



# Well 205 Groundwater Treatment Project

## Responses to Comments on the Draft IS-MND

*prepared by*

**Santa Clarita Valley Water Agency**

26521 Summit Circle

Santa Clarita, California 91350

Contact: Rick Vasilopoulos, Water Resources Planner

*prepared with the assistance of*

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**June 2022**



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## Responses to Comments on the Draft IS-MND

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This section includes comments received during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Well 205 Groundwater Treatment Project (project).

The Draft IS-MND was circulated for a 30-day public review period that began on April 19, 2022 and ended on May 19, 2022. Santa Clarita Valley Water Agency received two comment letters on the Draft IS-MND. The commenter and the page number on which the commenter's letter appears is listed below.

Letter No. and Commenter		Page No.
1	Miya Edmonson, LDR/CEQA Branch Chief, California Department of Transportation	2
2	Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife	5

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The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Letter 1).

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**Letter 1***Making Conservation  
a California Way of Life*

May 12, 2022

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
26521 Summit Circle  
Santa Clarita, CA 91350

RE: Well 205 Groundwater Treatment  
Mitigated Negative Declaration (MND)  
SCH # 2022040340  
Vic. LA-005/PM: R52.523  
GTS # 07-LA-2022-03917

Dear Rick Vasilopoulos:

1.1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced MND. The proposed project would involve construction and operation of a new groundwater treatment facility for treatment of perchlorate and other groundwater contaminants at the existing Well 205 site. Under the project, Well 205 would be reactivated, and all existing facilities would remain in place. The development footprint of the proposed groundwater treatment facility would be approximately 33,000 square feet, or approximately 0.8 acre. The project would not increase the production capacity of Well 205, and consistent with previous operating conditions. Well 205 would be equipped to produce up to 2,700 gallons of groundwater per minute from the Saugus Formation of the Santa Clara River Valley Groundwater Basin. Regular and routine maintenance activities would not include any ground-disturbing activities. Construction of the new groundwater treatment facility would occur between mid-2023 and mid-2024. The Santa Clarita Valley Water Agency is the Lead Agency under the California Environmental Quality Act (CEQA).

The project site is approximately 1 mile from Interstate 5 (I-5).

After reviewing the MND, maintenance of the proposed project would consist of approximately one vehicle trip per day along with infrequent trips for monthly chemical deliveries, biannual GAC media replacement, and semiannual IX media replacement. In accordance with City of Santa Clarita's Transportation Analysis Updates guidance, the project would generate substantially less than 110 trips per day and impact associated with vehicle miles traveled (VMT) would be less than significant. Also, increases in VMT from construction would be short-term, minimal, and temporary. The following information is included for your consideration.

1.2

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Furthermore, Caltrans encourages Lead Agencies to implement Transportation Demand Management (TDM) strategies that reduce VMT and Greenhouse Gas (GHG) emissions. For TDM strategies that the Lead Agency may want to consider integrating into this project to further reduce VMT, please refer to:

- The 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), available at <http://www.capcoa.org/wpcontent/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, and/or
- Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8) by the Federal Highway Administration (FHWA), available at <https://ops.fhwa.dot.gov/publications/fhwahop12035/index.htm>

1.3

Any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. Caltrans recommends that the Project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing these issues for Caltrans' review.

If you have any questions, please feel free to contact Karen Herrera, the project coordinator, at [Karen.Herrera@dot.ca.gov](mailto:Karen.Herrera@dot.ca.gov) and refer to GTS # 07-LA-2022-03917.

Sincerely,



MIYA EDMONSON  
LDR/CEQA Branch Chief

cc: State Clearinghouse

## Letter 1

**COMMENTER:** Miya Edmonson, LDR/CEQA Branch Chief, California Department of Transportation

**DATE:** May 12, 2022

### Response 1.1

The commenter provides a summary of the proposed project, states the distance to the nearest State highway (Interstate 5), and indicates the California Department of Transportation (Caltrans) does not expect the proposed project would result in a direct adverse impact to vehicle miles traveled (VMT).

This comment is noted. As stated in Section 17, *Transportation*, of the Draft IS-MND, project impacts to VMT were determined to be less than significant for similar reasons as those noted by the commenter.

### Response 1.2

The commenter outlines the mission of Caltrans and states that Caltrans encourages lead agencies to implement Transportation Demand Management strategies that reduce VMT and greenhouse gas emissions. The commenter provides two resources for potential Transportation Demand Management strategies that SCV Water may consider integrating into the proposed project to further reduce VMT.

As noted under Response 1.1, the Draft IS-MND determined project impacts to VMT would be less than significant. Therefore, incorporation of the recommended strategies into the proposed project is not required under the California Environmental Quality Act (CEQA). However, SCV Water decisionmakers will consider the commenter's recommendations as they review the project.

### Response 1.3

The commenter notes that transportation of heavy construction equipment and/or materials requiring the use of oversized-transport vehicles on State highways would require a Caltrans transportation permit. The commenter also recommends heavy-duty traffic be limited to off-peak periods to minimize the impact on State facilities. The commenter requests submittal of a construction traffic control plan to Caltrans should project traffic be expected to cause issues on any State facilities.

This comment is noted. Should the use of oversized-transport vehicle on State highways be necessary during project construction, SCV Water would obtain a Caltrans transportation permit. In addition, should project traffic be expected to cause issues on any State facilities during construction, SCV Water would submit a construction traffic control plan to Caltrans. As stated in Section 17, *Transportation*, of the Draft IS-MND, project impacts to the transportation network during both construction and operation would be less than significant. However, SCV Water decisionmakers will consider the commenter's recommendation to limit heavy-duty traffic on State facilities to off-peak hours as they review the project.



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CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

May 19, 2022

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
26501 Summit Circle  
Santa Clarita, CA 91350  
[RVasilopoulos@scvwa.org](mailto:RVasilopoulos@scvwa.org)

**Subject: Well 205 Groundwater Treatment Project, Mitigated Negative Declaration,  
SCH No. 2022040340, Santa Clarita Valley Water Agency, Los Angeles County**

Dear Mr. Vasilopoulos:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND) and Biological Resources Assessment (BRA) from the Santa Clarita Valley Water Agency (SCV Water) for the Well 205 Groundwater Treatment (Project). 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 & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. 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 (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, including 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.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

2.1

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
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## Project Description and Summary

**Objective:** The Project proposes construction and operation of a new groundwater treatment facility for treatment of perchlorate and additional groundwater contaminants. The existing water facility will remain on site. The new water treatment facility will enclose a chemical building, water tanks, pumps, and treatment equipment. The chemical building will contain a liquid ammonium sulfate room and a sodium hypochlorite room. Chemicals used in the treatment process will be stored in a recessed concrete double-containment and double-walled chemical tanks. The new facility will encompass approximately 612 square feet and will be constructed using concrete masonry unit material. In addition to a treatment facility, an upgraded pump head will be installed inside the existing Well 205 building. The production capacity of Well 205 will not be increased with approval of the proposed Project. To enclose the entire facility footprint, an eight-foot-tall retaining wall will be constructed. A paved truck access road will also be installed to facilitate truck access and deliveries. Furthermore, the Project proposes to plant approximately 50 native mature trees along the western portion of the Project site. Construction is anticipated to commence in 2023 and be completed in 2024. Upon completion of Project activities, groundwater will be pumped from Well 205 and proceed through pre-filters, various vessels, and chemical injection. The water will then connect to an existing water distribution pipeline within the Project site. Lastly, maintenance of the proposed Project would involve regular backwashing, replacement of filtration media, and routine monitoring and sampling. Regular and routine maintenance activities would not involve any ground-disturbing activities.

**Location:** The Project site is located along Valencia Boulevard near McBean Parkway, in the City of Santa Clarita, Los Angeles County. The Project site is approximately 1.75 acres and bounded by open space to the north, a residential development to the west, the McBean Regional Transit Center parking lot to the east, and Valencia Boulevard to the south. The Project site includes Assessor's Parcel Number 2861-066-002.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist SCV Water in adequately avoiding and/or mitigating the Project's 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

## Specific Comments

### Comment #1: Impacts to California Species of Special Concern

**Issue:** Mitigation Measure BIO-1 as presented may not provide sufficient avoidance and mitigation measures for the California legless lizard (*Anniella* spp.), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*), which are designated as California Species of Special Concern (SSC).

**Specific Impacts:** Direct impacts to these SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation



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clearing; trampling or crushing from construction equipment, vehicles, and foot traffic. Project ground disturbing activities such as vegetation removal will also result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings.

**Why Impacts would occur:** The Project site contains California buckwheat scrub and purple sage scrub communities, which provide moderately suitable habitat for these SSC. Grading activities and vegetation removal of these plant communities would result in the loss or disturbance of foraging and breeding habitat. The BRA further states that the “Project activities could potentially directly or indirectly impact individuals of these species with moderate potential to occur”. Although MM- BIO-1 proposes general best management practices, the mitigation measure does not include pre-construction surveys. In addition, the mitigation measure does not include obtaining a qualified designated biologist monitor to move SSC species out of harm’s way during Project activities. Without pre-construction surveys and a designated biological monitor, these SSC may become trapped and die while hiding under refugia and burrows.

**Evidence impact would be significant:** CEQA provides protection not only for state and federally listed species, but for any species including, but not limited to, SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

2.3

These impacts would continue to be significant because the mitigation measure detailed in the Project document may not result in adequate avoidance or successful mitigation for the unavoidable direct, indirect, and temporal losses for special status reptile species.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history should conduct specialized pre-construction surveys to determine the presence/absence of SSC. Surveys should be conducted prior to Project activities and during the active season when these SSC are most likely to be detected.

**Mitigation Measure #2:** To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm’s way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #3 below.

**Mitigation Measure #3:** CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW’s [Scientific Collection Permits](#)



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2.3

webpage for information (CDFW 2022b). Pursuant to the California Code of Regulations, title 14, section 650, SCV Water/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

### **Additional Recommendations**

**Nesting Birds.** CDFW recommends modifying Mitigation Measure BIO-2 by including the underlined language and excluding the ~~striethrough~~ as follows:

Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15 ~~August 31~~) to the extent practicable. If construction must occur within the bird breeding season, a nesting bird pre-construction survey shall be conducted by a qualified biologist. Surveys shall include all potential nesting areas within a 500-foot radius of the Project site within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible, no more than three days prior to initiation of ground-disturbing activities (including, but not limited to site preparation, vegetation clearance, grading, excavation, and trenching) within the project site. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required prior to the start of each phase of ground disturbing activities during bird breeding season.

2.4

Pre-construction nesting bird surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.

If nests are found, their locations shall be flagged, and all work shall cease until a qualified biologist determines the young birds have fledged or an appropriate buffer has been demarcated. An appropriate avoidance buffer ranging in size from 300 25 to 50 feet for active passerines (perching birds) nests, and up to 500 300-feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species. ~~(depending upon the species and the proposed work activity)~~ shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. These buffers shall be maintained, and active-nests shall be monitored at a minimum of once per week until 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. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. ~~it has been determined the nest is no longer being used by either the young or adults.~~ No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms the breeding/nesting is over and all the young have fledged. ~~If project activities must occur within the buffer, they shall be conducted at the discretion of the qualified biologist.~~ If no nesting birds are observed during pre-construction surveys, no further action would be necessary.

2.5

**Landscaping.** The Project proposes the planting of 50 mature trees within the Project site. CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent

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**2.5** to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

**2.6** **Data.** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity 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 detected by completing and submitting [CNDDB Online Field Survey Form](#) (SCVCDFW 2022c). SCV Water should ensure that the Project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

**2.7** **Mitigation and Monitoring Reporting Plan.** CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the SCV Water in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the SCV Water with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

### Filing Fees

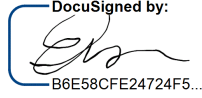
**2.8** The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by SCV Water and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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

**2.9** We appreciate the opportunity to comment on the Project to assist SCV Water in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that SCV Water has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
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May 19, 2022

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
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CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

#### References:

- [CDFWa] California Department of Fish and Wildlife. 2022. Species of Special Concern.  
Available at: <https://wildlife.ca.gov/Conservation/SSC>
- [CDFWb] California Department of Fish and Wildlife. 2022. Scientific Collecting Permits.  
Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>
- [CDFWc] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDb.  
Available at: <https://wildlife.ca.gov/Data/CNDDb/Submitting-Data>.



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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



## Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<b>MM-BIO-1 – SSC Pre-construction Survey</b>	Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history shall conduct specialized pre-construction surveys to determine the presence/absence of SSC. Surveys shall be conducted prior to Project activities and during the active season when these SSC are most likely to be detected.	Prior to commencing Project Activities	SCV Water/ Project Applicant
<b>MM-BIO-2 – Move Out of Harm's Way</b>	To further avoid direct mortality, a qualified biological monitor shall be on site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities.	During Project Activities	SCV Water/ Qualified Biological Monitor
<b>MM-BIO-3 – Scientific Collecting Permits</b>	CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's <a href="#">Scientific Collection Permits</a> webpage for information. Pursuant to the California Code of Regulations, title 14, section 650, the SCV Water/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to	Prior to and during Project Activities	SCV Water/ Qualified Biological Monitor

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	avoid harm or mortality in connection with Project construction and activities		
<b>MM-BIO-4 – Nesting Bird Survey</b>	<p>Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15) to the extent practicable. If construction must occur within the bird breeding season, a nesting bird pre-construction survey shall be conducted by a qualified biologist. Surveys shall include all potential nesting areas within a 500-foot radius of the Project site where feasible, no more than three days prior to initiation of ground-disturbing activities (including, but not limited to site preparation, vegetation clearance, grading, excavation, and trenching) within the project site. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required prior to the start of each phase of ground disturbing activities during bird breeding season.</p> <p>Pre-construction nesting bird surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.</p> <p>If nests are found, their locations shall be flagged, and all work shall cease until a qualified biologist determines the young birds have fledged or an appropriate buffer has been demarcated. An appropriate avoidance buffer ranging in size from 300 feet for active passerines (perching birds) nests, up to 500 feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species. These buffers shall be maintained, and active nests shall be monitored at a minimum of once per week until breeding season</p>	Prior to finalizing CEQA document and Project Activities	SCV Water/ Project Applicant

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	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. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms the breeding/nesting is over and all the young have fledged. If no nesting birds are observed during pre-construction surveys, no further action would be necessary.		
<b>REC 3 – Landscaping</b>	CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly ‘Moderate’ or ‘High’ listed by the <a href="#">California Invasive Plant Council</a> . These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to and during Project activities	Project Applicant
<b>REC 4 – Data</b>	Please report any special status species detected by completing and submitting <a href="#">CNDDB Online Field Survey Form</a> . SCV Water should ensure that the Project Applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant should provide CDFW with confirmation of data submittal.	Prior to finalizing CEQA document	SCV Water/ Project Applicant
<b>REC 5 – MMRP</b>	The MND’s proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or	Prior to finalizing CEQA document	SCV Water



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	other legally binding instruments. SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.		
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## Letter 2

**COMMENTER:** Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife

**DATE:** May 19, 2022

### Response 2.1

The commenter states the California Department of Fish and Wildlife's (CDFW) role as a responsible and trustee agency under CEQA.

The commenter's role as a trustee agency under CEQA is noted. As stated in Section 4, *Biological Resources*, and Appendix B of the Draft IS-MND, no state or federally protected wetlands or other water features that may be considered jurisdictional by CDFW occur on the project site; therefore, CDFW would not have lake and streambed alteration authority over the project. In addition, as stated in Section 4, *Biological Resources*, and Appendix B of the Draft IS-MND, the project would not result in impacts to plants or wildlife species protected under the California Endangered Species Act. As such, SCV Water would not be required to obtain an Incidental Take Permit or other discretionary authorization from CDFW under the California Fish and Game Code. Therefore, CDFW would not have regulatory authority over the project and is not expected to be a responsible agency for the project under CEQA.

### Response 2.2

The commenter provides a summary of the project description and location. The commenter states they are offering comments and recommendations to assist SCV Water in avoiding and/or mitigating project impacts on biological resources and recommends their suggested measures be included in the project's Mitigation Monitoring and Reporting Program.

This comment is noted. Please refer to Responses 2.3 through 2.9 for responses to the specific comments, recommendations, and suggested measures provided by the commenter.

### Response 2.3

The commenter states Mitigation Measure BIO-1 in the Draft IS-MND may not be sufficient to result in sufficient avoidance and mitigation for direct, indirect, and temporal impacts to California legless lizard (*Anniella* spp.), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*), which are designated as California Species of Special Concern (SCC). The commenter suggests take of SCC could require a mandatory finding of significance under CEQA. The commenter recommends the addition of pre-construction surveys for SCC and biological monitoring during ground- and habitat-disturbing activities to relocate any SCC that may be present. The commenter also states a Scientific Collecting Permit would be required if the capture, temporary possession, and relocation of wildlife is necessary during project construction activities.

The SCC with potential to occur on the project site have broad geographic ranges. Project impacts to potentially occupied SCC habitat would be limited to the removal of approximately 0.16 acre of California buckwheat scrub. As shown on Figure 3 in the Biological Resources Assessment included in Appendix B of the Draft IS-MND, purple sage scrub within the biological study area (the project

site and a 100-foot surrounding buffer) is not within the project footprint and would not be impacted by the project. In addition, the California buckwheat scrub within the project site is disturbed, limited in area, isolated, and surrounded on three sides by development. Therefore, it has limited function and value for special status reptile species. The injury or death of limited individuals of SSC, if present, would not meet the threshold of significance in Section 4 of the CEQA Appendix G checklist for 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.” In addition, the threshold for a mandatory finding of significance is to “substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community.” The injury or death of limited individuals of SSC, if present, due to project construction activities would not contribute to a loss of population viability of these species and would not result in impacts that would meet this threshold of significance. As a result, additional mitigation measures requiring pre-construction surveys and biological monitoring are not necessary to reduce project impacts to a less-than-significant level. Nevertheless, to be responsive to the commenter’s concerns, biological monitoring for SSC has been added to Mitigation Measure BIO-1, even though its inclusion is not necessary to reduce project impacts to a less-than-significant level.

#### *BIO-1 General Best Management Practices*

The following general requirements shall be followed by construction personnel:

- The contractor shall clearly delineate the construction limits and prohibit any construction-related traffic outside those boundaries.
- Project-related vehicles shall observe a 10-mile-per-hour speed limit within the unpaved limits of construction.
- All open trenches or excavations shall be fenced and/or sloped to prevent entrapment of wildlife species.
- All food-related trash items such as wrappers, cans, bottles, and food scraps generated during project construction shall be disposed of in closed containers only and removed daily from the project site.
- No deliberate feeding of wildlife shall be allowed.
- No pets shall be allowed on the project site during construction.
- No firearms shall be allowed on the project site.
- If vehicle or equipment maintenance is necessary, it shall be performed in the designated staging areas.
- If construction must occur between dusk and dawn, all lighting shall be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties and to reduce impacts on local wildlife.
- All equipment used on site shall be properly maintained to avoid leaks of oil, fuel, or residues. Provisions shall be in place to remediate any accidental spills immediately.
- A qualified biological monitor familiar with special-status reptile species with potential to occur in the project site shall be present during initial ground disturbance or vegetation removal activities. The biological monitor shall have the authority to temporarily stop work if one or more special-status reptile individuals are observed; the

monitor will then relocate these individuals to suitable undisturbed habitat, outside the areas directly and indirectly affected by ground disturbance activities.

The project will comply with the requirements of a Scientific Collecting Permit in the specific situations in which a Scientific Collecting Permit is required.

## Response 2.4

The commenter provides recommended revisions to Mitigation Measure BIO-2 for nesting birds.

Mitigation Measure BIO-2 as presented in the Draft IS-MND is sufficient to maintain compliance with the Migratory Bird Treaty Act and California Fish and Game Code. Nevertheless, to clarify this measure, some of the commenter's recommended revisions have been incorporated into the text of this mitigation measure as shown below. However, the recommended increases in nest buffer distances are neither necessary nor practicable given the urban nature of the area that surrounds the project site.

### *BIO-2 Nesting Birds*

Project-related activities shall occur outside of the bird breeding season (generally February 1 to August 31) to the extent practicable. If construction must occur within the bird breeding season, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible, no more than three days prior to initiation of ground-disturbing activities (including, but not limited to site preparation, vegetation clearance, grading, excavation, and trenching) within the project site. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required prior to the start of each phase of ground disturbing activities during bird breeding season.

Pre-construction nesting bird surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.

If nests are found, their locations shall be flagged and all work shall cease until an appropriate buffer has been demarcated or a qualified biologist determines the young birds have fledged. An appropriate avoidance buffer ranging in size from 25 to 50 feet for passerines (perching birds) nests, and up to 300 feet for active non-listed raptors nests (depending upon the species and the proposed work activity) shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. These buffers shall be maintained, and active ~~Active~~ nests shall be monitored at a minimum of once per week until breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. ~~it has been determined the nest is no longer being used by either the young or adults.~~ No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms the breeding/nesting is over and all the young have fledged. If project activities must occur within the buffer, they shall be conducted at the discretion of the qualified biologist. If no nesting birds are observed during pre-construction surveys, no further action would be necessary.

### **Response 2.5**

The commenter recommends using only native species found in naturally occurring vegetation communities within or adjacent to the project site for the proposed tree plantings and avoiding the use of non-native, invasive plant species in areas adjacent or near habitat areas.

As stated under *Description of Project* in the Draft IS-MND, the project includes planting of 50 native trees. The use of native species specifically found in naturally occurring vegetation communities within or adjacent to the project site is not necessary to mitigate project impacts to biological resources; therefore, incorporation of this recommendation in the Draft IS-MND is not required under CEQA. However, SCV Water decisionmakers will consider the commenter's recommendations as they review the project.

### **Response 2.6**

The commenter states the requirements for reporting observations of special status species, requests submittal of observation data to the California Natural Diversity Database should any special status species be detected, and provides guidance for submittal.

All detected special status species will be reported in accordance with the requirements of Public Resources Code Section 21003(e).

### **Response 2.7**

The commenter recommends updating Mitigation Measures BIO-1 and BIO-2 in the Draft IS-MND with their suggested changes and indicates they have provided a summary of their suggested mitigation measures and recommendations in a Mitigation Monitoring and Reporting Plan included as an attachment to their letter.

Please refer to Responses 2.3 through 2.5 for a discussion on the commenter's suggested revisions to Mitigation Measures BIO-1 and BIO-2 and other recommendations.

### **Response 2.8**

The commenter states CDFW's filing fee requirements.

This comment is noted. SCV Water would be required by law to pay all appropriate CDFW filing fees.

### **Response 2.9**

The commenter requests the opportunity to review and comment on responses to their comments, requests notification of future public hearings on the project, and provides their contact information.

The comment is noted. SCV Water will provide CDFW with a copy of these responses to comments prior to consideration of the Final IS-MND by the Board of Directors and will notify CDFW about future public hearings associated with this project.