insured, who are not covered under the OCIP workers' compensation policy. The insurance shall provide limits as follows:

Workers' Compensation and Employer's Liability

Part One:	Workers' Compensation	Statutory Limit
Part Two:	Employer's Liability	Annual Limits Per Insured
	Bodily Injury by Accident, each accident	\$1,000,000
	Bodily Injury by Disease, each employee	\$1,000,000
	Bodily Injury by Disease, policy limit	\$1,000,000

Enrolled Contractors shall provide evidence of workers' compensation applicable to "off-site" activities. Excluded Contractors shall provide evidence of workers compensation applicable to "on-site" and "off-site" activities.

A certificate of insurance evidencing this coverage shall be provided to the Sponsor.

For Enrolled Contractors, the following provisions apply to off-site coverage only. **For Excluded Contractors**, the following provisions apply to both off-site and on-site operations:

The policy must be endorsed to include a Waiver of Subrogation in favor of the General Contractor, the State of California, the Judicial Council of California, and their respective elected and appointed officials, judges, officers, employees and agents, and other entities, as required by contract. A copy of the Waiver of Subrogation endorsement must be attached to the Enrolled Contractors' Certificate of Insurance.

6.2 General Liability

This insurance shall include coverage for bodily injury, property damage, and personal injury with no less than the following limits:

General Liability and/or Excess Liability

	Enrolled Parties	Excluded Parties
General Aggregate	\$ 2,000,000	\$ 4,000,000
Products/ Completed Operations Aggregate	\$ 2,000,000	\$ 4,000,000
Personal/ Advertising Injury	\$ 1,000,000	\$ 2,000,000

CONTRACTOR REQUIRED COVERAGE

Each Occurrence Limit \$ 1,000,000 \$ 2,000,000
***Enrolled Contractors** shall provide evidence of general liability insurance for “off-site” activities. **Excluded Contractors** shall provide evidence of general liability insurance applicable to “on-site” and “off-site” activities.*

A certificate of insurance evidencing this coverage shall be provided to the Sponsor. This insurance shall be endorsed to name Sponsor as additional insureds and evidenced of such status via additional insured endorsement(s).

For Enrolled Contractors, the following provisions apply to off-site coverage only. **For Excluded Contractors**, the following provisions apply to both off-site and on-site operations:

Insurance policies will be provided on an occurrence basis and shall be endorsed to include:

- the Construction Manager, the State of California, the Sponsor, and their respective elected and appointed officials, judges, officers, employees and agents, and other entities as Additional Insureds for all contracted operations of the Excluded Contractor and issued under Additional Insured Endorsement Form ISO CG 2010 11/85, or its equivalent;
- a waiver of subrogation endorsement in favor of the Construction Manager, the Sponsor, and their respective elected and appointed officials, judges, officers, employees and agents, and other entities;
- the policy shall be endorsed to provide Products and Completed Operations coverage for ten (10) years after substantial completion of the Excluded Contractors work at the Project Site;
- the policy shall be endorsed to be primary and non-contributory with any insurance or self-insurance maintained by the Construction Manager, the State of California, the Judicial Council of California, or the Administrative Office of the Court, except for any claim or lawsuit covered by the OCIP;
- any deductibles or self-insured retentions shall be the sole responsibility of the Excluded Contractor with respect to all contracted operations.

6.3 Business Auto Liability

Contractors of every tier will maintain at their own expense Automobile Liability Insurance covering the operations, maintenance, use and loading and unloading of all owned, non-owned, and hired vehicles. As such, all Contractors of any tier shall furnish to the Sponsor a Certificate of Insurance showing such coverage with the following minimum limits of liability. This insurance shall be endorsed to name Sponsor as additional insureds and evidenced of such status via additional insured endorsement(s):

Business Auto Liability

Combined Single Limit: Bodily Injury and/or Property Damage \$2,000,000

All Contractors shall provide evidence of automobile liability. The OCIP does not cover automobile liability.

- the Construction Manager, the State of California, Sponsor, and their respective elected and appointed officials, judges, officers, employees and agents, and other entities as Additional Insureds using Auto Designated Insured Endorsement ISO CA 20 48 02 99, or equivalent;
- a waiver of subrogation endorsement in favor of the Construction Manager, the Sponsor, and their respective elected and appointed officials, judges, officers, employees and agents, and other entities; using Auto Waiver of Subrogation Endorsement ISO CA 04 44 03 10, or equivalent; and
- if hazardous materials or waste are to be transported, the Commercial Automobile Liability policy will be endorsed with the MCS-90 endorsement in accordance with the applicable legal requirements.

6.4 Construction Equipment Insurance

Any policies maintained by the Participating Contractors on their owned and/or rented equipment and materials shall contain a provision requiring the insurance carriers to waive their rights of subrogation against the Sponsor and all other indemnities named in their contract documents. **The OCIP does not cover contractor's property.**

6.5 Professional Liability Insurance (Errors & Omissions)

In the event any contract specifications requires a Participating Contractor, including any professional service provider, to perform professional services, such as, but not limited to, architectural, engineering, construction management, surveying, design, etc., a certificate of insurance must be provided to the Sponsor prior to commencing work:

Professional Liability

Each Claim	\$ 1,000,000
Aggregate	\$ 1,000,000

Change in limits, coverage, or loss of aggregate limit due to outstanding claims must be reported to the Sponsor within thirty (30) days of any such event. ***The OCIP does not provide Professional Liability insurance.***

6.6 Aviation Insurance

In the event any fixed or rotary aircraft are used in connection with this Agreement and/or execution of the work, aviation liability insurance must be maintained in form and with limits of liability from an insuring entity reasonably satisfactory to Sponsor. of with the following requirements:

The OCIP does not provide Aviation insurance.

6.7 Pollution Liability

If this Agreement involves the removal of asbestos, the removal/replacement of underground tanks, or use of toxic chemicals and substances, the Contractor will be required to provide coverage no less than the following limits, for such exposures subject requirements and approval of the Sponsor:

Pollution Liability

Each Claim/Per Occurrence	\$ 5,000,000
Aggregate	\$ 5,000,000

6.8 Conditions of Understanding

The amount and types of insurance coverage required herein shall not be construed to be a limitation of the liability on the part of the Sponsor, Participating Contractors, Nonparticipating Contractors, or any lower-tier Subcontractors. Any type of insurance, or any greater limits of liability than described above, which the Contractor requires for their own protection or on account of statute, shall be the Contractor's own responsibility and at its own expense. The carrying of the insurance described shall in no way be interpreted as relieving a Contractor of any tier, whether Participating or Non-Participating, of any responsibility of liability under this contract.

6.9 Other Insurance Required of All Contractors

Participating Contractor shall file certificates of such insurance with the Sponsor, which shall be subject to the Sponsor's approval for adequacy of protection, including the satisfactory character of any Insurer. If requested by the Sponsor, a certified copy of the

CONTRACTOR REQUIRED COVERAGE

actual policy(s) with the appropriate endorsement(s) and other documents shall be provided to the Sponsor.

Contractor shall immediately provide written notice to the Sponsor of any notice of cancellation, notice of non-renewal, or any other material modification of the insurance coverages required to be provided by the Contractor.

In the event of failure of any tier to furnish and maintain said insurance and to furnish satisfactory evidence thereof, the Sponsor shall have the right to take out and maintain same coverage for all parties on behalf of the Contractor of any tier who also agrees to furnish all necessary information thereof and to pay the cost thereof to the Sponsor immediately upon presentation of a premium invoice.

7.0 CLAIM PROCEDURES

This section describes the basic procedures for reporting various types of claims. A claim kit will be provided to all Participating Contractors. It will include details about claim reporting and is intended for use at the job site.

7.1 Workers' Compensation Claims

The main responsibility for any Contractor is first to see that the injured worker receives immediate medical care. Next, you should notify the on-site Contractor's Safety Supervisor immediately in the event of a serious injury or accident.

An Employers First Report of Injury (Form 5020) must be completed and submitted to the on-site safety representative, along with the DWC-1 (Employee's Claim) and the Supervisors Report of Injury Form. The employer of the injured employee is responsible for reporting the claim to the OCIP Carrier.

A claim kit will be made available to Participating Contractors of all tiers either by the OCIP Safety Manager or the General Contractor as needed in the event of a claim. The claim kit will include all the necessary claim forms and specific instructions for filing claims.

The Sponsor and their insurer will arrange with preferred medical providers for treatment of all minor or non-life threatening injuries. A list of the providers will be provided to all Participating Contractors.

Participating Contractors must designate a representative at the site to take injured employees to the medical center, and to report the claim. This individual should remain with the injured employee at the center while he/she is being treated. The treating physician should provide a written description of whether or not the injured worker can return to work, a list of restrictions, if any, and the estimated length of time he/she will stay on modified duty.

7.2 General Liability Claims

Accidents at or around the job site resulting in damage to property of others (other than the Work itself), or personal injury or death to a member of the public, must be reported immediately to the on-site Contractor's Safety Supervisor. A General Liability Loss Notice (Accord Form 3) shall be completed and delivered within 24 hours to the OCIP Administrator.

Contractors shall not voluntarily admit liability and shall cooperate with the Sponsor or insurer representatives in the accident investigation.

If your firm receives notice of a claim, or forthcoming lawsuit, or is served with a lawsuit arising out of your involvement with this project, please forward a copy of the documentation to the OCIP Administrator (*See Section 2.0: Project Directory for Contact Information*)

7.3 Property Claims

Immediately report any damages to your Work or the Work of any other Contractor to the on-site Contractor's Safety Supervisor. In addition, complete the Property Loss Notice (Accord Form 1) and submit it to the OCIP Administrator within five days of the occurrence.

7.4 Automobile Claims

No coverage is provided for automobile accidents under the OCIP. It is the sole responsibility of each Contractor to report accidents involving their automobiles to their own insurers.

In addition to reporting the claim to its own insurer, each Contractor shall report all accidents occurring in or around the job site to the on-site Contractor's Safety Supervisor. These accidents will be investigated with regard to any liability arising out of the Project construction activities that could result in future claims. Each Contractor shall cooperate in the investigation of all automobile accidents.

APPENDIX

- Enrollment: Alliant WrapX Online Enrollment Instructions
- OCIP Enrollment Form
- Insurance Cost Worksheet
- Monthly On-Site Payroll Report – **ONLINE SUBMISSION REQUIRED**
- Notice of Work Termination
- Notice of Contract Award

Alliant WrapX Enrollment Process

- Enrollment into the project will be completed online.
- You will receive access to the online system: Alliant WrapX, within three days after Alliant has been notified of your awarded contract.
- Please contact the Wrap Administrator if you have not been given a login ID and Password
- Link to the Contractor Portal: <https://alliantwrapx.alliantinsurance.com/ContractorPortal>
- After logging into the system, find your newly awarded contract under the Awarded Contracts window.

Project	Contract#	Enrollment Status
VUE Project	Test-000	Complete Enrollment
BBQ-test	Test-Con2	Complete Enrollment
CSSI Test Project	TP1001-001-001	Complete Enrollment

- Click on Complete Enrollment to begin the process
- The enrollment wizard will start on the Review page. Any section that is not compliant will be listed in Red. Click Edit to begin updating that section, and continue through the enrollment wizard by clicking Next

Home

Review

Contract Information [Edit](#)

- Contract description is required.

Project: CSSI Test Project
 Parent Contractor: New Alpha Contractor - Test
 Contract #: TP1001-001-001
 Contract Status: Incomplete
 Contract Start Date: 08/01/2011
 Contract End Date: 12/31/2012
 Contract Value: \$3,000,000.00
 Contract Description:

Address Information [Edit](#)

Address Type	Address Line 1	Address Line 2	City	State	ZipCode	Primary
Administrator	Office Address	A102	CA	CA	44100	<input checked="" type="checkbox"/>

- Please see the required information listed below so you can have all the information ready when you are attempting to enroll.

Required Information for Online Enrollment

Required Information	Help
1 Contractor name	May include type of company: Corporation, LLC, etc...
2 Parent contractor name	Name of company you are contracted with
3 Contractor Federal ID Number	Check Alliant data and update
4 Start Date at project site	Day physical work starts at jobsite
5 Estimated completion date	Can be an estimate
6 Contract Value	
7 Contract Description	Scope of work
8 Contractor Address	Physical address of office. Any P.O. Box should be entered under Mailing address
9 Contractor Main Phone and Fax numbers	
10 Contractor Primary Contact Name	
11 Contact position	
12 Contact phone and fax numbers, and email address	Email is preferred method for communication
13 Contractor Payroll Contact Name	Can be the same as the Primary Contact
14 Payroll Contact phone and fax numbers, and email address	Email is preferred method for communication
15 Workers' Compensation Class Codes to be used on job	Can be found in your company WC rate pages
16 Estimated Man hours and Payroll	Required for enrollment
17 Risk ID #	Also called Rating Board file #
18 Rating Bureau	NCCI or WCRIB or similar name
19 Experience Modifier (EMR)	Can be found in your company WC rate pages
20 WC Offsite Carrier	Corporate WC carrier name
21 WC Offsite Policy #	Corporate WC policy number
22 WC effective date	Corporate WC effective date
23 Policy Expiration Date	Corporate WC expiration date
24 If any work is being subcontracted out, please include information about subcontractors so enrollment can be started for each contractor	At a minimum: Contractor name; estimated start date; contact name, email and phone number; and contract value for subcontracted work.

APPENDIX

FORM - A
 CONTRACTOR ENROLLMENT FORM -
 [PROJECT NAME]

Section I

Company Name:		Address:	
Main Phone#:		Main Fax#:	
Federal ID#:		Company Entity Type (Circle): Corporation Partnership Sole Proprietor Limited Partnership JV LLC LLP other _____	
Primary Contact Name:	Primary Contact Phone#:	Primary Contact Email:	
Payroll Contact Name:	Payroll Contact Phone#:	Payroll Contact Email:	
Work Description:		Project Name:	
Estimated Start Date:		Estimated Completion Date:	
Who are you contracted with?		Contract Value	
Are you subcontracting out any work?		<input type="checkbox"/> Yes* <input type="checkbox"/> No	

Section II

Your Workers' Comp Carrier:				
WC Policy #:		Eff Date:		Exp Date:
Rating Board File#:				
Rating Date:			Experience Modifier:	
State	WC Class Code	Description	Est. Manhours	Est. Payroll
Totals				

Insurance Agent/Broker Information:

Agency Name:	Phone:
Contact:	Fax:
Email:	

Note: Sponsor reserves the right to determine who participates in the Wrap-Up Insurance Program. I agree that the following insurance charges will be added to my base bid if I am excluded from the Wrap-Up.

*Note: Please complete a Notice of Subcontractor Award, for each of your subcontractors. All contractors MUST complete forms A and B in order for them to commence work on site. ENROLLMENT IS NOT AUTOMATIC.

Signature: _____ Date: _____
 Name: _____ Title: _____

APPENDIX
 FORM - B
 INSURANCE COST WORKSHEET -
 [PROJECT NAME]

Section I

Contract/Bid Information

Contractor Name:	Alliant Assigned Contract #
Gross Contract Value(including insurance cost): \$	Net Contract Value(excluding insurance Cost): \$
Estimated On Site Payroll: (Auto-fill from Section II) \$	Estimated Work Hours: (Auto-fill from Section II)

Section II

Calculate your insurance premium.

WC Trade Classification	WC Class Code	Work Hours	Estimated Payrolls	Current WC Rate	Premium = Est. Payrolls x WC Rate
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$

Attach separate worksheet if more codes apply.

* Use Project Site Payroll only to calculate Total Insurance cost.

Total Manual Premium	\$
x Experience Mod	
= Modified Premium	\$

Description		Rate	Modified \$	Running Total
	+ or -		\$	\$
	+ or -		\$	\$
	+ or -		\$	\$
	+ or -		\$	\$
= Total WC Premium				\$
WC Premium Rate (Cost/Payroll)				\$

General Liability Do you have a Large Deductible Program? Yes

Current Rate	Factor 100/1000	Payroll OR Receipts	Premium
		\$	\$
Deductible Amount:	\$		

Excess Liability Is your Excess coverage Non-auditable (Flat)? Yes

Current Rate	Factor 100/1000	Payroll OR Receipts	Premium
		\$	\$

Your O & P % (Overhead and Profit Percentage)	%	\$
TOTAL INSURANCE COST		\$
Insurance Rate (Cost/Payroll)		\$

I hereby warrant that this worksheet reflects the projected insurance cost that would apply in the event that my regular insurance program was in force at this location. I also recognize that the District/Construction Manager or their Representative - Wrap-Up Administrator, Alliant may request copies of my actual policies to confirm these costs. *Attach your applicable WC, GL and XS rate pages for rate verification.

Signature: _____ Date: _____
 Name: _____ Title: _____

APPENDIX

FORM - E
 NOTICE OF WORK TERMINATION FORM -
 [PROJECT NAME]

Company Name:	Address:
Contact for Audit:	Alliant Assigned Contract #:
Name of Project:	
First Day on Site:	Last Day on Site:
Original Contract Value:	Final Contract Value (including change orders):

Complete for all subcontractors

Subcontractor Name	Completion Date	Final Contracting Value (including change orders)
		\$
		\$
		\$
		\$
		\$
		\$

*Please attach separate form if you have additional subcontractors.

We hereby verify that all contract work, including the work of subcontractors, has been completed and all on-site payrolls have been submitted.

Signature: _____
 Print Name: _____ Date: _____

[TO BE SUBMITTED TO HIRING CONTRACTOR FOR APPROVAL:]

The above referenced contractor has completed their work at the project site under their contract without firm on the above date.

Hiring Company Name: _____ Contact Name: _____
 Signature: _____ Date: _____

As per your contract, your final payment may not be released until all payroll has been submitted and payroll **audits are performed, including your subcontractor's work of every tier.**

APPENDIX

FORM - F
 NOTICE OF SUBCONTRACT AWARD FORM -
 [PROJECT NAME]

CONTRACTOR MAKING AWARD:		Alliant Assigned Contract #
{Your Company Name}		{Your Contract #}
BY:	TITLE:	
PHONE:	FAX:	
EMAIL ADDRESS:	DATE:	
Name of Project:		

WE HAVE AWARDED A SUBCONTRACT AS FOLLOWS:	
SUBCONTRACTOR NAME:	
ESTIMATED PROJECT START DATE:	CONTRACT VALUE:
SCOPE OF WORK	
SUBCONTRACTOR ADDRESS:	
CONTACT NAME:	EMAIL ADDRESS:
PHONE:	FAX:

Please Note: It is the responsibility of the Contractor awarding Subcontract to ensure that their tier sub(s) fill out, maintain, and file all necessary Wrap-up Enrollment forms and Insurance documentation with the Wrap-up Administrator. No hired tier sub may commence work until they are properly enrolled into the Wrap-up program, as evidenced by a Certificate of Insurance provided by the Wrap-up Administrator