



State of California – Natural Resources Agency
CDFW OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 11, 2020
Sent via email

Governor's Office of Planning & Research

FEB 11 2020

STATE CLEARINGHOUSE

Mr. Jerry Griffith
Big Bear City Community Services District
139 East Big Bear Blvd.
PO Box 558
Big Bear City, CA 92314
jgriffith@bbccsd.org

Subject: Addendum No. 1 to the Final Initial Study/ Mitigated Negative Declaration
for the Well 8A Development Project - State Clearinghouse No.
2016101012

Dear Mr. Griffith:

The California Department of Fish and Wildlife (CDFW) received the Addendum to the Final Initial Study/Mitigated Negative Declaration (Addendum) from the Big Bear City Community Services District (BBCCSD; the CEQA lead agency) for the Well 8A Development Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project includes the drilling, construction, development and testing of a new well (Well 8A) to replace an existing well (Well 8). The Project is located southwest of Baldwin Lake, on Palomino drive north of the intersection of Palomino Drive and Shay Road in Big Bear City, California; Baldwin Lake 7.5' Series Topographic Map, Cadastrally, Section 7, Township 2 North, Range 2 East, San Bernardino Meridian.

A Mitigated Negative Declaration (MND) was prepared for the Project in 2017 (Tom Dobson and Associates, October 2016). Big Bear City Community Services District concluded *“after conferring with the State Board Staff, an Addendum to the MND was needed to address the addition of mitigation measures for potential biological resources that were not found but could occur in the Project, as well as, addressing the alternative pipeline alignment chosen to avoid adversely impacting listed plant species, including Slender-petaled Thelypodium (Thelypodium stenopetalum) and Bird-foot checkerbloom (Sidalcea pedata)”* (Tom Dobson and Associates, January 2020).

COMMENTS AND RECOMMENDATIONS

CDFW is concerned about the adequacy of the Addendum and the ability of BBCCSD to mitigate significant impacts to sensitive species. CDFW's comments and recommendations are presented below.

Analysis of Direct, Indirect, and Cumulative Effects to Biological Resources

The Addendum should provide a thorough discussion of the direct, indirect, and cumulative effects expected to adversely affect biological resources as a result of the Project. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on biological resources that are rare or unique to the region (CEQA Guidelines § 15125[c]) should be analyzed. More specifically, according to the Addendum, *“The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a substantial lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would*

drop to a level which would not support existing land uses or planned uses for which permits have been granted). The proposed drilling, testing, and development of Well 8A, if approved for use following the testing phase, would replace the existing Well 8, so it is not anticipated to alter groundwater levels in the basin as water drawn from the basin will remain similar to that which is currently being withdrawn. The proposed well will extract groundwater from the Lower Aquifer of the Bear Valley Groundwater Basin" (IX. Hydrology and Water Quality, pg. 36).

CDFW does not understand how the assumption that the newly constructed well 8A will not alter groundwater levels given the purpose of the Project is to replace a well that is currently experiencing diminished water production. Furthermore, the Addendum proposed the following Mitigation Measure IX-2:

"BBCCSD shall conduct a pump test of the new well and determine whether any other wells are located within the cone of depression once the well reaches equilibrium. If any private wells are adversely impacted by future groundwater extractions from the proposed well, BBCCSD shall offset this impact through provision of water service; or adjusting the flow rates or hours of operation to mitigate adverse impacts".

The Biological Resources Assessment and Focused Botany Survey Report (Jericho, June 2016) determined that the Project *"was in the range of several sensitive species, and there is suitable habitat within the proposed project footprint, as well as the immediate surrounding area, that is suitable for several sensitive species, including eight (8) plant species and one (1) animal species"*. However, it was concluded that *"no federally or state endangered, threatened, and state sensitive species or their habitat exist within the Project footprint and therefore, would not be affected"*. CDFW concurs that there is high biological value and diversity near the Project but is concerned that little analysis was completed to ensure these resources would not be affected. A 3.17-acre mitigation site just northeast of the Project was established to compensate for impacts from the construction of the BBARWA administration building to the state endangered slender-petaled Thelypodium and bird-foot checkerbloom. In addition, a genetically distinct form of the unarmored three-spine stickleback (*Gasterosteus aculeatus williamsoni*) exists immediately adjacent to the Project within Baldwin Lake and Shay Creek.

CDFW disagrees that there are no potential indirect or cumulative impacts from the Project to the surrounding watershed. Groundwater pumping can alter how water moves between an aquifer and a stream, lake, pond, or mountain meadow by either intercepting groundwater flow that discharges into the surface-water body under natural conditions, or by increasing the rate of water movement from the surface-water body into an aquifer (e.g., draw down, cone of depression, etc.). A related effect of groundwater pumping is the lowering of groundwater levels below the depth that biological resources need.

CDFW would like to make a more informed evaluation of the proposed Project and recommends the BBCCSD update the Addendum prior to finalizing to include a detailed description of the following: what will occur to the existing Well 8 once Well 8A is completed (i.e., properly destroyed, operation of both wells if supplemental water is needed for distribution, etc.); the mutual interference or cumulative pumping impacts (i.e., flow capacity of wells in close proximity to the Project); as well as, the hydrogeologic data from the exploratory drilling and well construction to delineate the connection between the upper and lower aquifer system in the area (i.e., geologic cross sections, stratigraphic profiles, etc.). Finally, CDFW requests that a mitigation measure be added to address potential future hydrological and ecological effects of the Project through relevant, scientific based data collection (e.g., piezometers, monitoring wells, etc.), monitoring (i.e., vegetation composition/density, Baldwin Lake/Shay Pond water levels, etc.), modeling (i.e., hydrologic, numerical, etc.), and adaptive management approaches. CDFW recommends the measure read, as follows:

"BBCCSD shall prepare and implement a groundwater monitoring and adaptive management plan focused on avoiding and minimizing impacts of groundwater withdrawal on sensitive habitats and species. The plan shall include, but not be limited to, data collection (e.g., piezometers, monitoring wells, etc.), monitoring (i.e., vegetation composition/density, Baldwin Lake/Shay Pond water levels, etc.), modeling (i.e., hydrologic, numerical, etc.), and adaptive management approaches. The plan shall be submitted to CDFW, and other interested resource agencies, for review and approval."

Implementation of the California Environmental Quality Act

Pursuant to CEQA Guidelines § 15164 subd. (b), an addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or MND have occurred. Thus, if 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 adopted, shows that the Project will have one or more significant effects not discussed, then a subsequent MND should be prepared (CEQA Guidelines Section 15162 subd. (a)(3)(A)). CDFW requests that BBCCSD revise the MND Addendum to adequately address the potential significant effects of ground water withdrawal to biotic communities and offer a plan to monitor the potential effects and offset those effects through appropriate mitigation.

FURTHER COORDINATION

The CDFW appreciates the opportunity to comment on the Addendum to the MND for the Well 8A Development Project (State Clearinghouse No. 2016101012) and recommends that the BBARWA address the CDFW's comments and concerns.

Jerry Griffith
Well 8A Development Project
Big Bear City Community Services District
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If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Kim Romich at (909) 980-3818 or at kimberly.romich@wildlife.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott Wilson". The signature is fluid and cursive, with the first name "Scott" and last name "Wilson" clearly distinguishable.

Scott Wilson
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento
ec: HCPB CEQA Coordinator