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STATE CLEARINGHOUSE

Greg Galindo
La Puente Valley County Water District
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Subject: Puente Valley Operable Unit, Shallow Zone – South Interim Remedy Project, La Puente Valley County Water District, SCH # 2019119080, Los Angeles County

Dear Mr. Galindo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Puente Valley Operable Unit, Shallow Zone – South Interim Remedy Project (Project). The Project's supporting documentation includes a Draft Initial Study/Mitigated Negative Declaration (Initial Study). 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's 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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, 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 & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The purpose of the proposed Project is the hydraulic containment of the shallow zone south of Puente Creek (SZ-South) via groundwater extraction, treatment of extracted groundwater, and planned end-use as surface water discharge to San Jose Creek. The Project consists of two existing groundwater extraction wells (EW-Cadbrook (EW-C) and EW-Nelson (EW-N)), a proposed treatment plant, numerous existing compliance monitoring wells and piezometers, and proposed conveyance piping.

Location: The Project site is located in the City of Industry and City of La Puente. Contaminated groundwater from the SZ (shallow zone) aquifer will be extracted by extraction wells and conveyed via piping system from the wells to a water treatment plant located at 111 Hudson Avenue in the City of Industry, California. Extraction wells are located on Cadbrook Drive. Piping system will be located along Cadbrook Drive, east on Nelson Avenue E, south on N Unruh Avenue, and east on Stafford Street to the treatment plant.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the La Puente Valley County Water District (LPVCWD) in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Streams

Issue #1: The Initial Study states, "The discharge into San Jose Creek may result in some minor changes to water quantity and quality in the soft-bottom natural area of the channel." Project activities may result in the deposition or disposal of materials into San Jose Creek, thereby impacting fish and wildlife resources. The Project, therefore, may be subject to notification under Fish and Game code section 1600 *et seq.*

Issue #2: The Initial Study states, "maintenance of existing erosion control measures along the soft bottom channel" amongst other measures will make impacts to potential aquatic and wildlife species less than significant. The Project will require maintenance activities within the streambed, which may also be subject to notification under Fish and Game code section 1600 *et seq.*

Specific impacts: The Project has potential to result in the loss of San Jose Creek function and biological diversity. Especially downstream, where San Jose Creek transitions to a soft bottomed channel, the Initial Study points out potential for changes in water quality, quantity, and turbidity. These impacts may also affect habitats further downstream where the confluence of San Jose Creek and San Gabriel River is located, and where "[c]ommon wildlife such as birds that may depend upon the creek for food and shelter may be temporarily affected by these impacts." In addition, review of the Natural Communities Commonly Associated with

Groundwater (NCCAG) Dataset identifies Palustrine and scrub-shrub wetland communities (USFWS 2016) three miles directly downstream of the Project site.

Why impacts would occur: Groundwater discharge and potential dewatering would alter existing streams or their function and associated habitat. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects resulting from Project activities.

Additionally, discharge to streams may create sediment and erosion issues downstream, as well as change the hydrograph of the stream, altering geomorphic processes and the biological species that depend on them.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of San Jose Creek through discharge activities to a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Sediment in streams can also make the water cloudy which decreases the ability of organisms to photosynthesize (Mallery 2010). Which may substantially adversely affect the existing wetlands downstream and associated habitats from the Project site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. In addition, the Project will require maintenance activities within the streambed. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. However, the Project does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: CDFW recommends the Project proponent actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into San Jose Creek during Project activities. BMPs should be monitored and repaired if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife

species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Mitigation Measure #4: CDFW recommends a hydrogeomorphology study be conducted to evaluate the impacts of elevated flows of water and sediment through the soft-bottom portion of San Jose Creek.

Comment #2: Impacts to nesting birds

Issue: The Initial Study states, "there is nesting bird potential in trees and shrubs adjacent to proposed construction activities... The noise and level of human activity associated with construction activities within the Project footprint have the potential to result in direct impacts or indirect disturbance to nesting birds."

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Why impact would occur: Impacts to nesting birds could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from February 15 through August 31. If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, they shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during Project construction.

Filing Fees

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the LPVCWD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LPVCWD has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Sincerely,



Erinn Wilson
Environmental Program Manager I

cc: CDFW

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References:

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