



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Eric Averett, General Manager
Rosedale-Rio Bravo Water Storage District
Post Office Box 20820
Bakersfield, California 93390-0820
eaverett@rwbwsd.com

Subject: Kern Fan Groundwater Storage Project (Project)
Notice of Preparation (NOP)
State Clearinghouse (SCH) No. 2020049019

Dear Mr. Averett:

The California Department of Fish and Wildlife (CDFW) received a NOP for an Environmental Impact Report (EIR) from Rosedale-Rio Bravo Water Storage District (Rosedale) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ Please note that an earlier version of this letter had an incorrect SCH Number and that this letter supersedes the previous version. All other letter content is identical.

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, CDFW appreciates 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.

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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, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. 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 & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

The use of unallocated stream flows are subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1225. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

PROJECT DESCRIPTION SUMMARY

Proponent: Rosedale and Irvine Ranch Water District (IRWD) propose to jointly carry out the Project through the Groundwater Banking Joint Powers Authority (Authority). Pursuant to CEQA Guidelines section 15051(d), until the Authority is formed, Rosedale will serve as the Lead Agency under CEQA for the preparation of an EIR. Rosedale and IRWD have agreed that Rosedale will perform the lead agency role until the Authority is formed, and the Authority will assume the role thereafter.

Objective: The objectives of the proposed Project are as follows:

- Capture, recharge, and store water from the State Water Project (SWP) and other available water supplies for later use.
- Provide ecosystem public benefits, emergency water supply public benefits during extended droughts or a Delta levee failure, and water supply benefits for agricultural and for municipal and industrial uses.

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- Provide operating flexibility for Rosedale's existing and future conjunctive use programs.
- Assist in achieving groundwater sustainability within the Kern County Sub-basin of the San Joaquin Valley Groundwater Basin through implementation of projects consistent with California Executive Order N-10-19 directing state agencies to develop a "water resilience portfolio."
- Provide Rosedale and IRWD customers and partners with increased water supply reliability during periods when other supply sources may be reduced or interrupted.

Project Description: The proposed Project would consist of construction of up to 1,300 acres of recharge basin facilities and approximately 12 recovery wells. The Kern Fan Conveyance Facilities would consist of pipelines, pump stations, and a new turnout at the California Aqueduct to convey water between the project facilities and the California Aqueduct. Water stored by the proposed Project would be recovered when needed to provide ecosystem and water supply benefits.

The proposed Project would be operated such that surplus surface water from the SWP and other available water sources would be recharged and stored for subsequent recovery. It is estimated that the Project would be able to recharge and store approximately 100,000 acre-feet per year (AFY). Project capacities are to be allocated as follows:

Up to 25 percent, or up to 25,000 acre-feet (AF), of the "unallocated" SWP Article 21 water would be stored for the California Department of Water Resources (DWR) in an "Ecosystem Account." Through the implementation of 1-for-1 exchanges, the water stored in the Ecosystem Account would be used by the State of California to alleviate stress on endangered and threatened species in the Sacramento-San Joaquin River Delta during critically dry years.

The remaining 75,000 AF of storage capacity would be divided equally, with 37,500 AF of storage capacity allocated to Rosedale and 37,500 AF of storage capacity allocated to IRWD. Rosedale and IRWD would use the water recharged in their respective accounts for agriculture, municipal, and industrial uses, improving water supply reliability during droughts and emergencies.

The proposed Project would be implemented in two phases; each phase would construct up to approximately 640 acres of recharge and recovery facilities within the Project area. Water could be conveyed to and from Phase 1 and 2 properties through existing facilities and a new turnout and conveyance system (Kem Fan Conveyance Facilities) connecting to the California Aqueduct. Project operations would be coordinated with Rosedale's Conjunctive Use Program.

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Recharge Facilities

The proposed Project would include the construction of recharge basins of varying shape, size, and depth within approximately 1,300 acres. Basins would be formed by excavating and contouring existing soils to form earthen berms. Typical basin berms would be approximately three to six feet above ground.

Dirt roads approximately 14 to 20 feet wide would run along the perimeter of and in between all basins to provide access to facilities during operation and maintenance activities. Surface water would be delivered to the basins for recharge through the new Kem Fan Conveyance Facilities, and the basins would be connected by check structures to allow recharge water to flow by gravity among basins. The basins would be managed to allow agricultural land uses (e.g., annual farming or grazing) to continue when the basins are empty.

Recharge Water Supplies

The proposed Project would receive, recharge, and store SWP Article 21 water, which is a surplus supply managed by DWR. Other water supplies also may be secured and acquired by Rosedale and IRWD from various sources, and may include federal, state, and local supplies through transfers, balanced and unbalanced water exchange agreements, water purchases or temporary transfers, or other available means. Sources may also include supplies from the Central Valley Project, and high-flow Kem River water depending on annual hydrologic availability, water rights, and regulatory considerations.

Recovery Facilities

The proposed Project would construct up to 12 extraction wells, with an anticipated annual recovery capacity of up to 50,000 AF. Each well would be designed to pump groundwater at a recovery rate of approximately five to six cubic feet per second (cfs). Actual recovery rates for each well may be slightly more or less based on aquifer conditions at each well site. If higher production is achieved for the first few wells installed, fewer wells may be needed. Additionally, if any agricultural wells exist on the recharge basin sites, these could potentially be used as production wells or monitoring wells. The proposed recovery facilities would be designed and located to minimize potential effects on wells pumping on adjacent properties.

Conveyance Facilities

The proposed Project includes a new turnout, additional canals and pipelines, and pump stations (collectively the "Kem Fan Conveyance Facilities") to convey water to and from the California Aqueduct and proposed recharge and recovery facilities. The

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exact locations of the new conveyance facilities have not yet been determined but would have up to 500 cfs of conveyance capacity. Subject to necessary approvals, water could be conveyed through the SWP, Friant-Kern Canal, or the Kern River by exchange through the Goose Lake Channel, or from the Cross Valley Canal (CVC) through the Rosedale Intake Canal.

Groundwater recovered from the Project extraction wells would be conveyed through new pipelines that would be below ground, running along the dirt roads between the recharge basins, or buried in the basin bottoms, with exact locations subject to final well placement. The recovery pipelines would connect to the new Kern Fan Conveyance Facilities or could connect to the CVC via existing conveyance facilities.

Location: The proposed Project boundary would be located within the Rosedale district boundary in western Kern County, west of the City of Bakersfield. The proposed recharge and recovery facilities would be constructed in two phases on approximately 1,300 acres of agricultural or vacant land within or near the Rosedale service area.

Timeframe: Unspecified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Rosedale in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document.

Aerial imagery of the Project boundary and its surroundings within the Rosedale District boundary show the Goose Lake and Kern River riparian corridors, riparian-lined canal corridors, large trees, Great Valley cottonwood riparian forest, Great Valley mesquite scrub, Valley salt bush scrub, upland grassland, and agricultural habitats. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDDB) records, and the surrounding habitat, several special-status species could potentially be impacted by Project activities.

Project-related construction activities within the Project boundary including but not limited to construction and operation of additional water banking facilities and introduction of surface water flows for storage could impact the following special-status plant and wildlife species and habitats known to occur in the area: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State and federally endangered Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), the State and federally endangered and State fully protected blunt-nosed leopard lizard (*Gambelia sila*), the State threatened Swainson's hawk (*Buteo swainsoni*), Nelson's

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antelope squirrel (*Ammospermophilus nelsoni*), and tricolored blackbird (*Agelaius tricolor*), the federally endangered and California rare plant rank (CRPR) 1B.2 San Joaquin woollythreads (*Monolopia congdonii*), the federally endangered and CRPR1B.2 Kern mallow (*Eremalche parryi* ssp. *kernensis*), the CRPR 4.2 Hoover's eriastrum (*Eriastrum hooveri*), the CRPR 1B.2 recurved larkspur (*Delphinium recurvatum*) and Munz's tidy-tips (*Layia munzii*), the CRPR 1B.1 Mason's neststraw (*Stylocline masonii*), and the State species of special concern American badger (*Taxidea taxus*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), burrowing owl (*Athene cunicularia*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), California glossy snake (*Arizona elegans occidentalis*), western spadefoot (*Spea hammondi*), and coast horned lizard (*Phrynosoma blainvillii*).

Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. Therefore, a lack of an occurrence record in the CNDDDB is not tantamount to a negative species finding. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project area.

CDFW recommends that the following modifications and/or edits be incorporated into the EIR.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: San Joaquin Kit Fox (SJKF)

Issue: SJKF occurrences have been documented within the Project boundary (CDFW 2020a). The Project has the potential to temporarily disturb and permanently alter suitable habitat for SJKF and directly impact individuals if present during construction, recharge, and other activities.

SJKF den in a variety of areas such as right-of-ways, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to Project areas due to the type and level of

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ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors. As a result, there is potential for SJKF to occupy all suitable habitat within the Rosedale boundary and surrounding area.

Specific impact: Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). Western Kern County supports relatively large areas of high suitability habitat and one of the largest remaining populations of SJKF (Cypher et al. 2013). The Project area is within this remaining highly suitable habitat, which is otherwise intensively managed for agriculture. Therefore, subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SJKF associated with subsequent land conversion, ground disturbance and construction, CDFW recommends conducting the following evaluation of project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 1: SJKF Habitat Assessment

For all Project-specific components including construction and land conversion, CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJKF.

Recommended Mitigation Measure 2: SJKF Surveys

CDFW recommends assessing presence/absence of SJKF by having qualified biologists conducting surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign. CDFW also recommends following the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011).

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Recommended Mitigation Measure 3: SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an Incidental Take Permit (ITP) prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081(b).

COMMENT 2: Blunt-nosed Leopard Lizard (BNLL)

Issue: BNLL have been documented in suitable habitat within and adjacent to the Project boundary (CDFW 2020a). Suitable BNLL habitat includes areas of grassland and upland scrub that contain requisite habitat elements, such as small mammal burrows. BNLL also use open space patches between suitable habitats, including disturbed sites, unpaved access roadways, and canals.

Specific impact: Without appropriate avoidance and minimization measures for BNLL, potentially significant impacts associated with ground-disturbing activities include habitat loss, burrow collapse, reduced reproductive success, reduced health and vigor of eggs and/or young, and direct mortality.

Evidence impact is potentially significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to BNLL (ESRP 2020a). The range for BNLL now consists of scattered parcels of undeveloped land within the valley floor and the foothills of the Coast Range (USFWS 1998). Some undeveloped areas with suitable BNLL habitat occur within the Project and surrounding area; therefore, ground disturbance and conversion of suitable habitat has the potential to significantly impact local BNLL populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to BNLL associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 4: BNLL Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for BNLL.

Recommended Mitigation Measure 5: BNLL Surveys

If suitable habitat is present, prior to initiating any vegetation- or ground-disturbance activities, CDFW recommends conducting surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFG 2019). This survey

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protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species.

CDFW advises that BNLL surveys be completed no more than one year prior to initiation of ground disturbance. Please note that protocol-level surveys must be conducted on multiple dates during late spring, summer, and fall of the same calendar year, and that within these time periods, there are specific protocol-level date, temperature, and time parameters that must be adhered to. As a result, protocol-level surveys for BNLL are not synonymous with 30-day “preconstruction surveys” often recommended for other wildlife species. In addition, the BNLL protocol specifies different survey effort requirements based on whether the disturbance results from maintenance activities or if the disturbance results in habitat removal (CDFG 2019).

Recommended Mitigation Measure 6: BNLL Take Avoidance

BNLL detection during protocol-level surveys warrants consultation with CDFW to discuss whether take of BNLL can be avoided during ground-disturbing Project activities.

COMMENT 3: San Joaquin Antelope Squirrel (SJAS)

Issue: SJAS have been documented to occur within areas of suitable habitat within the Project vicinity (CDFW 2020a). Suitable SJAS habitat includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows.

Specific impact: Without appropriate avoidance and minimization measures for SJAS, potential significant impacts include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJAS. Very little suitable habitat for this species remains along the western floor of the San Joaquin Valley (ESRP 2020b). Areas of suitable habitat within the Project represent some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. As a result, ground-disturbing activities within the Project may have the potential to significantly impact local populations of SJAS.

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Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SJAS associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 7: SJAS Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for SJAS.

Recommended Mitigation Measure 8: SJAS Surveys

In areas of suitable habitat, CDFW recommends that a qualified biologist conduct focused daytime visual surveys for SJAS using line transects with 10- to 30-meter spacing of Project areas and a 50-foot buffer around those areas. CDFW further advises that these surveys be conducted between April 1 and September 20, during daytime temperatures between 68° and 86° F (CDFG 1990), to maximize detectability.

Recommended Mitigation Measure 9: SJAS Avoidance

If suitable habitat is present and surveys are not feasible, CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances until the completion of Project activities.

Recommended Mitigation Measure 10: SJAS Take Authorization

SJAS detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire a State ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081(b).

COMMENT 4: Tipton Kangaroo Rat (TKR)

Issue: TKR have been documented to occur within areas of suitable habitat within and adjacent to the Project (CDFW 2020a). Suitable TKR habitat includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows.

Specific impact: Without appropriate avoidance and minimization measures for TKR, potential significant impacts include loss of habitat, burrow collapse, inadvertent entrapment of individuals, reduced reproductive success such as reduced health or vigor of young, and direct mortality of individuals.

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Evidence impact is potentially significant: Habitat loss resulting from agricultural, urban, and industrial development is the primary threat to TKR. Very little suitable habitat for this species remains along the western floor of the San Joaquin Valley (ESRP 2020c). Areas of suitable habitat within the Project represent some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. As a result, ground-disturbing activities within the Project may have the potential to significantly impact local populations of TKR.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to TKR associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 11: TKR Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity contains suitable habitat for TKR.

Recommended Mitigation Measure 12: TKR Avoidance

If suitable habitat is present, CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances of suitable size for TKR use.

Recommended Mitigation Measure 13: TKR Surveys

If burrow avoidance is not feasible, CDFW recommends that focused protocol-level trapping surveys be conducted by a qualified wildlife biologist that is permitted to do so by both CDFW and USFWS, to determine if TKR occurs in the Project area. CDFW advises that these surveys be conducted in accordance with the USFWS (2013) "Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats," well in advance of ground-disturbing activities in order to determine whether impacts to TKR could occur.

Recommended Mitigation Measure 14: TKR Take Authorization

TKR detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081(b).

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COMMENT 5: Swainson's Hawk (SWHA)

Issue: SWHA have been documented within the Project area. Review of recent aerial imagery indicates that trees capable of supporting nesting SWHA occur along the Kern River, and within the Project and overall Rosedale boundary. Landscape trees may also provide suitable nesting habitat. In addition, grassland and agricultural land in the surrounding area provide suitable foraging habitat for SWHA, increasing the likelihood of SWHA occurrence within the vicinity.

Specific impact: Without appropriate avoidance and minimization measures for SWHA, potential significant impacts associated with Project activities include loss of foraging and/or nesting habitat, nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Lack of suitable nesting habitat in the San Joaquin Valley limits the local distribution and abundance of SWHA (CDFW 2016). The trees within the Project represent some of the only remaining suitable nesting habitat in the local vicinity. Depending on the timing of construction, activities including noise, vibration, and movement of workers or equipment could affect nests and have the potential to result in nest abandonment, significantly impacting local nesting SWHA. In addition, agricultural cropping patterns can directly influence distribution and abundance of SWHA. For example, SWHA can forage in grasslands, pasture, hay crops, and low growing irrigated crops; however, other agricultural crops such as orchards and vineyards are incompatible with SWHA foraging (Estep 2009, Swolgaard et al. 2008).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SWHA associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 15: Focused SWHA Surveys

To evaluate potential Project-related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to Project initiation. SWHA detection during protocol-level surveys warrants consultation with CDFW to discuss how to implement Project activities and avoid take.

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Recommended Mitigation Measure 16: SWHA Avoidance

CDFW recommends that if Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through August 31), and active SWHA nests are present, a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless if when it was detected by surveys or incidentally, until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 17: Tree Removal

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project area or in another area that will be protected in perpetuity. This mitigation would offset the local and temporal impacts of nesting habitat loss.

Recommended Mitigation Measure 18: SWHA Take Authorization

If SWHA are detected and a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If SWHA take cannot be avoided, issuance of an ITP prior to Project activities is warranted to comply with CESA

COMMENT 6: Tricolored Blackbird (TRBL)

Issue: TRBL are known to occur in the Project vicinity (CDFW 2020a, UC Davis 2020). Review of aerial imagery indicates that the Project boundary includes flood-irrigated agricultural land, which is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley (Meese et al. 2017).

Specific impact: Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated subsequent development include nesting habitat loss, nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: As mentioned above, flood-irrigated agricultural land is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley (Meese et al. 2014). This nesting substrate is present within the Project vicinity. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Approximately 86% of the

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global population is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). In addition, TRBL have been forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause nest entire colony site abandonment and loss of all unfledged nests, significantly impacting TRBL populations (Meese et al. 2014).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to TRBL associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 19: TRBL Surveys

CDFW recommends that construction be timed to avoid the typical bird-breeding season of February 1 through September 15. If Project activity that could disrupt nesting must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 20: TRBL Colony Avoidance

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer, in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015), until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, CDFW recommends that an active colony be reassessed to determine its extent within 10 days prior to Project initiation.

Recommended Mitigation Measure 21: TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss whether the Project can avoid take; if take avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081(b), prior to any Project activities.

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COMMENT 7: Special-status Plants

Issue: Special-status plant species meeting the definition of rare or endangered under CEQA section 15380 are known to occur within the Project and surrounding area. San Joaquin woollythreads, Kern mallow, Hoover's eriastrum, Masons neststraw, recurved larkspur, and Munz's tidy-tips have been documented within the Project area and Rosedale boundary.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with subsequent construction include loss of habitat, loss or reduction of productivity, and direct mortality.

Evidence impact would be significant: San Joaquin woollythreads, Kern mallow, Hoover's eriastrum, Mason's neststraw, recurved larkspur, Munz's tidy-tips, and many other special-status plant species are threatened by grazing and agricultural, urban, and energy development. Many historical occurrences of these species are presumed extirpated (CNPS 2019). Though new populations have recently been discovered, impacts to existing populations have the potential to significantly impact populations of plant species.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to special-status plants associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 22: Special-Status Plant Surveys

CDFW recommends that individual Project sites be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFG 2018b). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Recommended Mitigation Measure 23: Special-Status Plant Avoidance

CDFW recommends that special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

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Recommended Mitigation Measure 24: Listed Plant Species Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization is warranted. Take authorization would occur through issuance of an ITP, pursuant to Fish and Game Code section 2081(b).

COMMENT 8: Burrowing Owl (BUOW)

Issue: BUOW occur within and in the vicinity of the Project (CDFW 2020a). BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Habitat both within and surrounding the Project supports grassland habitat. Therefore, there is potential for BUOW to occupy or colonize the Project.

Specific impact: Potentially significant direct impacts associated with subsequent activities and land conversion include habitat loss, burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact is potentially significant: BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project and surrounding area contain remnant undeveloped land but is otherwise intensively managed for agriculture; therefore, subsequent ground-disturbing activities associated with subsequent constructions have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to BUOW associated with subsequent development, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 25: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

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Recommended Mitigation Measure 26: BUOW Surveys

If suitable habitat is present on or in the vicinity of the Project area, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (i.e., April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a minimum 500-foot buffer area around the Project area.

Recommended Mitigation Measure 27: BUOW Avoidance

CDFW recommends that no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Recommended Mitigation Measure 28: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), excluding birds from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA. If it is necessary for Project implementation, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends

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replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) to mitigate for evicting BUOW and the loss of burrows. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at a rate that is sufficient to detect BUOW if they return.

COMMENT 9: Other State Species of Special Concern

Issue: Tulare grasshopper mouse, San Joaquin coachwhip, western spadefoot, coast horned lizard, California glossy snake, and American badger can inhabit grassland and upland scrub habitats (Shuford and Gardali 2008, Thomson et al. 2016). All the species mentioned above have been documented to occur in the vicinity of the Project, which supports requisite habitat elements for these species (CDFW 2018).

Specific impact: Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss, nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

Evidence impact is potentially significant: Habitat loss threatens all of the species mentioned above (Shuford and Gardali 2008, Thomson et al. 2016). Habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. As a result, ground-and vegetation-disturbing activities associated with development of the Project have the potential to significantly impact local populations of these species.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to special-status species associated with subsequent development, CDFW recommends conducting the following evaluation of project areas and implementing the following mitigation measures.

Recommended Mitigation Measure 29: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if project areas or their immediate vicinity contain suitable habitat for the species mentioned above.

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Recommended Mitigation Measure 30: Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for applicable species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.

Recommended Mitigation Measure 31: Avoidance

Avoidance whenever possible is encouraged via delineation and observance a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 10: Wetland and Riparian Habitats

Issue: The Project area contains numerous waterways, riparian and wetland areas. Development within the Project has the potential to involve temporary and permanent impacts to these features.

Specific impact: Project activities have the potential to result in the loss of riparian and wetland vegetation, in addition to the degradation of wetland and riparian areas through grading, fill, and related development.

Evidence impact is potentially significant: The Project area includes stream and wetland features within an agricultural landscape that also maintains undeveloped habitats. Riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. Within the San Joaquin Valley, modifications of streams to accommodate human uses has resulted in damming, canalizing, and channelizing of many streams, though some natural stream channels and small wetland or wetted areas remain (Edminster 2002). The Fish and Game Commission policy regarding wetland resources discourages development or conversion of wetlands that results in any net loss of wetland acreage or habitat value. Construction activities within these features also has the potential to impact downstream waters as a result of Project site impacts leading to erosion, scour, and changes in stream morphology.

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Recommended Potentially Feasible Mitigation Measure(s)

Recommended Mitigation Measure 32: Stream and Wetland Mapping

CDFW recommends that formal stream mapping and wetland delineation be conducted by a qualified biologist or hydrologist, as warranted, to determine the baseline location, extent, and condition of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that while there is overlap, State and Federal definitions of wetlands differ, and complete stream mapping commonly differs from delineations used by the United States (U.S.) Army Corps of Engineers specifically to identify the extent of Waters of the U.S. Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as the extent of all streams including floodplains, if present, within the Project area. CDFW advises that site map(s) depicting the extent of any activities that may affect wetlands, lakes, or streams be included with any Project site evaluations, to clearly identify areas where stream/riparian and wetland habitats could be impacted from Project activities.

Recommended Mitigation Measure 33: Stream and Wetland Habitat Mitigation

CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the EIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic features) take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein. CDFW recommends that losses to stream and wetland habitats be offset with corresponding riparian and wetland habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends offsite mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.

Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including but not limited to SJKF, BNLL, and San Joaquin woollythreads. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

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Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

Lake and Streambed Alteration: Project activities have the potential to substantially change the bed, bank, and channel of lakes, streams, and associated wetlands onsite and/or substantially extract or divert the flow of any such feature that is subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Surface Water Diversions from outside the Project Boundary: Project-related diversions acquiring surface water from outside of the Project boundary, including the Sacramento-San Joaquin River Delta (Delta); and San Joaquin, Kings, and Kern River watersheds (including South Fork Kern River watershed) may impact additional riparian, wetland, fisheries, and terrestrial (i.e., upland) wildlife species and habitats. Special-status species and habitats located in watersheds outside of the Project area vary depending upon location. They may include, but are not limited to, the Federal threatened Central Valley distinct population segment steelhead (*Oncorhynchus mykiss*), the Federal and State threatened Central Valley spring-run evolutionary significant unit (ESU) Chinook salmon (*O. tshawytscha*), the Federal candidate and State species of special concern Central Valley fall-run and late fall-run ESU Chinook salmon (*O. tshawytscha*), the State species of special concern hardhead (*Mylopharodon conocephalus*), the State and Federal threatened giant garter snake (*Thamnophis gigas*), the State threatened Swainson's hawk and tricolored blackbird, the species of special concern burrowing owl and western pond turtle, and numerous additional special-status species and habitats.

The South Fork Kern River Valley contains the largest contiguous cottonwood-willow riparian woodland in California. Rosedale owns and manages Onyx Ranch in the South Fork Kern River Valley. CDFW owns and manages the 7,200-acre Canebrake

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Ecological Reserve located on either side of Onyx Ranch. The National Audubon Society owns and manages the Audubon Kern River Preserve, a 3,275-acre preserve located on several parcels to the west of Onyx Ranch. Both properties are to be protected in perpetuity and portions of them were set aside as mitigation for other projects such as Lake Isabella construction. Project-related activities resulting in surface water diversion could significantly impact habitat on these properties and the following sensitive habitats and special-status plant and wildlife species located in the South Fork Valley: Great Valley Cottonwood Forest, Central Valley Drainage Hardhead /Squawfish Stream, the Federal threatened and State endangered yellow-billed cuckoo (*Coccyzus americanus occidentalis*), the Federal and State endangered southwestern willow flycatcher (*Empidonax trailii extimus*) and least Bell's vireo (*Vireo bellii pusillus*), the State threatened tricolored blackbird, and numerous other special-status species.

CDFW recommends that the draft EIR analyze the proposed acquisition of surface water from all watersheds and any potential direct, indirect, and cumulative biological impacts to fish and wildlife species and their habitats, as well as to properties permanently conserved to protect those resources.

Water Rights: The Project proponents will seek to acquire additional water supplies from various potential sources. CDFW recommends that the draft EIR include a detailed description of the water rights and water entitlements for the points of diversion and places of use that pertain to the proposed Project. CDFW recommends including information on the historic and current water rights and water use agreements/contracts including pre-1914 and appropriative rights, riparian rights, prescriptive rights, and adjudications.

CDFW recommends that the draft EIR address whether Rosedale or IRWD will be filing a change petition or a new application for additional surface water. As stated previously, CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to sensitive species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

Water Storage Investment Program: The proposed Project received a conditional award of funding through the California Water Commission's Water Storage Investment Program (WSIP) (Cal. Code Regs., tit. 23, § 6000 et seq.). The WSIP is funded by the Proposition 1 Water Quality, Supply and Infrastructure Act of 2014. The purpose of the WSIP is to fund water storage projects that provide public benefits, improve operation of the state water system, and provide a net improvement in ecosystem and water quality conditions. "Net Improvement" means the gain or enhancement of a resource condition determined by comparing the with- and without-project future conditions less any

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negative outcomes of a proposed project, as defined in the WSIP regulations (Cal. Code Regs., tit.23, § 6001 (a)(50)).

“Public benefit(s)” as defined in WSIP are those public benefits associated with water storage projects outlined in Water Code section 79753(a). Ecosystem improvements is a public benefit which includes changing the timing of water diversions, improvement in flow conditions, temperature, or other benefits that contribute to restoration of aquatic ecosystems and native fish and wildlife, including those ecosystems and fish and wildlife in the Delta (Water Code § 79753(a)(1)). Ecosystems include both aquatic and terrestrial habitats and natural communities.

Pursuant to the requirements of Water Code section 79755, any project funded under WSIP shall enter into a contract with CDFW, the SWRCB, and DWR (administering agencies) to administer the public benefits of the project. CDFW is responsible for administering a contract with the Project for the implementation of ecosystem benefits that provide a net improvement.

Two ecosystem benefits proposed by the Project are pulse flow release from Oroville Reservoir and the provision of 1,280 acres of incidental wetland habitat in Kern County. CDFW will be coordinating with the Project to develop an ecosystem benefit contract and adaptive management plan for the Project. CDFW recommends that the draft EIR provide an assessment of the Project, including delivery of the WSIP public benefits. CDFW also recommends the draft EIR discuss CDFW permits or agreements that may potentially be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW encourages Project implementation to occur during the bird non-nesting season; however, if Project activities must occur during the breeding season (i.e., February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted by the Project are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests

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and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends that a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends that the work causing that change cease and CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would 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 & G. Code, § 711.4; Pub. Resources Code, § 21089).

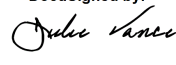
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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Rosedale in identifying and mitigating Project impacts on biological resources.

If you have questions regarding these comments, please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at the address on this letterhead, by phone at (559) 243-4014 extension 231, or by email at Annette.Tenneboe@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment

ec: Office of Planning and Research
State Clearinghouse
state.clearinghouse.opr.ca.gov

Josh Grover
Linda Connolly
Annee Ferranti
Angela Llaban
Annette Tenneboe
Paige Uttley
California Department of Fish and Wildlife

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Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)****PROJECT: Kern Fan Groundwater Storage Project**

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Recommended Mitigation Measure 1: SJKF Habitat Assessment	
Recommended Mitigation Measure 2: SJKF Surveys	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Recommended Mitigation Measure 4: BNLL Habitat Assessment	
Recommended Mitigation Measure 5: BNLL Surveys	
Recommended Mitigation Measure 7: SJAS Habitat Assessment	
Recommended Mitigation Measure 8: SJAS Surveys	
Recommended Mitigation Measure 9: SJAS Avoidance	
Recommended Mitigation Measure 10: SJAS Take Authorization	
Recommended Mitigation Measure 11: TKR Habitat Assessment	
Recommended Mitigation Measure 13: TKR Surveys	
Recommended Mitigation Measure 14: TKR Take Authorization	
Recommended Mitigation Measure 15: Focused SWHA Surveys	
Recommended Mitigation Measure 17: Tree Removal	
Recommended Mitigation Measure 18: SWHA Take Authorization	
Recommended Mitigation Measure 19: TRBL Surveys	
Recommended Mitigation Measure 21: TRBL Take Authorization	
Recommended Mitigation Measure 22: Special-Status Plant Surveys	
Recommended Mitigation Measure 24: Listed Plant Species Take Authorization	
Recommended Mitigation Measure 25: BUOW Habitat Assessment	
Recommended Mitigation Measure 26: BUOW Surveys	

RECOMMENDED MITIGATION MEASURES	STATUS/DATE/INITIALS
Recommended Mitigation Measure 28: BUOW Passive Relocation and Mitigation	
Recommended Mitigation Measure 29: Habitat Assessment (Other Species of Special Concern)	
Recommended Mitigation Measure 30: Surveys (Other Species of Special Concern)	
Recommended Mitigation Measure 32: Stream and Wetland Mapping	
Recommended Mitigation Measure 33: Stream and Wetland Habitat Mitigation	
<i>During Construction</i>	
Recommended Mitigation Measure 6: BNLL Take Avoidance	
Recommended Mitigation Measure 12: TKR Avoidance	
Recommended Mitigation Measure 16: SWHA Avoidance	
Recommended Mitigation Measure 20: TRBL Colony Avoidance	
Recommended Mitigation Measure 23: Special-Status Plant Avoidance	
Recommended Mitigation Measure 27: BUOW Avoidance	
Recommended Mitigation Measure 31: Avoidance (Other Species of Special Concern)	