FINAL ENVIRONMENTAL IMPACT REPORT

LOS ANGELES COUNTY DEPARTMENT PUBLIC WORKS DISTRICT 29 PRIORITY CAPITAL DEFICIENCIES IMPROVEMENTS

PREPARED FOR:

Los Angeles County Waterworks District No. 29, Malibu, through the County of Los Angeles Department of Public Works
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Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15089, the County of Los Angeles, as the lead agency, must prepare a Final Environmental Impact Report (EIR) before approving the project. The purpose of a Final EIR is to provide an opportunity for the lead agency to respond to comments made by the public and agencies regarding the District 29 Priority Capital Deficiencies Improvements (project). Pursuant to State CEQA Guidelines Section 15132, this Final EIR includes the following: the October 2020 Draft EIR for the project (incorporated herein by reference); corrections and additions to the Draft EIR; comments on the Draft EIR received during the public review period; responses to comments received during the public review period; and the Mitigation Monitoring and Reporting Program (MMRP) for the project.

Organization of the Final EIR

This EIR is organized as follows:

Executive Summary: This section provides an introduction to the Final EIR and contents of the Final EIR. Also included in this section are an overview of the CEQA requirements, an overview of the environmental review process that was completed for the project, a summary of the project, and a discussion of areas of concern.

Chapter 1, Corrections and Additions to the Draft EIR: This chapter provides a comprehensive set of textual revisions that have been incorporated into the Draft EIR based on the modifications to the project, the comments received from the public and agencies, and other items requiring updating and/or correction. This chapter also includes an analysis demonstrating that the changes to the Draft EIR do not add significant new information that would affect the analysis or conclusions in the Draft EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but prior to certification of the Final EIR. The term *information* can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (State CEQA Guidelines § 15088.5).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

As demonstrated in this Final EIR, neither the comments submitted on the Draft EIR, the response to these comments, nor the corrections and additions presented in the Chapter 1, *Corrections and Additions to the Draft EIR,* constitute new significant information warranting recirculation of the Draft EIR as set forth in State CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Chapter 2, Comments Received on the Draft EIR: This chapter presents copies of the comments received during the public review period for the Draft EIR, including letters, emails, and the transcript of the public meeting during the public review period. The individual comments are numbered for reference.

Chapter 3, Responses to Comments: This chapter provides responses to comment receive on the Draft EIR referenced to the numbering in Chapter 2.

Chapter 4, Mitigation Monitoring and Reporting Program: This chapter provides the full MMRP for the project. The MMRP lists the mitigation measures by environmental topic and identifies each of the measures the action required, the mitigation timing, the responsible agency or party, and the monitoring agency or party.

Environmental Review Process

In accordance with State CEQA Guidelines Sections 15082 and 15083, Los Angeles County Waterworks District 29 (Waterworks District No. 29 or Waterworks) prepared and distributed a Notice of Preparation (NOP) for public review to determine the scope and content of the Draft EIR and notify responsible and trustee agencies and the State Office of Planning and Research that an EIR will be prepared.

Waterworks circulated an NOP to state, regional, and local agencies and members of the public for a 30-day public review (i.e., scoping) period commencing November 9, 2017. The NOP identified the project site, described the need for and objectives of the project, and identified the probable environmental effects of the project. In addition, the NOP included the notice of public scoping meetings. The NOP was circulated to responsible and trustee agencies; federal, state, and local agencies; Native American Tribes; and interested members of the public.

Waterworks held two public scoping meeting to solicit input from any interested parties on the scope and content of the EIR, on November 14, 2017, at Topanga Elementary School (22075 Topanga School Road, Topanga), and on November 16, 2017, at the Malibu City Hall Multipurpose Room (23825 Stuart Ranch Road, Malibu). Comments were received in response to the NOP. During the public scoping meetings, some people wanted the project to be expanded to not only address the most critical water system improvements that District 29 has identified for the next 6 years, but also include additional improvements that would expand the District 29 water capacity and allow new water service and development. Opinions were also expressed that the District should not expand service because of the growth that could occur as a result. Other concerns expressed at the scoping meetings addressed

impacts related to construction, especially for the Fernwood Tank Improvement, including access, fire risk, demolition, landslides, and noise.

Waterworks published a Draft EIR on October 29, 2020. On completion of the Draft EIR, a Notice of Completion (NOC), Notice of Availability (NOA), and an electronic copy of the Draft EIR were submitted to the State Clearinghouse, Governor's Office of Planning and Research, for distribution to State Agencies, as required by State CEQA Guidelines Section 15085 (for the NOC) and Section 15087 (for the NOA). The Draft EIR was circulated for a public review period of at least 45 days between October 29, 2020, and December 15, 2020, in compliance with State CEQA Guidelines Section 15105(a). As required under State CEQA Guidelines Section 15086, comments on the Draft EIR were requested from responsible agencies, trustee agencies with resources affected by the project, and any other state, federal, and local agencies that have jurisdiction by law with respect to the project or exercise authority over resources that may be affected by the project. In addition, copies of the NOA were mailed to organizations or individuals who had previously requested notice or expressed an interested in the project, who commented on the project during the scoping period, or who attended the public scoping meeting conducted for preparation of the Draft EIR. Newspaper advertisements of the NOA and Draft EIR comment period and information regarding the public meeting was also placed in the *Malibu Times* and *The Acorn*. An electronic copy of the Draft EIR (and NOP) were posted on the District's website at https://pw.lacounty.gov/wwd/web/SystemImprovements/DistrictNo29.aspx.

Waterworks held a virtual public meeting on December 8, 2020, from 6:00 p.m. to 8:00 p.m. via WebEx to present project information, provide a summary of the Draft EIR's analysis and findings regarding the project, give an overview of the CEQA public review process, provide instructions on how to submit written comments on the Draft EIR, and accept oral and chat box comments. The meeting was virtual to protect public health and prevent the spread of the novel coronavirus (COVID-19).

In summary, Waterworks conducted all required noticing and scoping for the project in accordance with State CEQA Guidelines Sections 15083, 15086, and 15087 and PRC Section 21083.9 and conducted the public review for the Draft EIR in compliance with State CEQA Guidelines Section 15087.

The Department of Public Works received comments on the Draft EIR from agencies, organizations, and individuals through written correspondence, emails, and oral and chat box comments at the virtual public meeting. The comments received during the Draft EIR public review period addressed issues or concerns including support for the project, the construction schedule for the project, growth inducement, desire for additional improvements not included in the project, biological resources, landslides, and tribal cultural resources.

Overview of the Project

Project Location and Setting

The proposed project, which consists of several separate geographically related improvements, would be located in District 29's service area, in southwestern Los Angeles County. District 29's water service area consists of the city of Malibu and the unincorporated area of Topanga.

The area encompassing the proposed improvements is along the coastal slopes of the Santa Monica Mountains (SMM). This area of Los Angeles County and the city of Malibu is generally sparsely

populated, with development concentrated along the coastal areas in Malibu and in the small communities in unincorporated areas. Most of the undeveloped area is characterized by relatively rugged topography, including many canyons. The region is covered by a variety of terrestrial, freshwater, and marine habitats, including scrub communities, woodlands, nonnative grasslands, and riparian areas. The climate is classified as dry summer subtropical or Mediterranean, characterized by hot, dry summers and relatively cool, moist winters. However, the region experiences a high level of variability, with very wet years and very dry years. It is subject to repeated wildland fires and flooding and debris flow events, such as the recent Woolsey Fire (November 8 to November 22, 2018) and its aftermath.

Project Objectives

State CEQA Guidelines Section 15124(b) requires an EIR to include a statement of the objectives sought by the proposed project to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid decision-makers in preparing findings and/or a statement of overriding consideration, if necessary. The objectives of the proposed project are to:

1. Provide a more reliable water system for existing District 29 customers; and
2. Complete the most critical water system improvements that have been identified in District 29 over the next 6 years.

Project Description

District 29 supplies water to approximately 20,000 people in the city of Malibu and unincorporated area of Topanga. District 29 was established in 1959. Historically, water system facilities were acquired from various small mutual water companies, and the infrastructure is aging. Some of the acquired facilities were originally constructed in the 1940s and 1950s. District 29 is supplied by a 30-inch-diameter transmission pipeline that was built during the 1960s. Major water system infrastructure facilities in District 29 include approximately 249 miles of water main and 47 tanks with a total storage capacity of 20 million gallons.

The proposed project would include the following:

- Demolition of two 50,000-gallon water tanks and construction of one tank reservoir in the unincorporated area of Topanga
- Demolition of one 70,000-gallon water tank and construction of one 225,000-gallon tank reservoir in Malibu
- Replacement of approximately 34,300 feet of existing underground water pipeline, ranging from 1.5 inches to 30 inches, in the city of Malibu and the county of Los Angeles, with new pipeline(s) ranging from 8 inches to 18 inches, 19,000 feet of which are along Pacific Coast Highway (PCH)
- Construction of approximately 6,300 feet of new underground 12-inch pipeline in the city of Malibu
- Repair of several creek crossing locations by replacing and recoating segments of pipe and air release valves on PCH. The pipeline segments would be constructed underground in existing city of Malibu, county of Los Angeles, and California Department of Transportation (Caltrans) roadways.

List of Discretionary Actions

The lead agency for the project is Waterworks District No. 29. Discretionary approvals from Waterworks District No. 29 would be necessary to implement the project. County approvals are anticipated to include, but may not be limited to, the following:

- Certification of the EIR
- Approval of the project as described in the EIR
- Los Angeles County Department of Public Works (LACDPW) approval for work within rights-of-way (ROWs), easements, or facilities, if necessary
- Fire Department Permit if grading permit necessary from the Los Angeles County Fire Department for work in Very High Fire Hazard Severity Zones (i.e., Fire Zone 4),
- Permit/approval to comply with spark arrester requirements for construction equipment from the Los Angeles County Fire Department for work in Fire Zone 4.
- Los Angeles County Fire Department Health Hazardous Materials Division, as Local Certified Unified Program Agency (CUPA), review of plans related to use and storage of hazardous materials and emergency management, if required

In addition, the following permits or approvals are anticipated to be required for the proposed project:

- Caltrans District 7 encroachment permits
- Caltrans District 7 permits for transportation of heavy construction equipment and materials that require use of oversized-transport vehicles on state highways
- State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Construction and Land Disturbance Activities
- California Regional Water Quality Control Board, Los Angeles Region (Regional Board), Clean Water Act Section 401 Water Quality Certifications
- Regional Board, National Pollutant Discharge Elimination System Permit/Waste Discharge Requirements for construction dewatering, if needed
- California Coastal Commission Coastal Zone Regulation Section 13.20.064(C) exemption for repair, replacement, and minor alterations of existing public water infrastructure
- South Coast Air Quality Management District (SCAQMD) permits for temporary electric generation at construction sites, if applicable
- SCAQMD Compliance with Rule 403 (i.e., dust control) during construction activities
- City of Malibu encroachment permits for construction in City streets

Areas of Concern

Potential areas of controversy and issues to be resolved by Waterworks decision-makers may include those environmental issues areas where the potential for a significant unavoidable impact has been

identified. As evaluated Chapter 3, *Environmental Analysis,* of the Draft EIR, these areas include noise and impacts on utility facilities during construction.

Based on the comments on the Draft EIR during the public review period, issues know to be of concern include, but are not limited to, project description (i.e., what should be included or not included in the project), project schedule, impacts of the proposed project on growth in the area, impacts on biological resources, impacts on cultural and tribal cultural resources, and impacts related to landslides. As shown in Chapter 3, *Responses to Comments*, of the Final EIR, response were provided regarding to these and other topics.

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Acronyms and Abbreviations

AB	Assembly Bill
BMP	Best Management Practice
Cal OSHA	California Occupational Safety and Health Administration
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CDP-OT	Coastal Development Permit – Oak Tree
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CRHR	California Register of Historical Resources
CRMP	Cultural Resources Monitoring Program
CRPR	California Rare Plant Rank
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
EIR	Environmental Impact Report
ESA	environmentally sensitive area
ESHA	environmentally sensitive habitat area
FESA	Endangered Species Act
GHG	greenhouse gas
LACDPW	Los Angeles County Department of Public Works
LCP	Local Coastal Program
LIP	Local Implementation Program
LSA	Lake and Streambed Alteration Agreement
LUP	Land Use Plan
MLD	Most Likely Descendant
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
NAHC	Native American Heritage Commission
NOD	Notice of Determination
OSHA	Occupational Safety and Health Administration
PCH	Pacific Coast Highway
PRC	Public Resources Code
project	District 29 Priority Capital Deficiencies Improvements
Regional Board	California Regional Water Quality Control Board, Los Angeles Region
ROW	right-of-way
SERA	Sensitive Environmental Resource Area
SMM	Santa Monica Mountains
SSC	Species of Special Concern
SWPPP	Storm Water Pollution Prevention Plan

TDM	Transportation Demand Management
USGS	United States Geological Survey
VMT	vehicle miles traveled
Waterworks District No. 29 or Waterworks	Los Angeles County Waterworks District 29
WSMP	Water System Master Plan

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Chapter 1
Corrections and Additions to the Draft EIR

The chapter of the Final Environmental Impact Report (EIR) provides changes to the Draft EIR that have been made to revise, clarify, correct, or add to the environmental impacts analysis of the District 29 Priority Capital Deficiencies Improvements (the project). Such changes are a result of public and agency comments received in response to the Draft EIR and/or new information that has become available since publication of the Draft EIR.

California Environmental Quality Act (CEQA) Guidelines Section 15088.5 requires an EIR that has been made available for public review, but not yet certified, to be recirculated whenever significant new information has been added to the EIR. Specifically, State CEQA Guidelines Section 15088.5 states:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. …

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

As discussed in Section 1.1, *Corrections and Revisions to the Draft EIR,* the revisions to the Draft EIR clarify, amplify, or refine information in the Draft EIR, but do not make any changes that would meet the definition of "significant new information" as defined above. The changes described in this chapter do not result in the project or mitigation creating any new or substantially increased significant environmental impacts. The changes do not increase the severity of any environmental impact. No new feasible project alternatives or mitigation measures considerably different from those analyzed in the Draft EIR were identified. The information added to the Draft EIR does not change the Draft EIR in a way that deprives the public of a meaningful opportunity to comment upon a new or substantially increased significant environmental effect of the project or disclose a feasible alternative or mitigation measure the Applicant has declined to adopt.

None of the conditions in Section 15088.5 of the State CEQA Guidelines are met and recirculation of the Draft EIR is not required.

This chapter is divided into two parts: Section 1.1, *Corrections and Revisions to the Draft EIR*, and Section 1.2, *Effect of Corrections and Revisions*.

1.1 Corrections and Revisions to the Draft EIR

The following modifications are made to the Draft EIR to correct minor clerical errors, clarify information in response to comments received on the Draft EIR, and address additional information that has become available since publication of the Draft EIR. Deletions are shown in ~~strikethrough text~~ and additions are shown in <u>underlined text</u>. These changes are presented by EIR section.

1.1.1 Executive Summary

1.1.1.1 Issues to Be Resolved

To correct a minor typographical error in the Draft EIR, the *Issues to be Resolved* section of the Executive Summary, paragraph 1, is revised. This change does not result in significant new information or substantive changes to the Draft EIR because it does not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

> Mitigation for the impacts on traffic from work within the PCH right-of-way calls for no construction during AM and PM peak hours (**Mitigation Measure [MM] TRA-3**). Implementation of this mitigation measure may require nighttime construction. However, the City of Malibu Noise Ordinance does not allow nighttime construction without written permission of the City Manager. Because it is unknown whether the City Manager will grant permission for nighttime construction, it may not be fully implemented, leading to potential significant and unavoidable impacts at <u>several</u> ~~serval~~ locations along PCH.

Table ES-1, Summary of Proposed Project Impacts and Mitigation Measures

To be consistent with other changes to the Draft EIR discussed below, Table ES-1, *Summary of Proposed Project Impacts and Mitigation Measures*, is revised to update mitigation measure language and impact determinations. These changes do not result in significant new information or substantive changes to the Draft EIR, as discussed in Section 1.1.3, *Chapter 3, Environmental Impacts*, of this Final EIR.

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
Aesthetics	AES-I.a.	Would the project have a substantial adverse effect on a scenic vista?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Aesthetics	AES-I.b.	Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcropping, and historic buildings within a state scenic highway?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Aesthetics	AES-I.c.	Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Aesthetics	AES-I.d.	Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Agricultural and Forestry Resources	AG-II.a.	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Agricultural and Forestry Resources	AG-II.b.	Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Agricultural and Forestry Resources	AG-II.c.	Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (Government Code Section 51104(g))?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Agricultural and Forestry Resources	AG-II.d.	Would the project result in the loss of forestland or conversion of forestland to non-forest use?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
Agricultural and Forestry Resources	AG-II.e.	Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Air Quality	AQ-III.a.	Would the project conflict with or obstruct implementation of the applicable air quality plan?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Air Quality	AQ-III.b.	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Air Quality	AQ-III.c.	Would the project expose sensitive receptors to substantial pollutant concentrations?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Air Quality	AQ-III.d.	Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Biological Resources	BIO-IV.a.	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 CDFW or USFWS?	Construction: Significant impacts to special-status species Operation: Significant impacts to special-status species	**MM BIO-1: Environmentally Sensitive Area Fencing** Prior to clearing or construction, highly visible barriers (such as orange construction fencing) will be installed around areas adjacent to the improvement limit of disturbance to designate ESAs to be protected. No construction activity of any type will be permitted within these ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate within the ESAs. All construction equipment will be operated in a manner so as to prevent accidental damage to ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of cut or fill material in areas where vegetation is immediately adjacent to planned grading activities. **MM BIO-2: Pesticides** Herbicides and insecticides that are not approved as safe to use around water will not be used, nor will rodenticides. **MM BIO-3: Clean Construction Area** To avoid attracting predators of special-status species, the improvement sites will be kept as clean of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the site(s). **MM BIO-4: Preconstruction Nesting Bird <u>and Wildlife</u> Survey** If construction commences during the bird breeding season (March 1 through June 30), a preconstruction survey for nesting birds by an experienced avian biologist will occur within 3 days prior to construction activities. The survey will occur within all suitable nesting habitat within the improvement impact area and at a buffer deemed suitable by the biologist. It is assumed that areas along PCH will receive a smaller survey buffer than areas where there is less	Construction: Less than significant Operation: Less than significant

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				ambient disturbance. If nesting birds are found, an avoidance area will be established as appropriate by a qualified biologist around the nest until it has determined that young have fledged or nesting activities have ceased. The improvement site will need to be resurveyed if there is a lapse in construction activities for more than 7 days during the nesting season. In areas where vegetation trimming is required during the construction phase, the avian biologist will conduct a preconstruction survey for nesting birds in the targeted vegetation within 3 days prior to trimming, and preferably on the same day. This action is required even if there has been no lapse in construction activities in an area so as to avoid direct take of active but "acclimated" nests that may be present. Prior to and no more than 3 days before construction commencement, a qualified biologist will perform a survey for species of special concern including birds, amphibians, reptiles, turtles, and mammals including bats. Surveys for Southwestern pond turtles and potential habitat shall follow the Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Should any non-listed sensitive species be present, then the biologist will be present at the onset of ground-disturbing activities to ensure the work area is clear of any sensitive species. The biologist will encourage the species to move out of the disturbance area of its own volition. If relocation is required, then the biologist will possess a scientific collecting permit and relocate the species to an adjacent suitable habitat. If any special-status species is harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist will be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report will include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. Activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats shall be surveyed for bat roosts prior to ground-disturbing activities. The survey will include the work area and 100-foot buffer as access permits. If roosting bats may be present, trees should be pushed down (removed) using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each push to allow bats to become active. If maternity roosts are found and the County determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan. **MM BIO-5: Noise Control** So as to reduce unnecessary sound or disturbance to wildlife, vehicles or equipment that are not actively being used will not be left to idle unnecessarily. **MM BIO-6: Nighttime Construction** To the extent feasible, nighttime construction will not occur. When nighttime construction cannot be avoided, any required external light sources must be directed at the ground or directly at active construction and must have baffles or other mechanisms to reduce the amount of visible light that may disturb nearby nesting, foraging, or migrating wildlife. **MM BIO-7: Pets** No pets will be allowed in, or adjacent to, the improvement site. **MM BIO-8: Plant Surveys** To ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species by a qualified botanist with experience surveying for southern California plants will occur within suitable habitat during the most recent blooming season prior to the start of construction in accordance with appropriate CDFW protocols.	

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				Surveys for Lyon's pentachaeta, Santa Monica dudleya, Braunton's milk vetch, Agoura Hills dudleya, San Fernando Valley spineflower, Coulter's saltbush, Malibu baccharis, Brewer's calandrinia, Catalina mariposa-lily, Plummer's mariposa-lily, Lewis' evening primrose, western dichondra, mesa horkelia, decumbent goldenbush, southern California black walnut, fragrant pitcher sage, ocellated Humboldt lily, white-veined monardella, chaparral ragwort, and California screw moss will be conducted within areas of coastal scrub, chaparral, and woodland and non-native grassland habitat within the project's limits of disturbance. Surveys for Ventura marsh milk-vetch, salt marsh bird's-beak, coastal dunes milk-vetch, red sand verbena, Lewis' evening primrose, southwestern spiny rush, south coast branching phacelia, and woolly seablite will be conducted within areas of coastal dunes and coastal lagoons within limits of disturbance. The qualified biologist will prepare a report to CDFW and USFWS (if applicable) documenting the results of the surveys including a description and map of the survey areas, field survey conditions, whether or not rare plants were detected with mapping of locations, descriptions of the conditions where rare plants were found, and species-specific measures to avoid or mitigate impacts on the rare plants. Special-status plants found during focused surveys will be avoided to the extent feasible. Where avoidance is not possible, and as feasible depending upon the species and population, non-listed special-status plants will be relocated to the nearest suitable habitat by a qualified biologist prior to construction. State or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency. Habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are locally rare and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through mitigation bank or in-lieu fee program credit purchase or other approved method. **MM BIO-9: Invasive Weed Avoidance** Prior to site mobilization, all construction equipment and any vehicles that will be driven or parked off of pavement in areas containing invasive weeds will be thoroughly washed, to the extent possible, to remove invasive weed seeds from the tire tracks, undercarriages, and elsewhere that seeds may accumulate. In addition, any invasive plants that are removed from any of the project sites must be properly contained and disposed of so as to avoid their additional spread. **MM BIO-10: Dust Control** A water truck will be kept onsite and will be used as needed for dust containment. To the extent possible, the spread of fugitive dust will be avoided.	
Biological Resources	BIO-IV.b.	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS?	Construction: Significant impacts related to dust deposition, tree trimming and removal Operation: Significant impacts related to sensitive communities from maintenance	**MM BIO-11: Certified Arborist** Prior to construction, a certified arborist will investigate and determine whether any trees that may be trimmed, removed, or otherwise affected on any site qualify as protected under the Malibu LCP, the SMM LCP, or the Los Angeles County Code of Ordinances. **MM BIO-12: Coastal Development Permit** The LACDPW requires compliance with the permit conditions stated within the Coastal Development Permit. The Los Angeles County Department of Public Works must seek a Coastal Development Permit under the Malibu LCP for the removal of or adverse impacts to any native oaks, southern California black walnut, California sycamore, white alder, or toyon, as protected under the Native Tree Protection Ordinance, that have at least one trunk measuring at least 6 inches in diameter, or a combination of any two trunks measuring a total of at least 8 inches in diameter, measured at 4.5 feet above natural grade. Under this ordinance, removed trees or trees left in a worse state than prior to construction must be replaced at a ratio of at least 10:1, either onsite or offsite, and the applicant must submit a native tree replacement planting program outlining planting locations and tree sizes, as well as details for monitoring success, including annual monitoring and reporting for at least 10 years. All planted trees must be less than 1 year old, and oaks must be grown from local acorns collected from the site vicinity. If the 10:1	Construction: Less than significant Operation: Less than significant

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				replacement ratio cannot be met, an in-lieu fee commensurate to the type, size, and age of the affected tree(s) will be required instead. Additional requisite measures and postconstruction requirements would be included as permit conditions of approval and would include 1) protective fencing around root zones (no construction, grading, staging, or storage allowed); 2) any approved development inside the fenced areas can only use hand-held tools and must not damage root systems; 3) a qualified biologist or arborist must monitor protected trees in or adjacent to construction; and 4) if the protective fence is compromised, work must be suspended until the fence is repaired or replaced. The only exemptions to the permit requirement include native trees that have been destroyed or damaged beyond recovery by a natural disaster, native trees that are at risk of falling and cannot be stabilized and that pose an imminent public health and safety risk, and native trees that were planted for ornamental reasons and not as part of a LCP or Coastal Act requirement. The LACDPW will seek an Oak Tree Permit under the Los Angeles County Code of Ordinances before cutting, destroying, removing, relocating, damaging, or encroaching within the protected zone (defined as the dripline plus 5 feet, or 15 feet from the trunk, whichever is greater) of all oak trees in unincorporated Los Angeles County that are at least 8 inches in diameter or that have a combination of any two trunks measuring a total of at least 12 inches in diameter at 4.5 feet above natural grade, as well as any tree that has been planted as a replacement tree pursuant to this ordinance. The permit application must contain a detailed oak tree report evaluating structure, health, impacts, and mitigation for every potentially affected oak tree onsite. Under this ordinance, removed trees must be replaced at a ratio of at least 2:1, and all trees must be at least a 15-gallon specimen and measure at least 1 inch in diameter measured 1 foot above the base. Replacement trees must be maintained, monitored, and replaced for a minimum of 2 years after planting, and a plan must be put in place to protect the tree(s) once planted. Exemptions to the permit include construction of subdivisions approved prior to the effective date of the ordinance; oaks that are considered a public health or safety hazard; oaks that have been irretrievably damaged or destroyed by a natural disaster; maintenance necessary to protect or maintain electricity, communications, or other public utilities; tree maintenance limited to medium pruning of branches 2 inches in diameter or smaller; trees planted, grown, and/or held for sale by a licensed nursery; and trees in an existing road ROW for which pruning, removal, or relocation is necessary for safety reasons or road damage. The LACDPW will seek a CDP-OT before cutting, destroying, removing, relocating, damaging, or encroaching within the protected zone (defined as the dripline plus 5 feet, or 15 feet from the trunk, whichever is greater) all oak trees within the SMM LCP that are at least 6 inches in diameter or that have a combination of any two trunks measuring a total of at least 8 inches in diameter at 4.5 feet above natural grade, or that are replacement trees planted under this ordinance. General application requirements are virtually identical to the Los Angeles County Oak Tree Ordinance. However, under the CDP-OT, mitigation for every affected oak tree must be as follows: the removal of oak trees must be replaced at a ratio of 10:1, an encroachment of more than 30 percent into the protected zone of an oak must be mitigated at a 10:1 ratio, encroachment that extends within 3 feet of the trunk must be mitigated at a 10:1 ratio, trimming branches over 11 inches in diameter must be mitigated at a 5:1 ratio, a 10–30-percent encroachment into the protected zone must be mitigated at a 5:1 ratio, and less than 10-percent encroachment into the protected zone requires only monitoring. Each replacement tree must be the same species as that it is intended to replace, it must be at least a 1-gallon size specimen, it must measure at least 1 inch in diameter 1 foot above the base, and it must have an acorn taken from the SMM planted within its watering zone. Replacement trees must be maintained, monitored, and replaced for a minimum of 7 years after planting. Where feasible, replacement trees must be grown from acorns collected in Los Angeles or Ventura Counties and must be planted in the same general area of the subject property as the tree they are replacing. If not feasible to plant onsite, trees must be planted in a protected area within the SMM and, where feasible, must be in the same watershed as the affected trees; if it is not possible to plant in the	

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				same watershed, an additional two trees will be added to the mitigation ratio for each affected tree. Trees with less than a 30-percent encroachment into the protected zone must be monitored and reported on annually for a minimum of 10 years, during which time if the subject trees die or deteriorate in health as a result of the project, they must be replaced at a 10:1 ratio under the same conditions as those described above. Finally, a plan must be submitted and implemented for the protection of all oak trees on the subject property, both during and after development. Exemptions to the permit include where there is an existing and unexpired CDP and oak tree permit approved prior to the effective date of the LCP; oaks that are considered a public health or safety hazard within 200 feet of an existing structure or on open land threatening public property or utilities; oaks that have been irretrievably damaged or destroyed by a natural disaster; maintenance necessary to protect or maintain electricity, communications, or other public utilities; tree maintenance limited to medium pruning of branches 2 inches in diameter or smaller; trees planted, grown, and/or held for sale by a licensed nursery; and trees in an existing road ROW for which pruning, removal, or relocation is necessary for safety reasons or for road damage.	
Biological Resources	BIO-IV.c.	Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal areas, etc) through direct removal, filling, hydrological interruption, or other means?	Construction: Significant impacts to jurisdictional features during construction Operation: Significant impacts to jurisdictional features during maintenance	**MM BIO-13: Spoils and Rubble** Spoils and rubble will not be deposited outside the identified limits of construction and material waste generated by the project will be disposed of offsite. **MM BIO-14: Equipment Maintenance** All equipment will be adequately maintained to prevent the leaking of oil, fuel, or other hydraulic fluids into nearby creek crossings or into other areas where it could accidentally contaminate waterways. Heavy equipment will be examined for leaks each day before work begins and, in the case of a leak, their use will not be allowed until any leak-related issues are fixed. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances will occur in designated staging areas. **MM BIO-15: Stormwater Pollution Prevention Plan** A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential to affect water quality. The SWPPP will identify the sources of pollutants that may affect the quality of stormwater and include relevant BMPs to control pollutants, such as sediment control, catch basin inlet protection, construction materials management, and non-stormwater BMPs. **MM BIO-16: Slope Protection.** The areas of disturbance and constructed slopes will be protected with temporary and/or permanent erosion controls, including fiber rolls, silt fencing, soil binders, rock slope protection, and/or revegetation with an erosion control seed mix. **MM BIO-17: Preconstruction Training.** When in or near natural habitat areas, all personnel involved in the onsite project construction will be required to participate in a preconstruction training program to understand the mitigation obligations on the project. **MM BIO-18: Jurisdictional Waters and Riparian Vegetation.** No equipment or vehicles must be operated or placed within the limits of jurisdictional waters or associated riparian vegetation. In areas where a foot crew is required to be present within jurisdictional waters for pipeline repairs, removals, or replacements, all tools, materials, and associated mechanical equipment must be packed out and removed on a daily basis when the crew leaves the site. No construction-related materials must be left within jurisdictional limits or associated riparian vegetation overnight.	Construction: Less than significant Operation: Less than significant
Biological Resources	BIO-IV.d.	Would the project interfere substantially with the movement of any native resident or migratory fish	Construction:	**MM BIO-1: Environmentally Sensitive Area Fencing** (above) **MM BIO-2: Pesticides** (above)	Construction: Less than significant

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		or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	Significant impacts to wildlife movement and nursery sites during construction Operation: Significant impacts to nursery sites during maintenance	**MM BIO-4: Preconstruction Nesting Bird and Wildlife Survey** (above) **MM BIO-5: Noise Control** (above) **MM BIO-6: Nighttime Construction** (above) **MM BIO-7: Pets** (above) **MM BIO-11: Certified Arborist** (above) **MM BIO-12: Coastal Development Permit** (above) **MM BIO-19: Wildlife Movement** Equipment maintenance, lighting, and staging will occur only in designated areas, and will not block or impede movement through wildlife corridors.	Operation: Less than significant
Biological Resources	BIO-IV.e.	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Construction: Significant impact related to Malibu LCP's Native Tree Protection Ordinance, the SMM LCP, and the Los Angeles County Oak Tree Ordinance related to tree trimming and removal Operation: Significant impact related to Malibu LCP's Native Tree Protection Ordinance, the SMM LCP, and the Los Angeles County Oak Tree Ordinance related to tree trimming and removal during maintenance	**MM BIO-4: Preconstruction Nesting Bird and Wildlife Survey** (above) **MM BIO-11: Certified Arborist** (above) **MM BIO-12: Coastal Development Permit** (above)	Construction: Less than significant Operation: Less than significant
Biological Resources	BIO-IV.f.	Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	Construction: Potential significant impacts to designated ESHAs under Malibu LCP (if boundaries are correctly marked) Operation: Potential significant impacts to designated ESHAs under Malibu LCP (if boundaries are correctly marked and heavy machinery is needed for maintenance)	**MM BIO-9: Invasive Weed Avoidance** (above) **MM BIO-10: Dust Control** (above)	Construction: Less than significant Operation: Less than significant
Cultural Resources	CUL-V.a.	Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 150645?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Cultural Resources	CUL-V.b.	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 150645?	Construction: Significant impacts related to the potential to encounter archaeological resources (PCH and Topanga Beach Drive Waterlines Improvements, Segments 1, 2, and 3, and Big Rock Bypass Improvements)	**MM CUL-1: Cultural Resources Monitoring Program.** *This mitigation measure is applicable to the following District 29 improvements only: PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3) and Big Rock Bypass Improvements.* A Cultural Resources Monitoring Program (CRMP) must be developed once final designs are available and implemented during construction activities that have the potential to disturb native soils in archaeologically sensitive areas. The CRMP shall be prepared by a qualified archaeologist in consultation with the Fernandeño Tataviam Band of Mission Indians, which is the AB 52	Construction: Less than significant Operation: No impact

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			Operation: No impact	consulting tribe on the project. The CRMP will provide details regarding the process for in-field treatment of discoveries and the disposition of discovered non-funerary resources. The CRMP ~~Cultural Resources Monitoring Program~~ must be completed prior to commencement of ground-disturbing activities, including any archaeological testing (if a discovery requiring testing to determine CRHR eligibility is necessary), and include the following provisions: • A qualified archaeologist must implement a monitoring and recovery program. The archaeologist must meet the U.S. Secretary of the Interior's ~~Historic Preservation~~ Professional Qualification Standards for Archaeology. • The project shall retain a professional Native American monitor procured by the Fernandeño Tataviam Band of Mission Indians or consulting tribe under AB 52. The monitor will be retained either directly by the County or through a cultural resources consultant. Native American tribes with an interest in the project area, as identified by the NAHC, must be contacted prior to the start of the project construction. ~~Qualified~~ The Native American monitors must be afforded an opportunity to be present with the archaeological monitor during earthwork and excavations associated with the District 29 project. • The qualified archaeologist(s) must provide cultural resources awareness training for all construction personnel prior to the start of construction. Construction personnel must be briefed on procedures to be followed in the event that a unique archaeological resource, historic-era building or structure, or human remains are encountered during construction. A training log must be maintained. • The qualified archaeologist(s)/monitor(s) must be present during initial earthwork and excavations that have ~~has~~ the potential to disturb native soils. Based on initial monitoring, the qualified archaeologist must determine the frequency and length of construction monitoring at each location. Monitoring at each specific project location would cease once excavation is completed. Monitoring of equipment installation, backfilling, or shallow excavations in areas of fill soils only will not be required. The monitor(s) must maintain a daily monitoring log that describes monitoring activities and results. After construction is complete, a final report will be prepared by the qualified archaeologist that describes the monitoring program, any resources discovered, and the treatment completed for each resource, if applicable. The monitoring report will include monitoring logs and site records as attachments. A copy of all archaeological documents prepared as a result of the project will be provided to the Fernandeño Tataviam Band of Mission Indians. **MM CUL-2: Discovery of Unknown Cultural Resources.** If cultural resources or tribal cultural resources are discovered in the course of excavation for project construction, the Construction Contractor must halt work in the immediate area of the find until a qualified archaeologist can evaluate the significance and distribution of the materials and identify future activities needed. The Fernandeño Tataviam Band of Mission Indians, the consulting tribe under AB 52, will be notified of the discovery and given the opportunity to consult on the disposition and treatment of resources through the entire duration of the project. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities must be conducted in consultation with relevant Native American tribes as determined by the NAHC.	
Cultural Resources	CUL-V.c.	Would the project disturb any human remains, including those interred outside of formal cemeteries?	Construction: Significant if construction encountered human remains Operation: No impact	**MM CUL-3: Discovery of Human Remains** In accordance with California Health and Safety Code Section 7050.5 and PRC 5097.98, if human remains are found, the County Coroner must be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains must occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, the	Construction: Less than significant Operation: No impact

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				Coroner must notify the NAHC in Sacramento within 24 hours. In accordance with PRC 5097.98, the NAHC must immediately notify those persons it believes to be the MLD of the deceased Native American(s). The MLD must complete their inspection within 48 hours of being granted access to the site and would then make recommendations as to the final disposition of the remains and associated grave goods.	
Energy	EN-VI.a.	Would the project result in potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Energy	EN-VI.b.	Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Operation & Construction: No impact.	No mitigation required	Operation & Construction: No impact
Geology, Soils, and Paleontological Resources	GEO-VII.a.i.	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Report 42)	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Geology, Soils, and Paleontological Resources	GEO-VII.a.ii.	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Geology, Soils, and Paleontological Resources	GEO-VII.a.iii.	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Geology, Soils, and Paleontological Resources	GEO-VII.a.iv.	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Geology, Soils, and Paleontological Resources	GEO-VII.b.	Would the project result in substantial soil erosion or the loss of topsoil?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Geology, Soils, and	GEO-VII.c.	Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant

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Paleontological Resources		result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?			
Geology, Soils, and Paleontological Resources	GEO-VII.d.	Would the project result be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Construction: Significant in areas with expansive soils (Emergency Source of Water Supply Connection [Las Virgenes Connection] and the Upper Encinal Tank Improvements only) Operation: Less than significant	**MM GEO-1: Site-Specific Expansive Soil Testing and Design.** *This mitigation measure is applicable only to the Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement.* During facility design for the Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement, an engineering geologist will conduct an evaluation of soils to determine if there are highly expansive soils at the site (i.e., with an expansion index greater than 20). If expansive soils are present, the engineering geologist must recommend remediation measures to address the soil condition or engineer the pipeline and tank to withstand the pressure of highly expansive soils.	Construction: Less than significant Operation: Less than significant
Geology, Soils, and Paleontological Resources	GEO-VII.e.	Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Geology, Soils, and Paleontological Resources	GEO-VII.f.	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Construction: Significant for ground-disturbing improvements in sedimentary soils (all improvements except District 29 Creek Crossing Repairs and Big Rock Bypass Improvements) Operation: Less than significant	**MM GEO-2: <u>Paleontological Monitoring</u> ~~Site-Specific Expansive Soil Testing and Design~~.** *This mitigation measure is applicable to the following seven improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement.* Prior to construction of the improvements listed above, a qualified paleontologist(s) or cross-trained archaeologist(s) will assess the site with the construction contractor to identify the portions of the site, if any, that, based upon the potential to disturb sedimentary rock formations, will require paleontological monitoring. In these areas, paleontological monitoring will occur by a qualified paleontologist or cross-trained archaeologist. The monitor(s) will have the authority to stop work or divert heavy equipment away from the fossil site until they have had an opportunity to examine and salvage the remains. The monitor(s) will be required to immediately notify the County of the work stoppage or diversion. The monitor(s) must be equipped with tools and collection materials to rapidly remove fossil remains and/or matrix (i.e., earth), and thus reduce the potential for any construction delays. If necessary, the monitor(s) will be authorized to bring in further resources or equipment for large discoveries. **MM GEO-3: Paleontological Documentation and Recovery.** *This mitigation measure is applicable to the following seven improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement, if any fossils are recovered during implementation of Mitigation Measure GEO-2.* Fossils identified during construction must be documented by a qualified paleontologist(s) or cross-trained archaeologist(s) in a detailed Paleontological Mitigation Report. Fossils recovered from the field or by processing must be prepared, identified, and, along with accompanying field notes, maps and photographs, accessioned into the collections of a designated, accredited museum, such as the Natural History Museum of Los Angeles County.	Construction: Less than significant Operation: Less than significant

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Greenhouse Gas Emission	GHG-VIII.a.	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Greenhouse Gas Emission	GHG-VIII.b.	Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Hazards and Hazardous Materials	HAZ-IX.a.	Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Hazards and Hazardous Materials	HAZ-IX.b.	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Construction: Potentially significant exposure of the public or the environment to hazardous materials resulting from ground-disturbing construction activities in the vicinity of the sites, including exposure to contaminated soil or groundwater (except for District 29 Creek Crossing Repairs, which would not require ground disturbance) Operation: Less than significant	**MM HAZ-1: Soil Screening and Soil Management Plan** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they would not involve ground disturbance.* As proposed improvements are to occur at several locations, there is a possibility of construction personnel encountering previously unknown or undocumented contamination while conducting earth-moving activities. Visual and olfactory observations are commonly used for screening purposes to identify potentially contaminated soils during construction. Uncontaminated native soils typically have distinct color and bedding, as well as other physical attributes (e.g., organic or peaty odors). Chemically impacted soils can exhibit a coloration that is distinctly different from surrounding uncontaminated soil. Often when construction equipment first encounters contaminated soils, a change in color is first noted, and, soon afterward, a distinct odor is detected. These odors can range from smells that are characteristic of oils or lubricants to sweeter smells, often associated with solvents. If suspected affected soils are encountered, construction should seek the professional recommendation of a consultant specializing in the identification of hazardous materials. Suspect soil should be isolated, covered, and bypassed by construction personnel until analytical results are reviewed by the qualified consultant. If contaminated soil is confirmed to exist by the qualified consultant, a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer will be retained to prepare a Soil Management Plan. The Soil Management Plan will include the following: • Site characterization, including testing, to determine the full extent of potential areas of concern and all potential contaminants of concern. • Procedures for profiling and disposal of contaminated soil. The plan will describe the process for excavation, stockpiling, dewatering, treating, and/or loading and hauling of soil from the site, if necessary. • Site worker safety procedures to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. • The Los Angeles County Fire Department, the local CUPA, will be notified of the discovery. The impacted soil will be handled and disposed of in accordance with the requirements of the CUPA. The County and their contractors will implement all requirements of the Soil Management Plan. **MM HAZ-2: Contaminated Groundwater Management**	Construction: Less than significant Operation: Less than significant

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance. If contaminated groundwater is encountered during construction, a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer will be retained to prepare a Groundwater Management Plan. The Groundwater Management Plan will include the following: • Site characterization documenting the extent and the type of the contamination present. • Procedures for profiling and disposal of contaminated groundwater. The plan will describe the process for dewatering, treating, and/or disposing of groundwater from the site, if necessary. • Site worker safety procedures to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response, regulations for site workers at uncontrolled hazardous waste sites. • The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), and/or the CUPA will be notified of the discovery. Any impacted dewatering fluid will be treated and disposed of in accordance with the requirements of the Regional Board and/or the CUPA. The County and their contractors will implement all requirements of the Soil Management Plan. **MM HAZ-3: Trench Slurry.** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance.* If contaminated groundwater is encountered during construction, replacement improvements, or new pipeline construction, a preferential migration pathway for groundwater may be reduced or eliminated by backfilling the pipeline trench with a slurry that would be sufficient to seal off the trench from the impacted groundwater. A plan for such an installation will be prepared and submitted to the Regional Board and/or the CUPA for review and approval as required. **MM HAZ-4: Contaminated Soil Disposal.** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance.* Contaminated soil encountered during construction activities would be removed and tested for level of contamination. If the soil is not considered to be hazardous, it may be disposed of at a Class III landfill. If the soil is deemed hazardous, it would be transported in accordance with hazardous waste regulations to a Class I landfill (Buttonwillow or Westmorland, both of which have adequate daily and total capacity) for final disposal.	
Hydrology and Water Quality	HWQ-X.a.	Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Hydrology and Water Quality	HWQ-X.b.	Would the project substantially decrease groundwater supplies or substantially interfere with groundwater recharge such that the project may impede sustainable	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		groundwater management of the basin?			
Hydrology and Water Quality	HWQ-X.c.i.	Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on- or off-site?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Hydrology and Water Quality	HWQ-X.c.ii.	Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, i in a manner that would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Hydrology and Water Quality	HWQ-X.c.iii.	Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, i in a manner that would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Hydrology and Water Quality	HWQ-X.d.	In flood hazard, tsunami, or seiche zones, would the project risk the release of due to project inundation?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Hydrology and Water Quality	HWQ-X.e.	Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Operation & Construction: Less than significant	No mitigation required	Operation & Construction: Less than significant
Land Use	LU-XI.a.	Would the project physically divide an established community?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Land Use	LU-XI.b.	Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of	Construction: Less than significant Operation:	No mitigation required	Construction: Less than significant Operation:

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		avoiding or mitigating an environmental effect?	Less than significant		Less than significant
Mineral Resources	MIN-XII.a.	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Mineral Resources	MIN-XII.b.	Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	Operation & Construction: No impact	No mitigation required	Operation & Construction: No impact
Noise	NOI-XIII.a.	Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Construction: Significant and unavoidable Operation: Less than significant	**MM NOI-1: Construction Noise Reduction.** The construction contractor will use appropriate noise-control measures to reduce short-term noise levels associated with project construction to the extent feasible. Noise controls could include any of the following, as appropriate: • Construction hours will be in compliance with City of Malibu and County of Los Angeles noise ordinances during construction within each respective jurisdictional boundary, to the extent feasible. Where construction is required outside of permissible hours or days of the week, written permission from the City Manager in accordance with Section 8.24.060(D) of the City Noise Ordinance or a variance from the County Health Officer in accordance with Section 12.08.580 of the County Noise Ordinance will be obtained. • For construction of the Coastline Drive 12-Inch Waterline Improvements, which is restricted to off-peak hours (see 3.17, Transportation), construction will only occur during the daytime, off-peak hours. • Best available noise-control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) will be used for all equipment and trucks to minimize construction noise impacts. • If impact equipment (e.g., jackhammers and pavement breakers) is used during project construction, hydraulically or electrically powered equipment will be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where the use of pneumatically powered tools is unavoidable, an exhaust muffler, which can lower noise levels from the exhaust by up to approximately 10 dBA, will be used on the compressed-air exhaust. External jackets on the tools themselves will be used, where feasible, which could reduce noise by 5 dBA. Quieter procedures, such as drilling rather than using impact equipment, will be used whenever feasible. • Stationary noise sources (e.g., generators, compressors, etc.) will be located as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures, where feasible and appropriate) will be used to ensure that local noise ordinance limits are met to the extent feasible. Enclosure openings or venting will face away from sensitive receptors. The use of any stationary equipment will comply with the daytime and nighttime noise limits specified in pertinent noise ordinances to the extent feasible. • Equipment staging and parking areas will be located as far as feasible from residential and school receptors. • Haul trucks will not be allowed to idle for periods greater than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). • Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. On vehicles where back-up beepers are	Construction: Significant and unavoidable Operation: Less than significant

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				not available, alternative safety measures, such as escorts and spotters, will be employed. • A designated project liaison will be responsible for responding to noise complaints during the construction activities. The name and phone number of the liaison will be posted conspicuously at construction areas and on all advance notifications. This person will take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring will be presented at regular meetings with the construction contractor, and the liaison will coordinate with the construction contractor to modify, to the extent feasible, any construction activities that generate excessive noise levels.	
Noise	NOI-XIII.b.	Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Construction: Significant vibration impacts from large mobile equipment used within 5 feet of adjacent residences for Fernwood Tank Improvement only Operation: No impact	**MM NOI-2: Construction Vibration Reduction.** Construction activities associated with the proposed project will avoid the operation of large-sized mobile equipment within 10 feet of neighboring residential structures. Instead, smaller-sized mobile equipment will be used within this distance.	Construction: Less than significant Operation: No impact
Noise	NOI-XIII.c.	For a project located in the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Construction & Operation: Less than significant	No mitigation required	Operation & Construction: Less than significant
Population and Housing	POP-XIV.a.	Would the project induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?	Construction & Operation: No impact	No mitigation required	Construction & Operation: No impact
Population and Housing	POP-XIV.a.	Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Construction & Operation: No impact	No mitigation required	Construction & Operation: No impact
Public Services	PS-XV.a.i.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Public Services	PS-XV.a.ii.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental	Construction: Less than significant	No mitigation required	Construction: Less than significant

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?	Operation: Less than significant		Operation: Less than significant
Public Services	PS-XV.a.iii.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Public Services	PS-XV.a.iv.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Public Services	PS-XV.a.v.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Recreation	REC-XVI.a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	Construction: Less than significant Operation: Less than significant	No mitigation required	Construction: Less than significant Operation: Less than significant
Recreation	REC-XVI.b.	Would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Transportation	TRA-XVII.a.	Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system	Construction: Significant impacts to transit and roadways if City of Malibu does not allow nighttime construction	**MM TRA-1: All Lanes Open during Non-construction Periods** *This measure is applicable to the following improvements: all improvements except Fernwood Tank Improvement.*	Construction: Less than significant Operation:

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		including transit, roadway, bicycle, and pedestrian facilities?	Significant impact to bicycle routes and pedestrian facilities Operation: No impact	To reduce construction-related impacts related to roadway operations, all travel lanes will be opened during non-construction periods, with lanes maintained in a safe condition. **MM TRA-2: Construction Traffic Controls for Two-lane Roads** *This measure is applicable to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, and Emergency Source of Water Supply Connection (Las Virgenes Connection).* To reduce construction-related impacts related to roadway operations on two-lane roadways due to closure of one of the lanes necessary to remove and replace existing pipelines, traffic controls will be used during construction. These will include, at a minimum: • Establishment of one-way traffic zones with adequate queuing areas for waiting traffic. • Use of appropriate advance warning signs such as ROAD WORK AHEAD, LANE CLOSED AHEAD, ONE-WAY TRAFFIC AHEAD, FLAGGERS AHEAD, PREPARE TO STOP, or similar warnings at sufficient distance to slow traffic before queuing location. • Flaggers positioned at either end of the one-way traffic zones at points of maximum visibility to stop traffic at a sufficient distance to prevent entrance into the work zone and to yield to opposing traffic. • Channeling devices, such as cones or other traffic barriers. • High-visibility safety apparel for flaggers in either fluorescent orange-red or fluorescent yellow-green, with reflective material, visible at a minimum distance of 1,000 feet. • Hand-signaling devises, such as STOP/SLOW paddles, lights, and red flags. • Illumination of flagger stations for nighttime work. • Communication devices for flaggers at either end of the one-way traffic zones. MM TRA-3: Limit Construction to Off-Peak Hours. *This measure is applicable to the following improvements:* • *Coastline Drive 12-inch Waterline Improvements* • *District 29 Creek Crossing Repairs* • *PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road)* • *PCH and Topanga Beach Drive Waterline Improvements* • *Big Rock Bypass Improvements* In order to reduce peak-hour LOS impacts at affected locations, lane closures will occur only during off-peak hours, from 10 a.m. to 3 p.m. or from 9 p.m. to 5 a.m., with lanes restored to a safe condition during peak hours. **MM TRA-4: Traffic Controls for Full Roadway Closure.** *This measure is applicable to the Fernwood Tank Improvements.* To reduce construction-related impacts related to roadway operations on Horseshoe Drive with full roadway closure during construction when large trucks and other equipment are accessing the Fernwood Tank Improvements site, the following measures are required, at a minimum, before and during construction: • Notification of neighbors to the site at least 48 hours in advance if street closure will affect their access or on-street parking. Notification will be hand delivered to the affected house and will include a contact person with email and phone number. • Use of appropriate street closure signs positioned so that vehicles can make appropriate detours or U-turns. • Appropriate high-visibility barriers to prevent vehicles from entering closed areas. **MM TRA-5: Accommodate Bike Route on PCH during Construction.** *This measure is applicable to the following improvements:*	No impact

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				• *District 29 Creek Crossing Repairs* • *PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road)* • *PCH and Topanga Beach Drive Waterline Improvements* • *Big Rock Bypass Improvements* To reduce impacts on the Class III bike route on PCH from closure of outside lanes, bicycle route detours will be provided whenever possible, preferably separated from traffic, with appropriate signage. When not possible, signs indicating that the bike route will be closed will be posted at least 1 week prior to closure. **MM TRA-6: Accommodate Pedestrians during Construction within Roadway Rights-of-Way.** *This measure is applicable to the following improvements: all improvements except Fernwood Tank Improvement.* To reduce impacts on pedestrians from closure of outside lanes, safe pedestrian detours will be provided if sidewalks are blocked or unsafe during construction or if roadway rights-of-way without sidewalks are used for walking, jogging, or running.	
Transportation	TRA-XVII.b.	Would the project conflict or be inconsistent with CEQA Guidelines Section 150643, subsection (b)?	Construction & Operation: No impact.	No mitigation required	Construction & Operation: No impact
Transportation	TRA-XVII.c.	Would the project substantially increase in hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Transportation	TRA-XVII.d.	Would the project result in inadequate emergency access?	Construction: Significant impacts to emergency access if City of Malibu does not allow nighttime construction. Operation: No impact	**MM TRA-1: All Lanes Open during Non-construction Periods** (above) **MM TRA-2: Construction Traffic Controls for Two-lane Roads** (above) **MM TRA-3: Limit Construction to Off-Peak Hours** (above) **MM TRA-4: Traffic Controls for Full Roadway Closure** (above)	Construction: Less than significant Operation: No impact
Tribal Cultural Resources	TCR-XVIII.a.	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 50201(k)?	Construction: Significant impacts related to potential significant/tribal cultural resources during groundbreaking activities Operation: No impact	**MM CUL-1: Cultural Resources Monitoring Program** (above in Cultural Resources) **MM CUL-2: Discovery of Unknown Cultural Resources** (above in Cultural Resources) **MM CUL-3: Discovery of Human Remains** (above in Cultural Resources)	Construction: Less than significant Operation: No impact
Tribal Cultural Resources	TCR-XVIII.b.	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the	Construction ~~& Operation~~: Significant impacts related to potential significant/tribal cultural resources during groundbreaking activities ~~No impact~~	**MM CUL-1: Cultural Resources Monitoring Program** (above in Cultural Resources) **MM CUL-2: Discovery of Unknown Cultural Resources** (above in Cultural Resources) **MM CUL-3: Discovery of Human Remains** (above in Cultural Resources)	Construction ~~& Operation~~: Less than significant ~~No impact~~ Operation: No impact

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 50241? In applying the criteria set forth in subdivision (c) of PRC 50241 1, the lead agency shall consider the significance of the resource to a California Native American tribe?	Operation: No impact		
Utilities and Utility Systems	UT-XIX.a.	Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Construction: Significant environmental impacts related to the pipeline and tank construction Operation: No impact	**MM BIO-1: Environmentally Sensitive Area Fencing** (above in Biological Resources) **MM BIO-2**: **Pesticides** (above in Biological Resources) **MM BIO-3: Clean Construction Area** (above in Biological Resources) **MM BIO-4: Preconstruction Nesting Bird <u>and Wildlife</u> Survey** (above in Biological Resources) **MM BIO-5**: **Noise Control** (above in Biological Resources) **MM BIO-6: Nighttime Construction** (above in Biological Resources) **MM BIO-7**: **Pets** (above in Biological Resources) **MM BIO-8**: **Plant Surveys** (above in Biological Resources) **MM BIO-9: Invasive Weed Avoidance** (above in Biological Resources) **MM BIO-10**: **Dust Control** (above in Biological Resources) **MM BIO-11**: **Certified Arborist** (above in Biological Resources) **MM BIO-12: Coastal Development Permit** (above in Biological Resources) **MM BIO-13**: **Spoils and Rubble** (above in Biological Resources) **MM BIO-14: Equipment Maintenance** (above in Biological Resources) **MM BIO-15: Stormwater Pollution Prevention Plan** (above in Biological Resources) **MM BIO-16**: **Slope Protection** (above in Biological Resources) **MM BIO-17: Preconstruction Training** (above in Biological Resources) **MM BIO-18: Jurisdictional Waters and Riparian Vegetation** (above in Biological Resources) **MM BIO-19**: **Wildlife Movement** (above in Biological Resources) **MM CUL-1: Cultural Resources Monitoring Program** (above in Cultural Resources) **MM CUL-2: Discovery of Unknown Cultural Resources** (above in Cultural Resources) **MM CUL-3: Discovery of Human Remains** (above in Cultural Resources) **MM GEO-1: Site-Specific Expansive Soil Testing and Design** (above in Geology, Soils, and Paleontological Resources) **MM GEO-2: <u>Paleontological Monitoring</u> ~~Site-Specific Expansive Soil Testing and Design~~** (above in Geology, Soils, and Paleontological Resources) **MM GEO-3**: **Paleontological Documentation and Recovery** (above in Geology, Soils, and Paleontological Resources) **MM HAZ-1: Soil Screening and Soil Management Plan** (above in Hazards and Hazardous Materials) **MM HAZ-2: Contaminated Groundwater Management** (above in Hazards and Hazardous Materials) **MM HAZ-3**: **Trench Slurry** (above in Hazards and Hazardous Materials) **MM HAZ-4**: **Contaminated Soil Disposal** (above in Hazards and Hazardous Materials) **MM NOI-1: Construction Noise Reduction** (above in Noise) **MM NOI-2: Construction Vibration Reduction** (above in Noise)	Construction: Significant and unavoidable environmental impacts related to noise impacts during nighttime construction Operation: No impact

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
				MM TRA-1: All Lanes Open during Non-construction Periods (above in Transportation) **MM TRA-2: Construction Traffic Controls for Two-lane Roads** (above in Transportation) **MM TRA-3: Limit Construction to Off-Peak Hours** (above in Transportation) **MM TRA-4: Traffic Controls for Full Roadway Closure** (above in Transportation) **MM TRA-5: Accommodate Bike Route on PCH during Construction** (above in Transportation) **MM TRA-6: Accommodate Pedestrians during Construction within Roadway Rights-of-Way** (above in Transportation)	
Utilities and Utility Systems	UT-XIX.b.	Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Construction & Operation: No impact	No mitigation required	Construction & Operation: No impact
Utilities and Utility Systems	UT-XIX.c.	Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Construction & Operation: No impact	No mitigation required	Construction & Operation: No impact
Utilities and Utility Systems	UT-XIX.d.	Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Utilities and Utility Systems	UT-XIX.d.	Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	Construction: Less than significant Operation: No impact	No mitigation required	Construction: Less than significant Operation: No impact
Wildfire	WF-XX.a,	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	Construction: Significant impacts to roadways, including emergency response and emergency evacuation routes, if City of Malibu does not allow nighttime construction Operation: Less than significant	**MM TRA-1: All Lanes Open during Non-construction Periods** (above) **MM TRA-2: Construction Traffic Controls for Two-lane Roads** (above) **MM TRA-3: Limit Construction to Off-Peak Hours** (above)	Construction: Less than significant Operation: Less than significant
Wildfire	WF-XX.b.	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire?	Construction & Operation: No impact	No mitigation required	Construction & Operation: No impact
Wildfire	WF-XX.c.	If located in or near state responsibility areas or lands classified	Construction:	No mitigation required	Construction:

CEQA Topic		Impact	Significance before Mitigation	Mitigation Measures (MM)	Significance after Mitigation
		as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing environmental impacts on the environment?	Less than significant Operation: No impact		Less than significant Operation: No impact
Wildfire	WF-XX.d.	If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes?	Construction & Operation: Less than significant	No mitigation required	Construction & Operation: Less than significant

1.1.2 Chapter 2, Project Description

1.1.2.1 Table 2-3, Construction Schedule and Staging Locations of the Proposed Project

Table 2-3, *Construction Schedule and Staging Locations of the Proposed Project*, is revised to update the project description to reflect the latest construction schedule.

Table 2-3. Construction Schedule and Staging Locations of Proposed Project

	Improvement	Construction Schedule	Staging Location
1	Carbon Canyon Road and Carbon Mesa Road Waterline Improvements	October 2022–May 2023	Topanga Field Yard
2	Coastline Drive 12-inch Waterline Improvements	June 2022–January 2023	Sunset Mesa Tank Topanga Field Yard
3	District 29 Creek Crossing Repairs	January 2023–June 2023 ~~January 2022–June 2022~~	Zuma County Beach and/or Topanga Field Yard and/or Las Tunas County Beach
4	Fernwood Tank Improvement	April 2024–November 2024	Applefield Lane Vacant Lot and/or Owen Tank Site and/or Topanga Field Yard
5	PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road)	March 2022–November 2022	Point Dume Tank Site and/or Topanga Field Yard and/or RMD[1] Winter Canyon Yard and/or Zuma County Beach
6	PCH and Topanga Beach Drive Waterline Improvements	April 2024–November 2024	Las Tunas County Beach and/or Topanga County Beach and/or Topanga Field Yard
7	Emergency Source of Water Supply Connection (Las Virgenes Connection)	July 2022–March 2023	Zuma County Beach (6463 Surfside Way) and/or Northwest intersection of Encinal Canyon Road & PCH (Parcel 4473-005-004) and/or Topanga Field Yard
8	Big Rock Bypass Improvements	January 2026–September 2026	Topanga Field Yard and/or Las Tunas County Beach and/or Topanga County Beach

	Improvement	Construction Schedule	Staging Location
9	Upper Encinal Tank Improvement	May 2022–January 2023	Option 1: Northwest intersection of Encinal Canyon Road & PCH (Parcel 4473-005-004) and/or Zuma County Beach (6463 Surfside Way) and/or Topanga County Beach

This change would delay the construction of the District 29 Creek Crossing Repairs by 1 year, but this construction would still be within the overall 6-year schedule of entire project. This change would not result in a new significant environmental impact or increase the severity of a significant impact because the impacts would be the same as discussed in the Draft EIR, only delayed for 1 year. This change in the construction dates of this improvement was considered in the cumulative impact analysis and no new or substantially more severe impacts were identified (see Section 1.1.5, *Chapter 5*, *Cumulative Impacts*, of this Final EIR).

This change does not result in significant new information or substantive changes to the Draft EIR because it does not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.2.2 Section 2.6, Related Projects, and Figure 2-12, Cumulative Impact Analysis Projects

Section 2.6, *Related Projects*, paragraph 3, is revised to be consistent with revisions to Chapter 5, *Cumulative Impacts*, discussed below.

> The following District 29 projects and other nearby projects are included in the cumulative impact analysis in Chapter 5, *Cumulative Impacts* (see **Figure 2-12, Cumulative Impact Analysis Projects**, to follow):
>
> - **Lower Busch Tank Improvement:** previously approved by the Los Angeles County Board of Supervisors after adoption of Mitigated Negative Declaration (MND) in 2005; to be constructed between March 2022 and October 2022 ~~March 2021 and November 2021~~.
> - **Civic Center Improvements (Sweetwater):** no adopted environmental document) construction anticipated between October 2022 and October 2023 ~~June 2021 and June 2022~~.
> - **Owen Tank Improvement:** previously approved by the Los Angeles County Board of Supervisors after adoption of an MND in 2017; to be constructed between February 2022 and October 2022 ~~March 2021 and November 2021~~.
> - **Malibu Branch Feeder Realignment:** previously approved by the Los Angeles County Board of Supervisors under a statutory exemption; to be constructed between February 2021 and April 2021 ~~February 2020 and April 2020~~.

- **Trancas Creek Bridge Replacement Project**: previously approved by Caltrans as an MND in 2018; planned construction dates are December 2020 to June 2022.
- **Civic Center Wastewater Treatment Facility:** previously approved by City of Malibu as an EIR in 2015; Phase 1 was completed in 2019, Phase 2 construction is planned for 2022 to 2024, and Phase 3 is scheduled for 2024 to 2028.
- **Crummer Site Subdivision (Case Project):** previously approved by City of Malibu as an EIR in 2014, with an Addendum in 2020; construction begun and is expected to be completed in 2020.
- **La Paz Ranch Project:** previously approved by City of Malibu as an EIR in 2008, with an Addendum in 2015; probable construction to begin in 2020, with a completion date of 2022.
- **Santa Monica College – Malibu Campus Project:** previously approved by Santa Monica College Board of Trustees as an EIR; currently under construction, with a scheduled completion date in 2022.
- **Encinal Canyon Waterline 525/825 Improvements:** previously exempted from CEQA as an emergency project (Statuary 15269); planned construction dates are January 2022 to September 2022.
- **Caltrans PCH Secant Wall Improvements**: planned construction dates are December 2021 to June 2022.
- **Caltrans Solstice Canyon Creek Bridge Replacement**: planned construction dates are early 2022 to late 2023.

Figure 2-12, *Cumulative Impact Analysis Projects*, in Section 2.6, *Related Projects*, is revised to be consistent with revisions to Chapter 5, Cumulative Impacts, discussed below, by adding a related project (see revised Figure 2-12). This change does not result in substantive changes to the Draft EIR because no new or more severe cumulative impacts were identified with the changes in the dates of the Civic Center Improvements (Sweetwater) project and the additional Caltrans Solstice Canyon Creek Bridge Replacement project.

This additional related project was considered in the cumulative impact analysis and no new or substantially more severe impacts were identified (see Section 1.1.5, Chapter 5, *Cumulative Impacts*, of this Final EIR).

These changes do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

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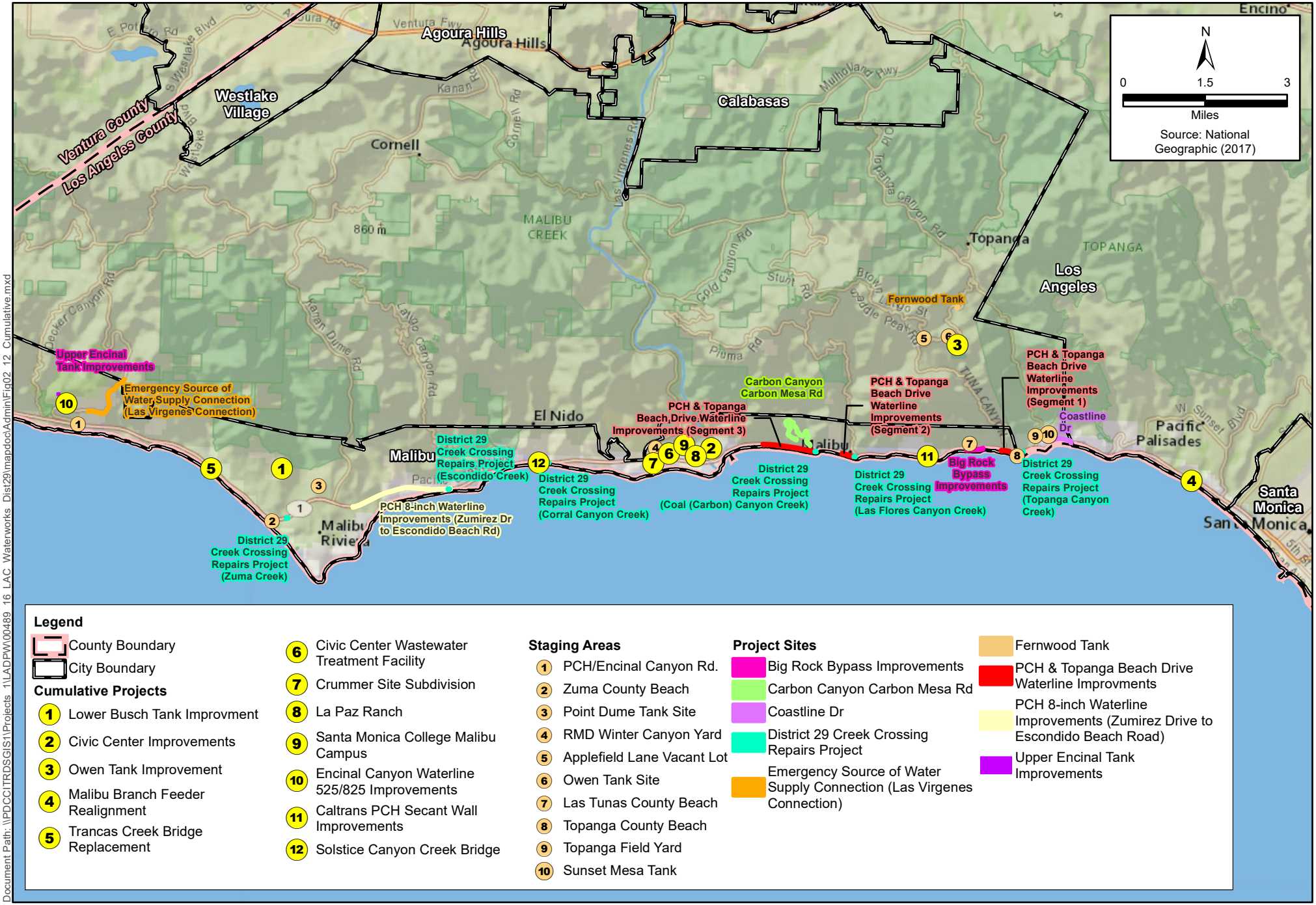

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ICF

Figure 2-12
Cumulative Impact Analysis Projects
Los Angeles County Waterworks District 29 - Priority Capital Deficiencies Improvements

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1.1.3 Chapter 3, Environmental Impacts

1.1.3.1 Section 3.4.3.3, Biological Resources, Mitigation Measures

Section 3.4.3.3, *Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-4*, is revised in response to a comment on the Draft EIR and to make one mitigation measure more inclusive and more specific.

Mitigation Measure BIO-4: Preconstruction Nesting Bird <u>and Wildlife</u> Survey

If construction commences during the bird breeding season (March 1 through June 30), a preconstruction survey for nesting birds by an experienced avian biologist will occur within 3 days prior to construction activities. The survey will occur within all suitable nesting habitat within the improvement impact area and at a buffer deemed suitable by the biologist. It is assumed that areas along PCH will receive a smaller survey buffer than areas where there is less ambient disturbance. If nesting birds are found, an avoidance area will be established as appropriate by a qualified biologist around the nest until it has determined that young have fledged or nesting activities have ceased. The improvement site will need to be resurveyed if there is a lapse in construction activities for more than 7 days during the nesting season.

In areas where vegetation trimming is required during the construction phase, the avian biologist will conduct a preconstruction survey for nesting birds in the targeted vegetation within 3 days prior to trimming, and preferably on the same day. This action is required even if there has been no lapse in construction activities in an area so as to avoid direct take of active but "acclimated" nests that may be present.

<u>Prior to and no more than 3 days before construction commencement, a qualified biologist will perform a survey for species of special concern including birds, amphibians, reptiles, turtles, and mammals including bats. Surveys for Southwestern pond turtles and potential habitat shall follow the Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Should any non-listed sensitive species be present, then the biologist will be present at the onset of ground-disturbing activities to ensure the work area is clear of any sensitive species. The biologist will encourage the species to move out of the disturbance area of its own volition. If relocation is required, then the biologist will possess a scientific collecting permit and relocate the species to an adjacent suitable habitat. If any special-status species is harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist will be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report will include the date, time of the finding or</u>

incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats shall be surveyed for bat roosts prior to ground-disturbing activities. The survey will include the work area and 100-foot buffer as access permits. If roosting bats may be present, trees should be pushed down (removed) using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each push to allow bats to become active. If maternity roosts are found and the County determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan.

Section 3.4.3.3, *Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-8*, is revised in response to a comment on the Draft EIR and to make one mitigation measure more specific.

Mitigation Measure BIO-8: Plant Surveys

To ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species by a qualified botanist with experience surveying for southern California plants will occur within suitable habitat during the most recent blooming season prior to the start of construction in accordance with appropriate CDFW protocols. Surveys for Lyon's pentachaeta, Santa Monica dudleya, Braunton's milk vetch, Agoura Hills dudleya, San Fernando Valley spineflower, Coulter's saltbush, Malibu baccharis, Brewer's calandrinia, Catalina mariposa-lily, Plummer's mariposa-lily, Lewis' evening primrose, western dichondra, mesa horkelia, decumbent goldenbush, southern California black walnut, fragrant pitcher sage, ocellated Humboldt lily, white-veined monardella, chaparral ragwort, and California screw moss will be conducted within areas of coastal scrub, chaparral, and woodland and non-native grassland habitat within the project's limits of disturbance. Surveys for Ventura marsh milk-vetch, salt marsh bird's-beak, coastal dunes milk-vetch, red sand verbena, Lewis' evening primrose, southwestern spiny rush, south coast branching phacelia, and woolly seablite will be conducted within areas of coastal dunes and coastal lagoons within limits of disturbance.

The qualified biologist will prepare a report to CDFW and USFWS (if applicable) documenting the results of the surveys including a description and map of the survey areas, field survey conditions, whether or not rare plants were detected with mapping of locations, descriptions

of the conditions where rare plants were found, and species-specific measures to avoid or mitigate impacts on the rare plants.

Special-status plants found during focused surveys will be avoided to the extent feasible. Where avoidance is not possible, and as feasible depending upon the species and population, non-listed special-status plants will be relocated to the nearest suitable habitat by a qualified biologist prior to construction. State or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency. Habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are locally rare and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through mitigation bank or in-lieu fee program credit purchase or other approved method.

The changes to the mitigation measures do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised mitigation only adds detail to a mitigation measure included in the Draft EIR. Changes to **MM BIO-4** only adds additional species for the surveys. Changes to **MM BIO-8** only adds a reporting requirement for the surveys. The changes would not result in new impacts not identified in the Draft EIR.

1.1.3.2 Section 3.5.3.3, Cultural Resources, Mitigation Measures

Section 3.5.3.3, *Cultural Resources, Impacts and Mitigation, Mitigation Measures*, *Mitigation Measures CUL-1 and CUL-2*, are revised to be more specific, to correct the current title of required standards, and to incorporate language agreed to in Assembly Bill (AB) 52 consultation between the County and the Fernandeño Tataviam Band of Mission Indians.

Mitigation Measure CUL-1: Cultural Resources Monitoring Program

This mitigation measure is applicable to the following District 29 improvements only: PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3) and Big Rock Bypass Improvements.

A Cultural Resources Monitoring Program (CRMP) must be developed once final designs are available and implemented during construction activities that have the potential to disturb native soils in archaeologically sensitive areas. The CRMP shall be prepared by a qualified archaeologist in consultation with the Fernandeño Tataviam Band of Mission Indians, which is the AB 52 consulting tribe on the project. The CRMP will provide details regarding the process for in-field treatment of discoveries and the disposition of discovered non-funerary resources. The CRMP ~~Cultural Resources Monitoring Program~~ must be completed prior to commencement of ground-disturbing activities, including any archaeological testing (if applicable), and include the following provisions:

- A qualified archaeologist must implement a monitoring and recovery program. The archaeologist must meet the U.S. Secretary of the Interior's ~~Historic Preservation~~ Professional Qualification Standards for Archaeology.
- The project shall retain a professional Native American monitor procured by the Fernandeño Tataviam Band of Mission Indians or consulting tribe under AB 52. Native American tribes with an interest in the project area, as identified by the NAHC, must be contacted prior to the start of the project construction. ~~Qualified~~ The Native American monitors must be afforded an opportunity to be present with the archaeological monitor during earthwork and excavations associated with the District 29 project.
- The qualified archaeologist(s) must provide cultural resources awareness training for all construction personnel prior to the start of construction. Construction personnel must be briefed on procedures to be followed in the event that a unique archaeological resource, historic-era building or structure, or human remains are encountered during construction. A training log must be maintained.
- The qualified archaeologist(s)/monitor(s) must be present during initial earthwork and excavations that have ~~has~~ the potential to disturb native soils. Based on initial monitoring, the qualified archaeologist must determine the frequency and length of construction monitoring at each location. Monitoring at each specific project location would cease once excavation is completed. Monitoring of equipment installation, backfilling, or shallow excavations in areas of fill soils only will not be required. The monitor(s) must maintain a daily monitoring log that describes monitoring activities and results. After construction is complete, a final report will be prepared by the qualified archaeologist that describes the monitoring program, any resources discovered, and the treatment completed for each resource, if applicable. The monitoring report will include monitoring logs and site records as attachments. A copy of all archaeological documents prepared as a result of the project will be provided to the Fernandeño Tataviam Band of Mission Indians.

Mitigation Measure CUL-2: Discovery of Unknown Cultural Resources

If cultural resources or tribal cultural resources are discovered in the course of excavation for project construction, the Construction Contractor must halt work in the immediate area of the find until a qualified archaeologist can evaluate the significance and distribution of the materials and identify future activities needed. The Fernandeño Tataviam Band of Mission Indians, the consulting tribe under AB 52, will be notified of the discovery and given the opportunity to consult on the

> disposition and treatment of resources through the entire duration of the project. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities must be conducted in consultation with relevant Native American tribes as determined by the NAHC.

The changes to the mitigation measures do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised mitigation only adds detail to a mitigation measure included in the Draft EIR.

1.1.3.3 Section 3.16.2.3, Recreation, Regulatory Setting, Local and Regional

Section 3.16.2.3, *Recreation, Regulatory Setting, Local and Regional*, under the *Malibu Local Coastal Program* heading, paragraph 1, is revised in response to a comment on the Draft EIR and to clarify information in the Draft EIR.

> The entire City of Malibu is located within the California coastal zone, which means that all development and activity occurring within city limits (unless considered exempt) is subject to the regulations of the City's Local Coastal Program (LCP). LCPs contain the ground rules for protecting sensitive coastal resources and public access along the entire coastline of California. Malibu's LCP was certified by the Coastal Commission in 2002. It grants the City the right to review and approve coastal development permits (CDPs) at the local level. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the Malibu Local Implementation Plan of the City of Malibu Local Coastal Program Section 13.4.2(C) ~~Coastal Zone Regulation Section 13,20.065(C)~~.

The fourth heading in Section 3.16.2.3, *Recreation, Regulatory Setting, Local and Regional*, is revised to correct a clerical error in the Draft EIR:

> **Santa Monica ~~Ana~~ Mountains Local Coastal Program**

Section 3.16.2.3, *Recreation, Regulatory Setting, Local and Regional*, under the *Santa Monica ~~Ana~~ Mountain Local Coastal Program* (corrected above), paragraph 1, is revised in response to a comment on the Draft EIR and to clarify information in the Draft EIR.

> The Santa Monica Mountains (SMM) Coastal Zone is the unincorporated portion of the SMM west of the City of Los Angeles, east of Ventura County, and south of the coastal zone boundary, excluding the City of Malibu. The Coastal Zone extends inland from the shoreline approximately 5 miles. The SMM LCP consists of the Land Use Plan (LUP) and implementing actions, including the Local Implementation Program (LIP), a series of ordinance sections added to the Zoning Ordinance, Title 22 of the County Code. The LUP was certified by the Coastal Commission in 1986. Policies applicable to the District 29 project include those addressing protection and expansion of public access to shoreline and

recreational opportunities. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the Santa Monica Mountains Implementation Program of the Santa Monica Mountains Local Coastal Program Section 22.44.820.A.3.c. ~~Coastal Zone Regulation Section 13,20.065(C)~~.

The changes to the regulatory setting discussion do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised text only corrects an error to be consistent with the text that follows and adds specificity related to the local coastal programs rather than references the State regulations.

1.1.3.4 Section 3.18, Tribal Cultural Resources

The introduction to Section 3.18, *Tribal Cultural Resources*, is revised to reflect the results of AB 52 consultation during and after the public review period for the Draft EIR.

This section provides an assessment of potential impacts on tribal cultural resources that could result from the project. The analysis in this section is based on the results of consultation with California Native American tribes conducted by LACDPW for the project, as required by CEQA as amended by AB 52. Native American consultation materials are provided in Appendix A of this EIR. The County contacted the following tribal contact persons in accordance with AB 52 in 2017 and again in 2020:

- Lee Clauss, San Manuel Band of Mission Indians
- Andrew Salas, Chairman, Gabrieleno Band of Mission Indians-Kizh Nation
- Anthony Morales, Chief, San Gabriel Band of Mission Indians
- Octavio Escobedo, Tribal Chair, Tejon Indian Tribe
- Kimia Fatehi, Fernandeño Tataviam Band of Mission Indians

Two ~~Only one~~ responses were ~~was~~ received. On November 29, 2017, Jessica Mauck of the San Manuel Band of Mission Indians responded by email to state that the project was outside of the Serrano ancestral territory and, as a result, the tribe would not be requesting consulting party status with the County. On November 10, 2020, Jairo Avila of the Fernandeño Tataviam Band of Mission Indians responded by email and requested to consult under AB 52. None of the other tribes responded. Therefore, one ~~no California Native American~~ tribe entered into AB 52 consultation. The County is continuing to consult with the Fernandeño Tataviam Band of Mission Indians through the duration of the project. ~~inform the tribal contact persons of project changes since the last notifications~~.

> Other cultural resources are included in Section 3.5, *Cultural Resources*. Some analysis and mitigation from that section are incorporated into this section, as referenced herein.

The changes to the Draft EIR text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised text only updates the results of the AB 52 consultation process.

1.1.3.5 Section 3.18.3.2, Tribal Cultural Resources, Impacts, Impact TCR-XVIII.a.

Section 3.18.3.2, *Impacts and Mitigation, Impacts, Impact TCR-XVIII.a*, paragraph 2, is revised to reflect the results of AB 52 consultation during and after the public review period for the Draft EIR.

> As discussed above, the County sent notification letters on November 22, 2017, to the California Native American tribes that requested inclusion on the County's AB 52 notification list. No responses were received except from the San Manuel Band of Mission Indians, saying that the project was outside their ancestral territory. On October 15, 2020, the County sent updated notification letters to the same recipients. On November 10, 2020, Jairo Avila of the Fernandeño Tataviam Band of Mission Indians responded by email and requested to consult under AB 52. The County and Mr. Avila held a consultation meeting via teleconference on December 3, 2020. The Fernandeño Tataviam Band of Mission Indians provided comments on the Draft EIR and mitigation measures, which have been incorporated into this section as well as Section 3.5, *Cultural Resources*. The County is continuing to consult with the tribe through the duration of the project.

The changes to the Draft EIR text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised text only updates the results of the AB 52 consultation process.

1.1.3.6 Section 3.18.3.2, Tribal Cultural Resources, Impacts, Impact TCR-XVIII.b.

Section 3.18.3.2, *Impacts and Mitigation, Impacts, Impact TCR-XVIII.b* is revised to reflect the results of AB 52 consultation during and after the public review period for the Draft EIR, to correct a minor error, and to be consistent with Section 3.5, *Cultural Resources*.

> **Impact TCR-XVIII.b ~~XXIII.b~~.**
>
> ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape,***

sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 5024.1? In applying the criteria set forth in subdivision (c) of PRC 5024.1 1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than significant with mitigation ~~No impact~~

Construction

Earthwork during construction would potentially fracture, crush, demolish, and/or relocate archaeological/tribal cultural materials present at project sites, as described in Impact XVIII.a. Therefore, impacts related to a substantial adverse change of a significant archaeological/tribal cultural resource are considered significant. **Mitigation Measures CUL-1**, ~~and~~ **CUL-2**, and **CUL-3** in Section 3.5, *Cultural Resources*, would be implemented to reduce potential impacts to less-than-significant levels. For the creek crossings replacements included in the proposed project, all construction would occur on and from existing bridges and would not include ground disturbance. No impacts related to a substantial adverse change of a significant archaeological/tribal cultural resource would occur at these locations.

Operation

Operation of the District 29 facilities would require periodic maintenance by LACDPW personnel, similar to existing conditions. Inspection and maintenance activities would not require earthwork. Therefore, operation of these facilities would have no impact related to a substantial adverse change of a significant archaeological/tribal cultural resource.

The changes to the Draft EIR heading do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revised heading corrects an error so that the heading is consistent with the analysis that follows (which correctly reported that the impact would be significant, but reduced to less-than-significant levels with implementation of mitigation). The text is also revised to include all mitigation measures for cultural resources, rather than only two mitigation measures. The reference to this mitigation measure was included based on the results of the AB 52 consultation process. Because the mitigation was included in the Draft EIR for cultural resources, no new mitigation is added.

1.1.3.7 Section 3.18.3.3, Tribal Cultural Resources, Mitigation Measures

Section 3.18.3.3, *Impacts and Mitigation, Mitigation Measures,* is revised to reflect the results of AB 52 consultation during and after the public review period for the Draft EIR and to be consistent with Section 3.5, *Cultural Resources*.

> Mitigation Measures **CUL-1**, ~~and~~ **CUL-2**, and **CUL-3** in Section 3.5, *Cultural Resources*, are also applicable to tribal cultural resources. Implementation of these mitigation measures would reduce impacts to less-than-significant levels.

The changes to the Draft EIR text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The text is revised to include all mitigation measures for cultural resources, rather than only two mitigation measures. The reference to this mitigation measure was included based on the results of the AB 52 consultation process. Because the mitigation was included in the Draft EIR for cultural resources, no new mitigation is added.

1.1.3.8 Section 3.18.3.4, Tribal Cultural Resources, Level of Significance after Mitigation

Section 3.18.3.4, *Impacts and Mitigation, Level of Significance after Mitigation,* is revised to reflect the results of AB 52 consultation during and after the public review period for the Draft EIR and to be consistent with Section 3.5, *Cultural Resources*.

> With implementation of **MM CUL-1**, ~~and~~ **MM CUL-2**, and **MM CUL-3** impacts to tribal cultural resources would be reduced to less-than-significant levels.

The changes to the Draft EIR text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The text is revised to include all mitigation measures for cultural resources, rather than only two mitigation measures. The reference to this mitigation measure was included based on the results of the AB 52 consultation process. Because the mitigation was included in the Draft EIR for cultural resources, no new mitigation is added.

1.1.4 Chapter 4, Summary of Impacts

1.1.4.1 Table 4-1, Environmental Impacts Found not to Be Significant

Table 4-1, *Environmental Impacts Found not to Be Significant,* is revised to correct a minor error (TCR-XVIII.b.) and to be consistent with other chapters of the Draft EIR.

Table 4-1. Environmental Effects Found not to Be Significant

CEQA Topic	Impact	No Impact	Less-than-significant Impact
Aesthetics			
AES-I.a.	*Would the project have a substantial adverse effect on a scenic vista?*	√ Operation	√ Construction

CEQA Topic	Impact	No Impact	Less-than-significant Impact
AES-I.b.	*Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcropping, and historic buildings within a state scenic highway?*	√ Operation	√ Construction
AES-I.c.	*Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*		√ Construction & Operation
AES-I.d.	*Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*		√ Construction & Operation
Agricultural & Forestry Resources			
AG-I.a.	*Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*	√ Construction & Operation	
AG-II.b.	*Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*	√ Construction & Operation	
AG-II.c.	*Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (Government Code Section 51104(g))?*	√ Construction & Operation	
AG-II.d.	*Would the project result in the loss of forestland or conversion of forestland to non-forest use?*	√ Construction & Operation	

CEQA Topic	Impact	No Impact	Less-than-significant Impact
AG-II.e.	Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	√ Construction & Operation	
Air Quality			
AQ-III.a.	*Would the project conflict with or obstruct implementation of the applicable air quality plan?*	√ Construction & Operation	
AQ-III.b.	*Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?*		√ Construction & Operation
AQ-III.c.	*Would the project expose sensitive receptors to substantial pollutant concentrations?*		√ Construction & Operation
AQ-III.d.	*Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*		√ Construction & Operation
Cultural Resources			
CUL-V.a.	*Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*	√ Construction & Operation	
CUL-V.b.	*Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*	√ Operation	
CUL-V.c.	*Would the project disturb any human remains, including those interred outside of formal cemeteries?*	√ Operation	
Energy Resources			
EN-VI.a.	*Would the project result in potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*	√ Operation	√ Construction

CEQA Topic	Impact	No Impact	Less-than-significant Impact
EN-VI.b.	*Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*	√ Construction & Operation	
Geology, Soils, & Paleontological Resources			
GEO-VII.a.i.	*Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Report 42.)*		√ Construction & Operation
GEO-VII.a.ii.	*Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*		√ Construction & Operation
GEO-VII.a.iii.	*Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*		√ Construction & Operation
GEO-VII.a.iv.	*Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*		√ Construction & Operation
GEO-VII.b.	*Would the project result in substantial soil erosion or the loss of topsoil?*		√ Construction & Operation
GEO-VII.c.	*Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*		√ Construction & Operation
GEO-VII.d.	*Would the project result be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*		√ Operation

CEQA Topic	Impact	No Impact	Less-than-significant Impact
GEO-VII.e.	*Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?*	√ Construction & Operation	
GEO-VII.f.	*Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*		√ Operation
Greenhouse Gas Emission			
GHG-VIII.a.	*Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?*		√ Construction & Operation
GHG-VIII.b.	*Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*		√ Construction & Operation
Hazards and Hazardous Materials			
HAZ-IX.a.	*Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*		√ Construction & Operation
HAZ-IX.b.	*Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*		√ Operation
Hydrology and Water Quality			
HWQ-X.a.	*Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*		√ Construction & Operation
HWQ-X.b.	*Would the project substantially decrease groundwater supplies or substantially interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*	√ Operation	√ Construction

CEQA Topic	Impact	No Impact	Less-than-significant Impact
HWQ-X.c.i.	*Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on- or off-site?*		√ Construction & Operation
HWQ-X.c.ii.	*Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, i in a manner that would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?*		√ Construction & Operation
HWQ-X.c.iii.	*Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, i in a manner that would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*		√ Construction & Operation
HWQ-X.d.	*In flood hazard, tsunami, or seiche zones, would the project risk the release of due to project inundation?*		√ Construction & Operation
HWQ-X.e.	*Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*		√ Construction & Operation
Land Use			
LU-XI.a.	*Would the project physically divide an established community?*		√ Construction & Operation
LU-XI.b.	*Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*		√ Construction & Operation

CEQA Topic	Impact	No Impact	Less-than-significant Impact
Mineral Resources			
MIN-XII.a.	*Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*	√ Construction & Operation	
MIN-XII.b.	*Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*	√ Construction & Operation	
Noise			
NOI-XIII.a.	*Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*		√ Operation
NOI-XIII.b.	*Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*	√ Operation	
NOI-XIII.c.	*For a project located in the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*	√ Construction & Operation	
Population and Housing			
POP-XIV.a.	*Would the project induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?*	√ Construction & Operation	

CEQA Topic	Impact	No Impact	Less-than-significant Impact
POP-XIV.a.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*	√ Construction & Operation	
Public Services			
PS-XV.a.i.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*		√ Construction & Operation
PS-XV.a.ii.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*		√ Construction & Operation
PS-XV.a.iii.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*		√ Construction & Operation
PS-XV.a.iv.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*		√ Construction & Operation

CEQA Topic	Impact	No Impact	Less-than-significant Impact
PS-XV.a.v.	*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*		√ Construction & Operation
Recreation			
REC-XVI.a.	*Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?*		√ Construction & Operation
REC-XVI.b.	*Would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*	√ Operation	√ Construction
Transportation			
TRA-XVII.a.	*Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities?*	√ Operation	
TRA-XVII.b.	*Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subsection (b)?*	√ Construction & Operation	
TRA-XVII.c.	*Would the project substantially increase in hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*	√ Operation	√ Construction
TRA-XVII.d.	*Would the project result in inadequate emergency access?*	√ Operation	

CEQA Topic	Impact	No Impact	Less-than-significant Impact
Tribal Cultural Resources			
TCR-XVIII.a.	*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k)?*	√ Operation	
TCR-XVIII.b.	*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 5024.1? In applying the criteria set forth in subdivision (c) of PRC 5024.1 1, the lead agency shall consider the significance of the resource to a California Native American tribe?*	√ ~~Construction~~ & Operation	
Utilities and Utility Systems			
UT-XIX.a.	*Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*	√ Operation	
UT-XIX.b.	*Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*	√ Construction & Operation	

CEQA Topic	Impact	No Impact	Less-than-significant Impact
UT-XIX.c.	*Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*	√ Construction & Operation	
UT-XIX.d.	*Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*	√ Operation	√ Construction
UT-XIX.e.	*Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?*	√ Operation	√ Construction
Wildfire			
WF-XX.a.	*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*		√ Operation
WF-XX.b.	*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire?*	√ Construction & Operation	
WF-XX.c.	*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing environmental impacts on the environment?*	√ Operation	√ Construction

CEQA Topic	Impact	No Impact	Less-than-significant Impact
WF-XX.d.	*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes?*		√ Construction & Operation

The changes to the table do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revision to the table, to include only operation-period impacts related to substantial adverse change in the significance of a tribal cultural resource as having no impact or less-than-significant impacts (rather than both construction and operations impacts) corrects an error so that the summary of impacts is consistent with the analysis found in Section 3.18, *Tribal Cultural Resources*. Because this table summarizes information found elsewhere in the Draft EIR, the correction does not add significant new information to the Draft EIR.

1.1.4.2 Table 4-3, Significant Environmental Impacts that can Be Mitigated to Less-than-significant Levels

Table 4-3, *Significant Environmental Impacts that can Be Mitigated to Less-than-significant Levels,* is revised to correct minor errors (Tribal Cultural Resources), to be consistent with other chapters of the Draft EIR, and based on the results of the AB 52 consultation process.

Table 4-2. Significant Environmental Effects that can Be Mitigated to Less-than-significant Levels

CEQA Topic	Impact	Mitigation
Biological Resources		
BIO-IV.a.	*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 CDFW or USFWS?*	**Construction & Operation** MM BIO-1 MM BIO-2 MM BIO-3 MM BIO-4 MM BIO-5 MM BIO-6 MM BIO-7 MM BIO-8 MM BIO-9 MM BIO-10

CEQA Topic	Impact	Mitigation
BIO-IV.b.	*Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS?*	**Construction & Operation** MM BIO-10 MM BIO-11 MM BIO-12
BIO-IV.c.	*Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS?*	**Construction & Operation** MM BIO-13 MM BIO-14 MM BIO-15 MM BIO-16 MM BIO-17 MM BIO-18
BIO-IV.d.	*Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?*	**Construction & Operation** MM BIO-1 MM BIO-3 MM BIO-4 MM BIO-5 MM BIO-6 MM BIO-7 MM BIO-11 MM BIO-12 MM BIO-19
BIO-IV.e.	*Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*	MM BIO-4 MM BIO-11 MM BIO-12
BIO-IV.f.	*Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?*	MM BIO-9 MM BIO-10
Cultural Resources		
CUL-V.b.	*Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*	**Construction** MM CUL-1 MM CUL-2
CUL-V.c.	*Would the project disturb any human remains, including those interred outside of formal cemeteries?*	**Construction** MM CUL-1 MM CUL-3
Geology, Soils, & Paleontological Resources		
GEO-VII.d.	*Would the project result be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*	**Construction** MM GEO-1
GEO-VII.f.	*Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*	**Construction** MM GEO-2 MM GEO-3

CEQA Topic	Impact	Mitigation
Hazards and Hazardous Materials		
HAZ-IX.b.	*Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*	**Construction** MM HAZ-1 MM HAZ-2 MM HAZ-3 MM HAZ-4
Noise		
NOI-XIII.b.	*Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*	**Construction** MM NOI-2
Transportation		
TRA-XVII.a.	*Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system including transit, roadway, bicycle, and pedestrian facilities?*	**Construction** MM TRA-1 MM TRA-2 MM TRA-3 MM TRA-4
TRA-XVII.d.	*Would the project result in inadequate emergency access?*	MM TRA-1 MM TRA-2 MM TRA-3 MM TRA-4
Tribal Resources		
TCR-XVIII.a.	*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register or in a local register of historical resources as defined in PRC Section 5020.1(k)?*	**Construction** MM CUL-1 MM CUL-2 MM CUL-3
TCR-XVIII.b.	*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 5024.1? In applying the criteria set forth in subdivision (c) of PRC 5024.1 1, the lead agency shall consider the significance of the resource to a California Native American tribe?*	**Construction** MM CUL-1 MM CUL-2 MM CUL-3

The changes to the table do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The revision to the list of mitigation is based

on the results of AB 52 consultation that occurred after the publication of the Draft EIR and this change summarizes the analysis discussed in Section 1.1.3.7, *Section 3.18.3.3, Tribal Cultural Resources, Mitigation Measures*, of this Final EIR. The addition of TRC-XVIII.b. to the table corrects an error in summarizing Section 3.18, *Tribal Cultural Resources*, in the Draft EIR. Because this table summarizes information found elsewhere in the Draft EIR, the corrections do not add significant new information to the Draft EIR.

1.1.5 Chapter 5, Cumulative Impacts

1.1.5.1 Section 5.2.1, Projects Considered in the Cumulative Impact Analysis, Lower Busch Tank Improvement

Section 5.2.1, *Projects Considered in the Cumulative Impact Analysis, Lower Busch Tank Improvement*, is revised to update anticipated construction dates.

> The Lower Busch Tank Improvement is a tank replacement project at 5731 Busch Drive in Malibu, with construction planned for March to October 2022 ~~November 2021~~. This Waterworks District 29 project will replace a 300,000-concrete reservoir with a 385,000 tank. This project was analyzed in a Negative Declaration, adopted in 2005 and again in 2013. The Lower Busch Tank Improvement's construction dates overlap with the following proposed project improvements: ~~would be completed (in 2021) before any of the project improvements are begun (in 2022).~~
>
> - Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (located 8 miles east)
> - Coastline Drive 12-inch Waterline Improvements (14 miles east)
> - PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (1.5 miles east)
> - Emergency Source of Water Supply Connection (Las Virgenes Connection) (3 miles west)
> - Upper Encinal Tank Improvement (4 miles west)

Although the change in the construction dates for the Lower Busch Tank Improvement results in an overlap with construction for the proposed project improvements, none of these are located in close proximity or would affect the same resources in a way that would result in considerable contributions to cumulative impacts. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.2 Section 5.2.2, Projects Considered in the Cumulative Impact Analysis, Malibu Branch Feeder Realignment

Section 5.2.2, *Projects Considered in the Cumulative Impact Analysis*, Malibu Branch Feeder Realignment, is revised to update anticipated construction dates.

> The Malibu Branch Feeder Realignment is a waterline replacement and installation project located at 15413 Pacific Coast Highway (PCH) (Pacific Palisades, with construction planned for February to April 2021 ~~2020~~. This project was analyzed in a Categorical Exemption, adopted in 2018. The project construction dates would not overlap with any of the improvements in the proposed project.

The change in the construction dates for the Malibu Branch Feeder Realignment would not result in a change in the overlap of construction dates with the proposed project. The project construction dates would still not overlap with any of the improvements in the proposed project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.3 Section 5.2.3, Projects Considered in the Cumulative Impact Analysis, Owen Tank Improvement

Section 5.2.3, *Projects Considered in the Cumulative Impact Analysis, Owen Tank Improvement*, is revised to update anticipated construction dates.

> The Owen Tank Improvement, at 2300 S. Tuna Canyon Road, Topanga, is a Waterworks District 29 project with construction planned for February to October 2022 ~~March to November 2021~~. This project was analyzed in an MND adopted in 2017. The Owen Tank Improvement's construction dates overlap with the following proposed project improvements: ~~The project construction dates would not overlap any of the improvements in the proposed project.~~
>
> - Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (located 3 miles southwest)
> - Coastline Drive 12-inch Waterline Improvements (2.4 miles southeast)
> - PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (10 miles west)
> - Emergency Source of Water Supply Connection (Las Virgenes Connection) (15 miles west)
> - Upper Encinal Tank Improvement (16 miles west)

Although the change in the construction dates for the Owen Tank Improvement project results in an overlap with construction for the proposed project improvements, none of these are located in close proximity or would affect the same resources in a way that would result in considerable contributions to cumulative impacts. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.4 Section 5.2.4, Projects Considered in the Cumulative Impact Analysis, Civic Center Improvements (Sweetwater)

Section 5.2.4, *Projects Considered in the Cumulative Impact Analysis, Civic Center Improvements (Sweetwater)*, is revised to update anticipated construction dates.

> The Civic Center Improvements (Sweetwater) project is located on PCH, Cross Creek Road, Serra Road, and Sweetwater Mesa Road in Malibu. This project does not have an adopted environmental document. This is a tank installation and waterline replacement project with construction planned for October 2022 to October 2023 ~~June 2021 to June 2022~~. The construction dates overlap with the following proposed project improvements:
>
> - Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (located 1 mile east)
> - Coastline Drive 12-inch Waterline Improvements (located 7 miles east)
> - District 29 Creek Crossing Repairs (nearest crossing, Coal (Carbon) Canyon Creek, 1.5 miles east)
> - PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (5 miles west)
> - Emergency Source of Water Supply Connection (Las Virgenes Connection) (11 miles west)
> - Upper Encinal Tank Improvement (11 miles west)

Although the change in the construction dates for the Civic Center Improvements project results in an overlap with construction for additional proposed project improvements, none of these are located in close proximity and would affect the same resources in a way that would result in considerable contributions to cumulative impacts. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.5 Section 5.2.5, Projects Considered in the Cumulative Impact Analysis, Trancas Creek Bridge Replacement Project

Section 5.2.5, *Projects Considered in the Cumulative Impact Analysis, Trancas Creek Bridge Replacement Project*, is revised to update anticipated construction dates.

> The Trancas Creek Bridge Replacement project is located on PCH at Trancas Creek in Malibu. This project would include replacement of a District 29 waterline attached to the existing bridge. Caltrans approved an MND for the project in 2018. Construction is planned to start in December 2020 and finish in June 2022. The construction dates overlap with the following proposed project improvements:

- Coastline Drive 12-inch Waterline Improvements (located 15.5 miles east)
- PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (2.6 miles east)
- Emergency Source of Water Supply Connection (Las Virgenes Connection) (2.5 miles west)
- Upper Encinal Tank Improvement (3.1 miles west)
- ~~District 29 Creek Crossing Repairs, the nearest being Zuma Creek (1.5 miles east).~~

The change in the construction dates for the Trancas Creek Bridge Replacement project would reduce the overlap of construction dates with the proposed project because the District 29 Creek Crossing Repairs would no longer overlap with the cumulative project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.6 Section 5.2.8, Projects Considered in the Cumulative Impact Analysis, La Paz Ranch Project

Section 5.2.8, *Projects Considered in the Cumulative Impact Analysis, La Paz Ranch Project*, is revised to update anticipated construction dates.

The La Paz Ranch project includes three separate commercial development projects for retail, office, and City Hall uses. The site is located on approximately 15 acres, north of Civic Center Way between La Paz Lane and Cross Creek Road. Malibu certified the project EIR in 2008, with an addendum in 2015 and another currently under consideration by the City. Although a construction schedule has not been released, the analysis in the current addendum uses 2022 as the buildout date. Proposed project improvements construction that could overlap with the La Paz Ranch Project construction would include:

- Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (1.5 miles east)
- Coastline Drive 12-inch Waterline Improvements (7.5 miles east)
- ~~District 29 Creek Crossing Repairs (nearest crossing, Corral Canyon Creek, 2 miles west)~~
- PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (4 miles west)
- Emergency Source of Water Supply Connection (Las Virgenes Connection) (10 miles west)
- Upper Encinal Tank Improvement (10 miles west)

The change in the construction dates for the La Paz Ranch project would reduce the overlap of construction dates with the proposed project because the District 29 Creek Crossing Repairs would no longer overlap with the cumulative project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.7 Section 5.2.9, Projects Considered in the Cumulative Impact Analysis, Santa Monica College – Malibu Campus Project

Section 5.2.9, *Projects Considered in the Cumulative Impact Analysis, Santa Monica College – Malibu Campus Project*, is revised to update anticipated construction dates.

> The Santa Monica College – Malibu Campus Project is located at 23555 Civic Center Way in Malibu. It would demolish a vacant building, formerly used for the Los Angeles County Sheriff's Station and the Los Angeles County Superior Court, and construct a new two-story education facility and community Sheriff's Substation and Emergency Operations and Planning Center. The Santa Monica College Board of Trustees certified the EIR in January 2016. The project is currently under construction, with a scheduled opening date in school year 2022. Proposed project improvements construction that could overlap with the college construction would include:
>
> - Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (1. 5 miles east)
> - Coastline Drive 12-inch Waterline Improvements (7.5 miles east)
> - ~~District 29 Creek Crossing Repairs (nearest crossing, Corral Canyon Creek, 2 miles west)~~
> - PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (4 miles west)
> - Emergency Source of Water Supply Connection (Las Virgenes Connection) (10 miles west)
> - Upper Encinal Tank Improvement (10 miles west)

The change in the construction dates for the Santa Monica College – Malibu Campus Project would reduce the overlap of construction dates with the proposed project because the District 29 Creek Crossing Repairs would no longer overlap with the cumulative project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.8 Section 5.2.10, Projects Considered in the Cumulative Impact Analysis, Encinal Canyon Waterline 525/825 Improvements

Section 5.2.10, *Projects Considered in the Cumulative Impact Analysis, Encinal Canyon Waterline 525/825 Improvements*, is revised to update anticipated construction dates.

> The Encinal Canyon Waterline 525/825 Improvements are located on Vista Del Preseas, Camino De Buena Ventura, Avenida De La Encinal, Vista De Los Ondas Street, Encinal Canyon Road, Calle De La Burrita, Avenida Del Mar, Via Vienta Street, and 4511 South Avenida De La Encinal in Malibu. This project was analyzed in a Statutory Exemption, Emergency Project and adopted in 2019. This is a waterline replacement project and upgrading the existing Lower Encinal pump station with construction planned for January 2022 to September 2022 This waterline and pump station improvement project is nearly adjacent (within 0.1 mile) of the Emergency Source of Water Supply Connection and Upper Encinal Tank improvements, which would overlap in construction dates. Other proposed project improvements construction that could overlap with the waterline improvements would include:
>
> - Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (12 miles east)
> - Coastline Drive 12-inch Waterline Improvements (17.5 miles east)
> - ~~District 29 Creek Crossing Repairs (nearest crossing, Zuma Creek, 2.8 miles west)~~
> - PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (5.4 miles west)

The change in the construction dates for the Encinal Canyon Waterline 525/825 Improvements would reduce the overlap of construction dates with the proposed project because the District 29 Creek Crossing Repairs would no longer overlap with the cumulative project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.9 Section 5.2.11, Projects Considered in the Cumulative Impact Analysis, Caltrans PCH Secant Wall Improvements

Section 5.2.11, *Projects Considered in the Cumulative Impact Analysis, Caltrans PCH Secant Wall Improvements*, is revised to update anticipated construction dates.

> The Caltrans PCH Secant Wall Improvements are located on PCH, approximately 0.3 mile south of Big Rock Drive in Malibu. The project would include relocation of District 29 waterlines that conflict with the proposed secant wall (retaining wall). (Environmental documentation for this project is not known.) Planned construction dates are December 2021 to June 2022.

Proposed project improvements construction that could overlap with the college construction would include:

- Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (2. 5 miles east)
- ~~District 29 Creek Crossing Repairs (nearest crossing, Las Flores Canyon Creek, 1.6 miles west)~~
- PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (8.5 miles west)
- Upper Encinal Tank Improvement (15.5 miles west)

The change in the construction dates for the Caltrans PCH Secant Wall Improvements would reduce the overlap of construction dates with the proposed project because the District 29 Creek Crossing Repairs would no longer overlap with the cumulative project. The changes to the text do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.10 Section 5.2.12, Projects Considered in the Cumulative Impact Analysis, Caltrans Solstice Canyon Creek Bridge Replacement (New)

A subsection is added to Section 5.2, *Projects Considered in the Cumulative Impact Analysis,* to include new information about another project in the cumulative analysis.

5.2.12 Caltrans Solstice Canyon Creek Bridge Replacement

The Caltrans PCH Solstice Canyon Creek Bridge Replacement is located on PCH, approximately near the intersection of Corral Canyon Road and PCH. The project would include relocation of existing waterlines, replacement of an existing bridge/culvert at Solstice Canyon Creek with a new bridge with an underlying natural slope creek bottom to provide improved flood water conveyance and to improve hydraulic conditions to facilitate movement of the endangered Southern steelhead trout population in the project area. Caltrans completed a Mitigated Negative Declaration for this project in November 2018. Planned construction dates are early 2022 to late 2023.

Proposed project improvements construction that could overlap with the bridge construction would include:

- Carbon Canyon Road and Carbon Mesa Road Waterline Improvements (4.25 miles east)
- Coastline Drive 12-inch Waterline Improvements (10 miles east)
- District 29 Creek Crossing Repairs (nearest crossing, Corral Canyon Creek, 1 mile east)

- PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (0.6 mile west)
- Emergency Source of Water Supply Connection (Las Virgenes Connection) (7.5 miles west)
- Upper Encinal Tank Improvement (8 miles west)

The addition of the Caltrans PCH Solstice Canyon Creek Bridge Replacement project to the cumulative impact analysis did not change the findings of the analysis in the Draft EIR. This additional project would not result in changes to the analysis except for two topics, aesthetics and hydrology and water quality. The changes in the analysis are discussed in Section 1.1.5.12, *Section 5.3.1, Cumulative Impact Analysis by Resource, Aesthetics,* and Section 1.1.5.13, *Section 5.3.10, Cumulative Impacts Analysis by Resource, Hydrology*, of this Final EIR. As discussed in these sections, changes to the cumulative impact analysis do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment. The changes in the analysis of cumulative impacts related to aesthetics do not change the findings of the analysis due to the distance between the new cumulative project and the proposed project improvements would ensure that the projects are outside the viewsheds of each other. The changes in the analysis of cumulative impacts related to hydrology and water quality do not change the findings of the analysis because the distance between the new cumulative project and the proposed project improvements is only slightly reduced (from 10 miles to 8 miles).

1.1.5.11 Section 5.2.12 (previous), Projects Considered in the Cumulative Impact Analysis, Other Potential Projects (Renumbered)

A previous subsection heading in Section 5.2, *Projects Considered in the Cumulative Impact Analysis,* is changed to reflect the additional subsection described above.

5.2.13 ~~5.2.12~~ Other Potential Projects

The change to the Draft EIR heading does not result in significant new information or substantive changes to the Draft EIR because it does not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.12 Section 5.3.1, Cumulative Impact Analysis by Resource, Aesthetics

Section 5.3.1, *Cumulative Impact Analysis by Resource, Aesthetics*, paragraphs 2 and 3, are revised to address the additional cumulative project discussed above.

> Impacts to scenic vistas resulting from the District 29 Priority Capital Deficiencies Improvements project were found to be less than significant. Less-than-significant construction impacts were identified for the improvements or staging areas, and less-than-significant operational impacts at the Fernwood Tank Improvement and the Upper Encinal Tank Improvement. Construction ~~Only the construction~~ of the PCH and Topanga Beach Drive Waterline Improvements, Segment 3, could overlap

with a cumulative analysis project, the Civic Center Wastewater Treatment Facility, Phase 2, which includes, among other things, construction of new wastewater pipelines in PCH. Both projects would affect scenic vistas (views of the ocean) at a less-than-significant level. The pipeline construction from these projects would be located approximately 0.5 mile apart, the westernmost end of the PCH and Topanga Beach Drive Waterline Improvements; Segment 3 is 0.5 mile west of the easternmost portion of the Civic Center Wastewater Treatment Facility Phase 2 pipelines. The Caltrans Solstice Canyon Creek Bridge Replacement cumulative project would overlap with several District 29 Priority Capital Deficiencies Improvements, the nearest being the PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (0.6 mile west) and the Corral Canyon Creek crossing repair (1 mile east). Even if construction were to occur on the same few days at these locations, the distance between them would ensure that the projects are outside the viewsheds of each other. Therefore, the two projects would not result in cumulative impacts to scenic vistas.

Impacts related to damage to scenic resources within a state scenic highway resulting from the District 29 Priority Capital Deficiencies Improvements project were found to be less than significant. Less-than-significant construction impacts were identified for the improvements or staging areas, and no impacts were identified for operation of the Fernwood Tank Improvement and Upper Encinal Tank Improvement, neither of which is visible from state scenic highway. Construction ~~Only the construction~~ of the PCH and Topanga Beach Drive Waterline Improvements, Segment 3, could overlap with a cumulative analysis project, the Civic Center Wastewater Treatment Facility, Phase 2, which includes, among other things, construction of new wastewater pipelines in PCH. The timing of this particular pipeline on PCH could occur at approximately the same time as the PCH and Topanga Beach Drive Waterline Improvements, Segment 3. Both projects would affect scenic highways at a less-than-significant level. The pipeline construction from these projects would be located approximately 0.5 mile apart; the westernmost end of the PCH and Topanga Beach Drive Waterline Improvements, Segment 3, is 0.5 mile west of the easternmost portion of the Civic Center Wastewater Treatment Facility Phase 2 pipelines. The Caltrans Solstice Canyon Creek Bridge Replacement cumulative project would overlap with several District 29 Priority Capital Deficiencies Improvements, the nearest being the PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road) (0.6 mile west) and the Corral Canyon Creek crossing repair (1 mile east). Even if construction would occur on the same few days at these locations, the distance between them would ensure that the projects are outside the viewsheds of each other. Therefore, the two projects would not result in cumulative impacts to scenic highways.

The changes in the analysis of cumulative impacts related to aesthetics do not change the findings of the analysis due to the distance between the new cumulative project and the proposed project improvements. Changes to the cumulative impact analysis do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.5.13 Section 5.3.10, Cumulative Impact Analysis by Resource, Hydrology and Water Quality

Section 5.3.10, *Cumulative Impact Analysis by Resource, Hydrology and Water Quality*, paragraph 2, is revised to address the additional cumulative project discussed above.

> The proposed project would not alter existing drainage patterns and would have negligible impacts related to the addition of impervious surfaces. Only the larger tank improvement for the Upper Encinal Tank Improvement would increase the area of impervious surfaces. The Upper Encinal Tank Improvement site would be designed with swales and slopes to manage the runoff from the larger pervious areas, including the larger tank. Controlling the runoff onsite would allow the site to be returned to its preconstruction condition. Therefore, the proposed project would have less-than-significant impacts related to surface runoff. The Upper Encinal Tank Improvement is isolated and at least 8 ~~10~~ miles from any of the cumulative analysis projects. Therefore, the project's impacts would not contribute to significant cumulative impacts.

The changes in the analysis of cumulative impacts related to hydrology and water quality do not change the findings of the analysis due to the distance between the new cumulative project and the proposed project improvements. Changes to the cumulative impact analysis do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.6 Chapter 8, Alternatives

1.1.6.1 Section 8.3, Significant Environmental Impacts

Section 8.3, *Significant Environmental Impacts*, paragraph 1, is revised to correct a clerical error and to be consistent with other portions of the Draft EIR.

> As discussed in the analyses in Chapter 3, and summarized in Chapter 4, *Summary of Impacts*, all significant impacts would be reduced to less-than-significant levels through the implementation of mitigation except for the following:
>
> **NOI-XII.a.** The project would result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise

ordinance, or applicable standards of other agencies. This impact would occur because **Mitigation Measure (MM)-TRA-3**, *Limit Construction to Off-Peak Hours*, would require construction in some locations to occur during nighttime hours, resulting in significant noise impacts on nearby noise-sensitive receivers. **MM NOI-1**, *Construction Noise Reduction*, would reduce construction noise, but not to less-than-significant levels in some locations for short periods of time. Impacts would be significant and unavoidable.

UT-XIX.a. The project would require or result in the relocation or construction of new or expanded water facilities, the construction of which would cause significant environmental effects, namely temporary increases in ambient noise levels as discussed above (**NOI-XII.a.**). **MM NOI-1**, *Construction Noise Reduction*, would reduce construction noise, but not to less-than-significant levels in some locations for short periods of time. Impacts would be significant and unavoidable.

The changes in this section correct the summary of the significant impacts discussed in Chapter 3, *Environmental Impacts,* of the Draft EIR, so that the summary is consistent with that chapter. This section does not include any analysis. The analysis of the alternatives in Section 8.5, *Analysis of Impact of Alternatives*, of the Draft EIR correctly addresses the significant and unavoidable impacts found for the proposed project. Changes to this summary do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.1.6.2 Section 8.3, Table 8-2, Comparison of Alternatives

Table 8-2, *Comparison of Alternatives,* is revised to correct minor errors and to be consistent with other chapters of the Draft EIR (Cultural Resources, CR-3, and Tribal Cultural Resources, TCR-2).

Table 8-2. Comparison of Alternatives

Resource	Impact	Impact with Project	No Project Alternative
Aesthetics	**AES-1:** Substantial adverse effect on a scenic vista	LTS	LTS, although deterioration of the tanks may result in impacts on scenic vistas that could not be avoided by maintenance
Aesthetics	**AES-2:** Substantial damage to scenic resources, including, but not limited to, trees, rock outcropping, and historic buildings within a state scenic highway	LTS	None

Resource	Impact	Impact with Project	No Project Alternative
Aesthetics	**AES-3:** In non-urbanized areas, substantial degradation of the existing visual character or quality of public views, from a publicly accessible vantage point, of the site and its surroundings. In urbanized areas, a conflict(s) with the applicable zoning and other regulations governing scenic quality	LTS	LTS, although deterioration of the tanks may result in impacts on scenic vistas that could not be avoided by maintenance
Aesthetics	**AES-4:** Creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area	LTS	LTS, because no potential for nighttime construction; operational impacts would be equal
Agriculture and Forestry Resources	**AG-1:** Conversion of important farmland to nonagricultural use	None	None
Agriculture and Forestry Resources	**AG-2:** Conflict with existing zoning for agricultural use or with a Williamson Act contract	None	None
Agriculture and Forestry Resources	**AG-3:** Conflict with existing zoning of forest land, timberland, or timberland-zoned timberland production	None	None
Agriculture and Forestry Resources	**AG-4:** Loss of forest land or conversion of forest land to non-forest use	None	None
Agriculture and Forestry Resources	**AG-5:** Potential to cause changes in the existing environment that could result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use	None	None
Air Quality	**AQ-1:** Conflict with or obstruction of implementation of the applicable air quality plan	None	None

Resource	Impact	Impact with Project	No Project Alternative
Air Quality	**AQ-2:** Cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Air Quality	**AQ-3:** Exposure of sensitive receptors to substantial pollutant concentrations	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Air Quality	**AQ-4:** Other emissions (such as those leading to odors) adversely affecting a substantial number of people	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Biological Resources	**BIO-1**: 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 California Fish and Wildlife or U.S. Fish and Wildlife Service	LTS with mitigation	None
Biological Resources	**BIO-2:** Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by California Fish and Wildlife or U.S. Fish and Wildlife Service	LTS with mitigation	None
Biological Resources	**BIO-3:** Substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal areas, etc.) through direct removal, filling, hydrological interruption, or other means	LTS with mitigation	None

Resource	Impact	Impact with Project	No Project Alternative
Biological Resources	**BIO-4:** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites	LTS with mitigation	None
Biological Resources	**BIO-5:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	LTS with mitigation	None
Biological Resources	**BIO-6:** Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan	LTS	None
Cultural Resources	**CUL-1:** Potential to cause a substantial adverse change in the significance of a historical resource	None	None
Cultural Resources	**CUL-2:** Potential to cause a substantial adverse change in the significance of an archaeological resource	LTS with mitigation	None
Cultural Resources	**CUL-3:** Potential to disturb any human remains, including those interred outside of formal cemeteries	LTS with mitigation	None
Energy	**EN-1:** Wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Energy	**EN-2:** Conflict with or obstruction of a state or local plan for renewable energy or energy efficiency	None	None

Resource	Impact	Impact with Project	No Project Alternative
Geology, Soils, and Paleontological Resources	**GEO-1:** Potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides	LTS	LTS, (older pipelines and tanks may be more susceptible than to failure than replacements)
Geology, Soils, and Paleontological Resources	**GEO-2:** Potential to result in substantial soil erosion or the loss of topsoil	LTS	LTS, (older pipelines and tanks may be more susceptible than to failure than replacements)
Geology, Soils, and Paleontological Resources	**GEO-3:** Placement of project-related facilities on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse	LTS	LTS, (older pipelines and tanks may be more susceptible than to failure than replacements)
Geology, Soils, and Paleontological Resources	**GEO-4:** Placement of project-related facilities on expansive soil, creating substantial direct or indirect risks to life or property	LTS with mitigation	LTS, (older pipelines and tanks may be more susceptible than to failure than replacements)
Geology, Soils, and Paleontological Resources	**GEO-5:** Placement of facilities on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater	None	None
Geology, Soils, and Paleontological Resources	**GEO-6:** Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature	LTS with mitigation	None
Greenhouse Gas	**GHG-1:** Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)

Resource	Impact	Impact with Project	No Project Alternative
Greenhouse Gas	**GHG-2:** Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hazards and Hazardous Materials	**HAZ-1:** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hazards and Hazardous Materials	**HAZ-2:** Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	LTS with mitigation	LTS (only from increased maintenance requirements of the aging infrastructure)
Hazards and Hazardous Materials	**HAZ-3:** Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	LTS with mitigation	LTS (only from increased maintenance requirements of the aging infrastructure)
Hazards and Hazardous Materials	**HAZ-4:** Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment	LTS with mitigation	None
Hazards and Hazardous Materials	**HAZ-5:** Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area	None	None

Resource	Impact	Impact with Project	No Project Alternative
Hydrology and Water Quality	**HWQ-1:** Violation of any water quality standards or waste discharge requirements or other degradation of surface or groundwater quality	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-2:** Substantial decrease of groundwater supplies or substantial interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-3:** Substantial alteration of existing drainage patterns in a manner that would result in substantial erosion or siltation onsite or offsite	LTS	LTS (aging pipeline or tank failures may lead to erosion)
Hydrology and Water Quality	**HWQ-4:** Substantial increase in the amount of surface runoff in a manner that would result in flooding onsite or offsite	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-5:** Creation of or contribution to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-6:** Obstruction or redirection of flood flows caused by drainage modifications	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-7:** In flood hazard, tsunami, or seiche zones, risk of release of pollutants as a result of project inundation	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)
Hydrology and Water Quality	**HWQ-8:** Conflict with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan	LTS	LTS (only from increased maintenance requirements of the aging infrastructure)

Resource	Impact	Impact with Project	No Project Alternative
Land Use	**LU-1:** Physical division of an established community	LTS	None
Land Use	**LU-2:** Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect	LTS	None
Mineral Resources	**MIN-1:** Contribution to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state	None	None
Mineral Resources	**MIN-2:** Contribution to the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan	None	None
Noise	**NOI-1:** Generation of increased ambient noise levels in the project vicinity in excess of applicable standards	S&U	None
Noise	**NOI-2:** Generation of excessive groundborne vibration or groundborne noise levels	LTS with mitigation	None
Noise	**NOI-3:** Placement of project-related activities in the vicinity of a private airstrip or an airport land use plan or within 2 miles of a public airport or public use airport, resulting in exposure of people residing or working in the project area to excessive noise levels	LTS (heliports only)	LTS (only from increased maintenance requirements of the aging infrastructure)
Population and Housing	**POP-1:** Creation of substantial population growth, either directly or indirectly	None	None

Resource	Impact	Impact with Project	No Project Alternative
Population and Housing	**POP-2:** Displacement of a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere	None	None
Public Services	**PS-1:** Creation of a need for new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities	LTS	None
Recreation	**REC-1:** Increased use of existing recreational facilities, resulting in substantial physical deterioration	LTS	None
Recreation	**REC-2:** Construction or expansion of recreational facilities that might have an adverse physical effect on the environment	LTS	None
Transportation	**TRA-1:** Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities	LTS with mitigation	LTS (only from increased maintenance requirements of the aging infrastructure)
Transportation	**TRA-2:** Substantial increase in hazards because of a geometric design feature (e.g., sharp curves, dangerous intersections) or incompatible uses (e.g., farm equipment)	LTS	None
Transportation	**TRA-3:** Potential to cause inadequate emergency access	LTS	None

Resource	Impact	Impact with Project	No Project Alternative
Tribal Cultural Resources	**TCR-1:** Potential to cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)	LTS with mitigation	None
Tribal Cultural Resources	**TCR-2:** Potential to cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 50241	LTS with mitigation	None
Utilities and Service Systems	**UT-1:** Relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, with the potential to cause significant environmental effects	S&U (see NOI-1)	LTS (only from increased maintenance requirements of the aging infrastructure)
Utilities and Service Systems	**UT-2:** Creation of a need for new or expanded entitlements or resources for sufficient water supply to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years	None	None

Resource	Impact	Impact with Project	No Project Alternative
Utilities and Service Systems	**UT-3:** Project-related exceedance of existing wastewater treatment capacity	None	None
Utilities and Service Systems	**UT-4:** Project-related exceedance of state or local solid waste standards or of the capacity of local infrastructure or other impediments to attaining solid waste reduction goals	LTS	None
Utilities and Service Systems	**UT-5:** Inconsistency with federal, state, and local management and reduction statutes and regulations related to solid waste	LTS	None
Wildfire	**WF-1:** Substantial impairment of an adopted emergency response plan or emergency evacuation plan	LTS with mitigation	None
Wildfire	**WF-2:** Exacerbation of wildfire risks associated with pollutant concentrations or uncontrolled spread of wildfire	None	S&U: No Project Alternative would not provide secure fire flow. Mitigation would be to provide more fire flow capacity, as proposed in the District 29 Priority Capital Deficiencies Improvements.
Wildfire	**WF-3:** Project-related installation or maintenance of associated infrastructure that may exacerbate fire risk or result in temporary or ongoing environmental impacts	LTS	S&U: No Project Alternative would not provide secure fire flow. Mitigation would be to provide more fire flow capacity, as proposed in the District 29 Priority Capital Deficiencies Improvements.
Wildfire	**WF-4:** Exposure of people or structures to significant risks such as downslope or downstream flooding or landslide as a result of runoff, post-fire slope instability, or drainage changes	LTS	S&U: No Project Alternative would not provide secure fire flow. Mitigation would be to provide more fire flow capacity, as proposed in the District 29 Priority Capital Deficiencies Improvements.

The changes in this table include two topics that were not addressed in the Draft EIR's alternative analysis by error: CR-3, potential to disturb any human remains, including those interred outside of formal cemeteries; and TCR-2, potential to cause a substantial adverse change in the significance of a tribal cultural resource with cultural value to a California Native American tribe and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 50241. For both of these topics, significant impacts would occur under the proposed project, but the impacts would be reduced to less-than-significant levels by mitigation. For the No Project Alternative, no impacts would occur. The additions to this analysis do not result in significant new information or substantive changes to the Draft EIR because they do not result in a new significant environmental impact, increase the severity of a significant impact, identify a new alternative or mitigation measure, or deprive the public of the opportunity to provide meaningful review and comment.

1.2 Effect of Corrections and Revisions

As discussed in Section 1.1, *Corrections and Revisions to the Draft EIR,* the revisions to the Draft EIR clarify, amplify, or refine information in the Draft EIR, but do not make any changes that would meet the definition of "significant new information" as defined in the State CEQA Guidelines Section 15088.5. The changes described in this chapter do not result in the project or mitigation creating any new or substantially increased significant environmental impacts. The changes do not increase the severity of any environmental impact. No new feasible project alternatives or mitigation measures considerably different from those analyzed in the Draft EIR were identified. The information added to the Draft EIR does not change the Draft EIR in a way that deprives the public of a meaningful opportunity to comment on a new or substantially increased significant environmental effect of the project or disclose a feasible alternative or mitigation measure the Applicant has declined to adopt.

None of the conditions in Section 15088.5 of the State CEQA Guidelines are met and recirculation of the Draft EIR is not required.

Chapter 2

Comments Received During Public Comment Period

2.1 Introduction

CEQA Guidelines Section 15088(a) states that the "lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this chapter of the Final EIR provides each of the written and oral comments received regarding the Draft EIR. Responses to these comments are provided in Chapter 3, *Responses to Comments*.

2.1.1 Agency

The following governmental agencies provided comments on the District 29 Priority Capital Deficiencies Improvements Draft EIR. Their comments are attached on the following pages and responses to their comments are included in Section 3.1, *Public Agencies*, of Chapter 3.

Comment #	Commenter	Date	Submission Type
A-01	California Department of Fish and Wildlife (CDFW) Erinn Wilson-Olgin, Environmental Program Manager I	December 2, 2020	Letter, transmitted by email by Ruby Kwan-Davis
A-03	California Department of Transportation Miya Edmondson, IGR/CEQA Branch Chief District 7 – Office of Regional Planning	December 14, 2020	Letter, transmitted by email by Emily Gibson, through State Clearinghouse
A-04	City of Malibu Richard Mollica, Acting Planning Director	December 14, 2020	Letter transmitted by email by Kathleen Stecko
A-05	California Coastal Commission Denise Venegas, Coastal Program Analyst Walt Deppe, Coastal Program Analysis	December 15, 2020	Letter
Note: Number A-02 not used.			

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Commenter A-01
California Department of Fish and Wildlife
December 2, 2020

From: Kwan-Davis, Ruby@Wildlife <Ruby.Kwan-Davis@Wildlife.ca.gov>
Sent: Wednesday, December 2, 2020 4:07 PM
To: Eduardo Maguino <EMAGUINO@dpw.lacounty.gov>
Cc: Wilson-Olgin, Erinn@Wildlife <Erinn.Wilson-Olgin@wildlife.ca.gov>; Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>; Valand, Andrew@Wildlife <Andrew.Valand@wildlife.ca.gov>; Silva, Felicia@Wildlife <Felicia.Silva@Wildlife.ca.gov>; Rieman, Frederic@Wildlife <Frederic.Rieman@Wildlife.ca.gov>; Howell, Susan@Wildlife <Susan.Howell@wildlife.ca.gov>; state.clearinghouse@opr.ca.gov
Subject: CDFW Comments on Los Angeles County Waterworks District 29 Priority Capital Deficiencies Improvements DEIR

Dear Mr. Maguino,

The California Department of Fish and Wildlife has completed review of a Draft Environmental Impact Report (DEIR) submitted by the Los Angeles County Department of Public Works for the Los Angeles County Waterworks District 29 Priority Capital Deficiencies Improvements Project (SCH #2017111032). Please find CDFW's comment letter attached. Thank you for the opportunity to provide comments. If you have any questions or concerns regarding CDFW's comments, please feel free to contact CDFW at your convenience.

Sincerely,
Ruby

Ruby Kwan-Davis
Senior Environmental Scientist (Specialist)
Temporary Number: (657) 215-1007
Email: Ruby.Kwan-Davis@wildlife.ca.gov

California Department of Fish and Wildlife
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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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3883 Ruffin Road
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(858) 467-4201
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 2, 2020

Mr. Eduardo Maguino
Los Angeles County Department of Public Works
Waterworks Division P.O. Box 1460
Alhambra, CA 91802-1460
EMAGUINO@dpw.lacounty.gov

Subject: Los Angeles County Waterworks District 29 Priority Capital Deficiencies Improvements, Draft Environmental Impact Report, SCH #2017111032, Los Angeles County Department of Public Works, Los Angeles County

Dear Mr. Maguino:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) from Los Angeles County Department of Public Works (LACDPW; Lead Agency) for the Los Angeles County Waterworks District 29 Priority Capital Deficiencies Improvements Project (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.

Project Description and Summary

Objective: The Project consists of several separate improvements to existing waterlines and water tanks and the construction of one new waterline. The objectives of the Project are to provide a more reliable water system for District 29 customers and complete critical water-system improvements. The proposed Project includes the following:

1) **Fernwood Tank Improvement** – Demolition of two 50,000-gallon water tanks and construction of one 200,000-gallon tank as replacement in the unincorporated area of Topanga;
2) **Upper Encinal Tank Improvement** – Demolition of one 70,000-gallon water tank and construction of one 225,000-gallon tank as replacement in the City of Malibu (Malibu);
3) **Pipeline Replacements** – Replacement of approximately 34,300 feet of existing underground water pipeline, ranging from 1.5 to 30 inches. New pipeline(s) will range from 8 inches to 18 inches;
4) **New Pipelines** – Construction of approximately 6,300 feet of new underground 12-inch pipeline in Malibu; and,
5) **Creek Crossing Repairs** – Repairing several creek crossing locations by replacing and recoating segments of pipe and air release valves along Pacific Coast Highway (PCH). The pipeline segments would be constructed underground in existing Malibu, Los Angeles County, and California Department of Transportation (Caltrans) roadways. All proposed creek repair work would be performed within the existing Caltrans right-of-way.

Vegetation may be trimmed or removed in order to access the improvement footprint. Riparian vegetation may be trimmed during Creek Crossing Repairs.

Location: The Project is located in southwestern Los Angeles County. District 29's water service area consists of Malibu and the unincorporated area of Topanga. The Fernwood Tank Improvement is located at 19897 Horseshoe Drive in Topanga. The Upper Encinal Tank Improvement is located at the north of 4501 Vista Del Preseas in Malibu. Pipeline replacements are located at the following locations in Malibu: 3873 Carbon Canyon Road to 22576 Carbon Mesa Road; 18000 to 18303 Coastline Drive; 6480 Via Escondido Drive to 28734 PCH; 18808 to 18980 PCH; 21150 to 21434 PCH; and 21746 to 22716 PCH. New pipelines would be constructed at the following locations in Malibu: 3525 to 4400 Encinal Canyon Road and 19562 to 19742 PCH (end of Vista Del Preseas Road). Creek crossing repairs are located at the following tributaries: Zuma Creek, Escondido Creek, Corral Canyon Creek, Coal (Carbon) Canyon Creek, Los Flores Canyon Creek, Pena Canyon Creek, and Topanga Canyon Creek.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist LACDPW in adequately identifying, avoiding, 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 are also be included to improve the environmental document. 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 Aquatic and Riparian Resources; Lake and Streambed Alteration (LSA) Agreement **A-01-1**

Issue: CDFW is concerned that the Project may impact streams and riparian vegetation.

Specific impacts: The Project's Jurisdictional Delineation Report in Appendix C-2 identified 14 streams potentially subject to CDFW jurisdiction. According to Table 4 on page 4-5 of the Jurisdictional Delineation Report, 2.54 acres (2,920 linear feet) of streambed and riparian resources occur within the jurisdictional survey area.

Why impacts would occur: Project construction and activities could result in temporary or permanent impacts to streams. Vegetation removal to facilitate access improvement footprints for Creek Crossing Repairs may increase sediment, debris, and pollutant input into a stream. The Project would require a foot crew to be present in streams for pipeline repairs, removals, or replacements. Foot, vehicle, and heavy equipment may trample vegetation, cause streambed erosion, or degrade, compact, or denude soils adjacent to or within a stream. Erosion may be more likely where Project construction and activities occur in areas burned by the 2018 Woolsey Fire. Excess sediment may be transported downstream and impair waterbodies. This may impact special status plants, wildlife, or fish species directly or indirectly through habitat modifications or habitat loss.

Evidence impact would be significant: The Project may impact streams, which absent specific mitigation, could result in substantial erosion or siltation on site or downstream of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq*. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).

LSA Notification should occur prior to Project ground-disturbing activities related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive Waterline Improvements; and Las Virgenes Connection.

Mitigation Measure #2: Where Project staging areas occur adjacent to a stream (e.g., Topanga County Beach Staging), CDFW recommends LACDPW establish appropriate setbacks from the stream and demarcate the staging area. A setback should provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging should be within the designated staging area only.

Mitigation Measure #3: CDFW recommends that Creek Crossing Repair improvements be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.

Mitigation Measure #4: CDFW recommends the LSA Notification include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report should also include a scour analysis to demonstrate that stream banks and stream bed would not erode.

Mitigation Measure #5: As part of the LSA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Mitigation Measure #6: LACDWP should update its table of impacts on riparian habitat and sensitive vegetation communities prior to LSA Notification [see Comment #6 (Impacts to Sensitive Vegetation Communities)].

Recommendation: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from LACDPW for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq*. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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

Comment #2: Impacts to Special Status Fish **A-01-2**

Issue: The following species of fish occur within the Project site: southern California Distinct Population Segment of steelhead trout (*Oncorhynchus mykiss*; steelhead), tidewater goby (*Eucyclogobius newberryi*), and arroyo chub (*Gila orcuttii*). The steelhead trout and tidewater goby are Endangered Species Act (ESA)-listed endangered species. The arroyo chub is a California Species of Special Concern (SSC).

Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality, reduced reproductive capacity, population declines, or local extirpation of ESA-listed fish species or SSC.

Why impacts would occur: The Project site contains habitat for steelhead, tidewater goby, and arroyo chub. According to the DEIR, steelhead are known to occur in Topanga Creek and Malibu Creek. Escondido Creek, Corral Canyon Creek, and Las Flores Canyon Creek provide habitat for steelhead. Tidewater goby has a high potential to occur in Malibu Lagoon or Topanga

Creek. The DEIR also states that arroyo chub has a high potential to occur in Malibu Lagoon/Malibu Creek. Lastly, the DEIR states that all three fish species may be present in other streams and brackish waters within the Project site.

Given the high potential for special status fish species to occur, the Project may impact fish directly or through habitat modification. The Project proposes to work only when streams are dry; however, some of the streams (e.g., Zuma Creek and Topanga Creek) and waterbodies supporting tidewater goby flow year-round. Work occurring in these areas could impact fish. Crews working in streams may cause stream bank erosion, potentially resulting in crushing, burying, smothering, or displacing fish, fish fry, nesting burrows, and eggs, or microscopic flora and fauna food sources for fish and fry. Excessive sedimentation may degrade substrate and water conditions needed for reproduction, potentially causing reduced reproductive capacity and success (Reiser and White 1988; Thompson and Larson 2004; USFWS 2005; Jensen at al. 2009). The Project may require vegetation removal along stream banks, potentially resulting in additional stream bank erosion. While dewatering is not expected to occur for any Project-related improvements, the DEIR states that dewatering may ultimately be needed. Subsequently, flow regime changes or changes to the streambed composition may affect the viability and reproductive capacity of special status fish that persist in the affected streams/watershed.

Evidence impacts would be significant: The Project has not proposed specific measures to fully avoid impacts to ESA-listed native fish species and SSC. Project construction and activities, directly or through habitat modification, may result in direct mortality or injury and reduced reproductive capacity of a threatened or endangered fish. CEQA provides protection not only for ESA-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 SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that the Project be conditioned to fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work should occur in the stream channel or stream banks adjacent to streams supporting special status fish species. If work must occur in the stream channel or stream banks, no work should occur during the winter rainy season which typically occurs between December 1 through March 31 in southern California's Mediterranean climate (NMFS 2011). Additionally, no work should occur during the combined rainy season and breeding season(s) (depending on the species potentially impacted):

- *Steelhead*: No work should occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15.
- *Tidewater goby*: No work should occur during peak breeding activities from April 1 through June 31.

- *Arroyo chub*: No work should occur from February 1 through August 31 (Tres 1992).

Mitigation Measure #2: If the Project cannot feasibly avoid impacts, including dewatering activities, to steelhead, tidewater goby, or arroyo chub over the life of the Project, LACDPW should consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation should occur prior to the start of any Project-related construction and activities where there may be impacts to these native fish species.

Take under the federal ESA is more broadly defined than CESA; take under ESA 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. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any Project-related ground-disturbing activities where impacts to special status fish will occur.

Mitigation Measure #3: CDFW recommends LACDPW, in consultation with a qualified aquatic biologist, survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys should be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist should develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub should be reported to CDFW/USFWS.

Mitigation Measure #4: CDFW recommends that LACDPW implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed. New Zealand Mudsnails (*Potamopyrgus antipodarum*) is documented in Malibu Creek and Corral Canyon Creek (USGS 2020). All work boots, equipment, and tools should be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures should be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol (CDFW 2012).

A-01-3

Comment #3: Impacts to Raptors

Issue: CDFW is concerned that the Project may impact breeding and nesting white-tailed kites (*Elanus leucurus*) and/or American peregrine falcon (*Falco peregrinus anatum*). Both raptors are California Fully Protected species.

Specific impacts: Project construction and activities during the raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: Table 7 on page 3-25 of Appendix C-2 states that there is a moderate potential for white-tailed kite to occur and nest within the biological study area. These areas include Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Regarding American peregrine falcon, Table 7 also states, “moderate potential to occur within the [biological study area] at creek banks, ledges, or structures.” Impacts to breeding and nesting raptors could result from Project ground-disturbing and vegetation removal activities. Construction during the breeding and nesting season of raptors could result in the incidental

loss of breeding success or otherwise lead to nest abandonment or reduced feeding, causing the incidental loss of fertile eggs or nestlings.

Evidence impact would be significant: The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protect species. Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511).

Additionally, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513. The reduction in the number of rare raptor species would constitute a significant impact absent appropriate mitigation. Adverse impacts to white-tailed kite and American peregrine falcon may occur because the Project is not conditioned to implement any raptor take avoidance surveys or fully avoid impacts to raptors.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect potential nesting white-tailed kites and American peregrine falcons, CDFW recommends that a qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys should be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys should be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections should be reported to CDFW prior to the any Project-related ground-disturbing activities.

Mitigation Measure #2: If white-tailed kite and/or American peregrine falcon nests are detected, CDFW strongly recommends that no Project-related construction and activities occur from January 1 through August 31.

Mitigation Measure #3: If Project-related construction and activities must occur between January 1 through August 31, CDFW recommends that a minimum 0.5-mile no-disturbance buffer be implemented around each raptor nest. No Project-related construction and activities should occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations should be prohibited. LACDPW, in consultation with a qualified biologist, should develop a robust buffer and demarcation plan. The plan should include effective, specific, enforceable, and feasible measures. LACDPW should be responsible for maintaining protective fencing. Buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care

for survival. A qualified biologist should determine if buffers need to be increased to protect active nests.

Mitigation Measure #4: If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist should repeat raptor surveys before work may restart.

Comment #4: Impacts to California Species of Special Concern **A-01-4**

Issue: With the proposed mitigation measures identified in the DEIR, the Project may still result in significant impacts to the following SSC:

- *Reptiles and amphibians*: southern California legless lizard (*Anniella stebbinsi*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), southern western pond turtle (*Emys marmorata pallida*), coast horned lizard (*Phrynosoma blainvillii*). All species have a moderate potential to occur. The southern western pond turtle has a high potential to occur.
- San Diego desert woodrat (*Neotoma lepida intermedia*). The San Diego desert woodrat is present in the Project site.

Specific impacts: The Project may result in injury or mortality to SSC. The Project may indirectly impact SSC by causing the temporary or permanent loss of suitable habitat.

Why impacts would occur: The Project could result in direct or indirect impacts to SSC absent appropriate mitigation. Direct impacts to SSC could result from Project ground-disturbing (e.g., equipment staging, mobilization, demolition, and grading) and vegetation removal activities. Ground-disturbing activities may trap wildlife hiding under refugia and burrows. Wildlife could be trampled or crushed by construction equipment, vehicles, and foot traffic. This can result in injury or death of adults, juveniles, eggs, or hatchlings. Additionally, the Project may impact native vegetation supporting essential foraging and breeding habitat for SSC.

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for ESA- and CESA-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 SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Scientific Collecting Permit – LACDPW/qualified biologist should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. 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 webpage for information (CDFW 2020b).

Pursuant to the California Code of Regulations, title 14, section 650, LACDPW/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. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement [see Comment #1 (Impacts to Streams and Riparian Habitat; Lake and Streambed Alteration Agreement)].

Mitigation Measure #2: Species Surveys – LACDPW should retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat should follow the United States Geological Survey's 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.

A summary report discussion survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified biologist should discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: Protection/Relocation Plan – Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife should be captured only by a qualified biologist with proper handling permits.
The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper handling and relocation procedures. A relocation plan should be submitted to LACDPW prior to implementing any Project-related ground-disturbing activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.

Mitigation Measure #4: Biological Monitoring – Preconstruction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW should contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys

before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist should safely protect or relocate the animal per relocation and handling protocols.

Mitigation Measure #5: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #5: Impacts to Rare Plants **A-01-5**

Issue: CDFW is concerned that the Project's proposed mitigation for rare plants (MM BIO-8: Plant Surveys) is insufficient to mitigate for impacts to rare plants, including ESA- and CESA-listed endangered and threatened species. The Project's proposed mitigation 1) defers to preconstruction surveys; 2) proposes relocation of rare plants; and 3) mitigation at a minimum of 1:1, possibly through payment of an in-lieu fee.

Specific impacts: The Project may result in population declines or local extirpation of rare plants, including ESA- and CESA-listed endangered and threatened species. The Project could impact at least 27 species of rare plants that include (but not limited to):

- *ESA-listed endangered*: Braunton's milkvetch (*Astragalus brauntonii*);
- *ESA-listed threatened*: canyon liveforever (*Dudleya cymosa* ssp. *agourensis*); Santa Monica mountains dudleya (*Dudleya cymosa* ssp. *ovatifolia*);
- *ESA and CESA-listed endangered*: Ventura marsh milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*); coastal dunes milkvetch (*Astragalus tener* var. *titi*); San Fernando valley spineflower (*Chorizanthe parryi* var. *fernandina*); salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*); Lyon's pentachaeta (*Pentachaeta lyonia*);
- California Rare Plant Rank (CRPR) 1B: Coulter's saltbush (*Atriplex coulteri*); Malibu baccharis (*Baccharis malibuensis*); Mesa horkelia (*Horkelia cuneata* var. *puberula*); decumbent goldenbush (*Isocoma menziesii* var. *decumbens*); white leaf monardella (*Monardella hypoleuca* ssp. *hypoleuca*); California tortula moss (*Tortula californica*);
- CRPR 2B: chaparral ragwort (*Senecio aphanactis*);
- CRPR 3: Lewis' evening-primerose (*Camissoniopsis lewisii*); south coast branching phacelia (*Phacelia ramosissima* var. *austrolitoralis*); and,
- CRPR 4: red sand verbena (*Abronia maritima*); Brewer's calandrinia (*Calandrinia breweri*); Catalina mariposa lily (*Calochortus catalinae*); Plummer's mariposa lily (*Calochortus plummerae*); western dichondra (*Dichondra occidentalis*); southern California black walnut (*Juglans californica* var. *californica*); southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*); fragrant pitcher sage (*Lepechinia fragrans*); Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*); woolly seablite (*Suaeda taxifolia*).

Why impacts would occur: Project construction and activities involving ground disturbance and vegetation clearing, and vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb rare plants. Soil disturbance may result in permanent loss of rare plants and rare plant seed bank. Impacts to rare plants may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a rare plant species range, distribution, and population in the State. The Project proposed Mitigation Measure BIO-8 to mitigate for potential impacts to rare plants; however, preconstruction surveys, relocation of rare plants, and payment of in-lieu fees may not mitigate for impacts to rare plants below a level of significance under CEQA.

First, preconstruction surveys may not detect rare plants if surveys are performed in the previous fall or winter. Moreover, rare plant abundance, density, and distribution may vary annually depending on the timing, duration, and amount of seasonal rainfall. Preconstruction surveys conducted during years of low rainfall inadequate to germinate a rare plant species may result in missed detection because of this variation. Also, multiple surveys are necessary to accurately capture where rare plants may occur. A single preconstruction survey may be insufficient to detect rare plants and determine population distribution. Project construction and activities proceeding after a false-negative preconstruction survey may result in irrevocable damage to a rare plant and seedbank.

Second, rare plant relocation should be considered experimental in nature and not be considered as a measure to mitigate for impacts to rare plants below a significant level under CEQA (Fiedler 1991; Fahselt 2007; Godefroid 2010). CDFW generally does not support the use of translocation, transplantation, or salvaging rare plants as the primary mitigation strategy for unavoidable impacts to rare plants. Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998). Additionally, rare plants are habitat specialists that require specific habitat conditions to exist and persist. For example, they may require a particular soil type, set of pollinators, mycorrhizal fungi, associate plant species, and microclimate. Relocation of rare plants to an area not suitable to support the species may result in the mortality of rare plants and propagules. Furthermore, CDFW is concerned with translocating or moving collected seed to an undisclosed location. The biological implication of mixing genes and specific alleles into new areas is not supported by CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near.

Finally, LACDPW proposes mitigation at a minimum of 1:1 for impacts to rare plants, potentially through payment of in-lieu fees. The proposed replacement of 1:1 may by insufficient to mitigate for impacts to rare plants, especially species that are ESA- and CESA-listed endangered or threatened. The Project may impact species that are extremely rare within their range and are seriously threatened in the State. Replacement at 1:1 may be insufficient considering the species rarity, modifications or permanent loss of the seedbank, and uncertainties and often failures when creating or restoring rare plants and habitat that depend on complex and specific interactions between abiotic and biotic variables and physical processes (Fiedler 1991; Fahselt 2007; Godefroid 2010). Finally, it is unclear how in-lieu fees will be used for mitigation such that there is no net loss of rare plants and specific habitat meeting requirements of the rare plant species impacted. Moreover, it is unclear when in-lieu fees are collected and used for mitigation so there is no prolonged temporal loss of habitat.

Evidence impact would be significant: Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in

California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020). Some CRPR 3 and 4 species meet the definitions of CESA. Depending on the species and ranking, a CRPR species may be seriously threatened in the State. California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2020). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative 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 and/or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that LACDWP retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist should conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground-disturbance where there is suitable habitat for rare plants. Surveys should be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

The qualified biologist should prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report should provide the following information:

a) A description and map of the survey areas. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.

b) Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.

c) If rare plants are detected, provide a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation.

d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).

e) If rare plants are detected, the report/final environmental document should provide species-specific measures to fully avoid impacts to rare plants (see Mitigation Measure #2 and #4 below). For unavoidable Project impacts, provide species-specific measures to mitigate for impacts to rare plants and habitat (see Mitigation Measure #3, #5, and #6).

Mitigation Measure #2: If a CESA- or ESA-listed threatened or endangered rare plant species is detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW and/or USFWS. CDFW recommends a qualified biologist develop a robust avoidance plan. The plan should include effective, specific, enforceable, and feasible measures. If CRPR 1, 2, 3, and 4 species are detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW of CRPR 1 and 2 species.

Mitigation Measure #3: If the Project cannot feasibly avoid impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW must notify and consult with CDFW and/or USFWS.

Mitigation Measure #4: CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends LACDPW seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Mitigation Measure #5: If the Project cannot feasibly avoid impacts to CRPR plants and habitat, either during Project activities or over the life of the Project, CDFW recommends the LACDPW compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. The Project, and environmental document, should be conditioned to provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and, no less than 5:1 for CRPR 3 and 4 species. CDFW recommends that mitigation occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits should be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.

Mitigation Measure #6: If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit

organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

Mitigation lands should be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The abundance of a rare plant species and total habitat acreage within the mitigation lands should be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A rare plant mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, control of illegal dumping, water pollution, and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.

Comment #6: Impacts to Sensitive Vegetation Communities and Natural Areas **A-01-6**

Issue: The DEIR uses the Holland ecosystem classification system to determine impacts on sensitive vegetation communities. By providing the Holland ecosystem classification, CDFW is unable to comment on impacts, alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the sensitive vegetation community.

Specific impacts: The Project will have at least 0.358 acres and 0.053 acres of temporary and permanent impacts, respectively, on sensitive vegetation communities including Southern Riparian Forest, Southern Sycamore Alder Riparian Woodland, and California Walnut Woodland, Southern Coast Live Oak Riparian Forest (Table 3.4-2, DEIR). The Project could impact sensitive vegetation communities not previously known to occur.

Why impacts would occur: The Project proposes to remove or cut back vegetation associated with sensitive vegetation communities. Temporary and permanent impacts to sensitive vegetation communities would occur at the following sites/improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Fernwood Tank Improvement; PCH and Topanga Beach Drive Waterline Improvements; Las Virgenes Connection; Zuma Creek; and Apple Field Lane Vacant Lot staging area. The name provided for each sensitive vegetation community impacted is based on the Holland ecosystem classification system. Since 2012, CDFW transitioned from using the Holland ecosystem classification system to using the State-wide accepted Manual of California Vegetation (MCV) alliance or association-based vegetation classification and mapping standard to track and rank sensitive vegetation communities (Sawyer et al. 2009). Since the DEIR uses Holland ecosystem classification, sensitive vegetation communities may be misidentified, resulting in potentially undisclosed Project impacts.

Evidence impacts would be significant: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish and G. Code, § 1940). This standard complies with the national vegetation classification system, which utilizes alliance and association-based classification of unique vegetation stands. CDFW only tracks sensitive vegetation communities and their respective state (S) rarity ranking using the MCV alliance and association names for vegetation communities. An S3 ranking indicates there are 21 to 100 occurrences of this community in existence in California; S2 has 6 to 20 occurrences; and S1 has less than 6 occurrences. CDFW considers natural communities with ranks of S1, S2, and S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§

15380, 15063, 15065) and to be addressed in CEQA [CEQA Guidelines, § 15125(c)]. Many sensitive vegetation communities are associated with perennial or ephemeral sources of water, including groundwater depended ecosystems. These sensitive communities are deteriorating or have been significantly degraded at local, regional, and state levels. Without identifying the alliance/association vegetation community or their state ranking, the Project may impact sensitive vegetation communities or wildlife species that depend on these communities. The Project may result in substantial adverse direct effect on any S1, S2, or S3 sensitive vegetation communities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation, second edition (Sawyer et al. 2009) and California Natural Community List (CDFW 2020). LACDPW should disclose total acres of temporary and permeant impacts associated with each MCV alliance/association.

Mitigation Measure #2: The Project will impact sensitive vegetation communities. Therefore, CDFW recommends the Project mitigate for impacts as follows:

- A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities.
- A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and,
- A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.

CDFW makes these recommendations based on factors that include (but not limited to) the rarity of the vegetation community in the State; local significance; potential rarity of specific plant species associated with each vegetation community; temporal loss of habitat; and the likelihood that the Project would impact communities associated with wetlands, streams, rivers, and creeks, which provide important food, nesting habitat, cover, and migration corridors for wildlife.

Mitigation Measure #3: Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, CDFW recommends that LACDPW, in consultation with a qualified botanist and restoration specialist, develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP) for impacts to sensitive vegetation communities. The HMMP should include the following components at a minimum:

a) A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and

b) Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, should be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location

and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.

Recommendation #1: Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under Mitigation Measure #2. Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.

Recommendation #2: The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmentally Sensitive Habitat Area, Significant Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures.

LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory (Cal-IPC 2020a). Specially, CDFW recommends avoiding the following species: acacias (*Acacia* genus); tree-of-heaven (*Ailanthus altissima*); iceplant (*Carpobrotus* genus); pampas grass (*Cortederia* genus); fountain grass (*Pennisetum* genus); brooms (*Genista, Cytisus, Spartinum, Ulex*); tamarisk (*Tamarix* genus); periwinkle (*Vinca* genus), and any type of ivy. These species can quickly spread into natural areas.

Instead, CDFW recommends LACDPW revegetate with southern California native plants that are appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage (Cal-IPC 2020b). If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive Plants for Transportation and Utility Corridors for additional guidance and Best Management Practices for using seed mixes (Cal-IPC 2012).

A-01-7

Comment #7: Impacts to Bats

Issue: Additional mitigation measures may be necessary in order to adequately avoid or minimize the mortality of western mastiff bat (*Eumops perotis californicus*) and western red bat (*Lasiurus blossevillii*). Both bat species are Species of Special Concern.

Specific impacts: The Project may result in direct and indirect impacts to bats. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.

Why impacts would occur: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys and reporting by a qualified bat specialist should be conducted prior to any Project-related ground-disturbing activities at locations near potential roosting habitat for bats.

Mitigation Measure #2: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related tree removal, trees should be pushed down using heavy machinery rather than

felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Mitigation Measure #3: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

Mitigation Measure #4: If maternity roosts are found and LACDPW determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise.

Additional Recommendations:

A-01-8

Fencing. All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e.,

outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.

A-01-9

Equipment Inspection. Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.

A-01-10

Data. CEQA requires that information developed in environmental impact reports 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 detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020c). Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.

A-01-11

Mitigation Measures and Monitoring Reporting Plan. CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the LACDPW in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LACDPW 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 LACDPW 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). A final MMRP should reflect the Project's final on and/or off-site mitigation plans.

A-01-12

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 Los Angeles County Department of Public Works and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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).

A-01-13

Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Public Works in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Public Works 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 Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov

Sincerely,

DocuSigned by:
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B6E58CFE24724F5...

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

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. A final MMRP shall reflect the Project's final on- and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1- Impacts to Streams – LSA Notification	The LACDPW shall notify CDFW pursuant to Fish and Game Code, section 1600 *et seq*. prior to any Project ground disturbing activities related to the following improvements: related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive Waterline Improvements; and Las Virgenes Connection.	Prior to Project construction and activities	Los Angeles County Department of Public Works (LACDPW)
MM-BIO-2- Impacts to Streams – setbacks and staging areas	Where Project staging areas occur adjacent to a stream, LACDPW shall establish appropriate setbacks from the stream and demarcate the staging area. A setback shall provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging shall be within the designated staging area only.	Prior to/During Project construction and activities	LACDPW
MM-BIO-3- Impacts to Streams – setbacks and staging areas	Creek Crossing Repair improvements shall be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.	During Project construction and activities	LACDPW
MM-BIO-4- Impacts to Streams – LSA Notification	Lake and Streambed Notification shall include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The	Prior to Project construction and activities	LACDPW

	hydrology report shall also include a scour analysis to demonstrate that stream banks and channel would not erode.		
MM-BIO-5- Impacts to Streams – LSA Notification	As part of the LSA Notification process, LACDPW shall provide a map showing features potentially subject to CDFW's broad regulatory authority over streams. LACDPW shall also provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	LACDPW
MM-BIO-6- Impacts to Streams – LSA Notification	LACDWP shall update its table of impacts on riparian habitat and sensitive vegetation communities prior to Notification.	Prior to Project construction and activities	LACDPW
MM-BIO-7- Impacts to special status fish species - avoidance	The Project shall fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work shall occur in the stream channel or stream banks adjacent to streams supporting special status fish species. If work must occur in the stream channel or stream banks, no work shall occur during the winter rainy season which typically occurs between December 1 through March 31. Additionally, no work shall occur during combined rainy season and breeding season(s) (depending on the species potentially impacted): • *Steelhead*: No work shall occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15). • *Tidewater goby*: No work shall occur during peak breeding activities from April 1 through June 31. • *Arroyo chub*: No work shall occur from February 1 through August 31 (Tres 1992).	Prior to/During Project construction and activities	LACDPW
MM-BIO-8- Impacts to special status fish species - impacts	If impacts to steelhead, tidewater goby, and arroyo chub cannot be avoided, including dewatering activities, LACDPW shall consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation shall occur prior to the start of any Project-related construction and activities where there may be impacts to these native fish species.	Prior to Project construction and activities	LACDPW

MM-BIO-9- Impacts to special status fish species - surveys	LACDPW, in consultation with a qualified aquatic biologist, shall survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys shall be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist shall develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub shall be reported to CDFW/USFWS.	Prior to Project construction and activities	LACDPW
MM-BIO-10- Impacts to special status fish species – aquatic invasive species/decontamination	LACDPW shall implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed such as New Zealand Mudsnails (*Potamopyrgus antipodarum*). All work boots, equipment, and tools shall be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures shall be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol.	Prior to/During Project construction and activities	LACDPW
MM-BIO-11- Impacts to raptors – survey	A qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience shall conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys shall be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys shall be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections shall be reported to CDFW prior to the any Project-related ground-disturbing activities.	Prior to Project construction and activities	LACDPW

MM-BIO-12- Impacts to raptors – avoidance	If white-tailed kite and/or American peregrine falcon nests are detected, no Project-related construction and activities shall occur from January 1 through August 31.	Prior to Project construction and activities	LACDPW
MM-BIO-13- Impacts to raptors – buffers	If Project-related construction and activities must occur between January 1 through August 31, a minimum 0.5-mile no-disturbance buffer shall be implemented around each raptor nest. No Project-related construction and activities shall occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations shall be prohibited. LACDPW, in consultation with a qualified biologist, shall develop a robust buffer and demarcation plan. LACDPW shall be responsible for maintaining protective fencing. Buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist shall determine if buffers need to be increased to protect active nests.	Prior to/During Project construction and activities	LACDPW
MM-BIO-14- Impacts to raptors – surveys	If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist shall repeat raptor surveys before work may restart.	Prior to/During Project construction and activities	LACDPW
MM-BIO-15- Impacts to Species of Special Concern – Scientific Collecting Permit	LACDPW/qualified biologist shall obtain appropriate handling permits from CDFW in order to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to Project construction and activities	LACDPW

MM-BIO-16- Impacts to Species of Special Concern – surveys	LACDPW shall retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) shall conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat shall follow the United States Geological Survey's 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion. Positive detections of SSC and suitable habitat at the detection location shall be mapped. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. A summary report discussion survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified biologist shall discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).	Prior to Project construction and activities	LACDPW
MM-BIO-17- Impacts to Species of Special Concern – protection and relocation plan	Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits. The qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper	Prior to Project construction and activities	LACDPW

	handling and relocation procedures. A relocation plan shall be submitted to LACDPW prior to implementing any Project-related ground-disturbing activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.		
MM-BIO-18- Impacts to Species of Special Concern – biomonitoring	Preconstruction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW shall contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring shall be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC shall be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC shall be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers shall be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist shall safely protect or relocate the animal per relocation and handling protocols.	Prior to/During Project construction and activities	LACDPW
MM-BIO-19- Impacts to Species of Special Concern – injured or dead wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the CDFW and LACDPW by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. Additionally, a formal report shall be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and	During Project construction and activities	LACDPW

	additional mitigation measures have been identified to prevent additional injury or death.		
MM-BIO-20-Impacts to Rare Plants – survey	LACDWP shall retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist shall conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground-disturbance where there is suitable habitat for rare plants. Surveys shall be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The qualified biologist shall prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report shall provide the following information: a) A description and map of the survey areas. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. c) If rare plants are detected, maps(s) will be provided showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and	Prior to Project construction and activities	LACDPW

	abundance of each species).		
MM-BIO-21- Impacts to Rare Plants – avoid	If a CESA- or ESA-listed threatened or endangered rare plant species is detected, LACDPW shall fully avoid impacts and notify CDFW and/or USFWS. A qualified biologist shall develop a robust avoidance plan. If a CRPR 1, 2, 3, and 4 species is detected, LACDPW shall fully avoid impacts and notify CDFW of CRPR 1 and 2 species.	Prior to Project construction and activities	LACDPW
MM-BIO-22- Impacts to Rare Plants – CESA ITP	If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, LACDPW shall seek appropriate take authorization under CESA prior to implementing the Project.	Prior to Project construction and activities	LACDPW
MM-BIO-23- Impacts to Rare Plants – impacts	If there will be impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW will notify and consult with CDFW and/or USFWS.	Prior to Project construction and activities	LACDPW
MM-BIO-24- Impacts to Rare Plants – replacement habitat	If there are impacts to CRPR plants and habitat, LACDPW shall compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. LACDPW shall provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and no less than 5:1 for CRPR 3 and 4 species. Mitigation shall occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits shall be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.	Prior to Project construction and activities	LACDPW
MM-BIO-25- Impacts to Rare Plants – replacement habitat	If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, LACDPW shall set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the same	Prior to Project construction and activities	LACDPW

	watershed as the Project site and support habitat that contains the rare plant species impacted. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A rare plant mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.		
MM-BIO-26- Impacts to Sensitive Vegetation Communities - survey	LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, shall remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation and California Natural Community List.	Prior to Project construction and activities	LACDPW
MM-BIO-27- Impacts to Sensitive Vegetation Communities – replacement habitat	LACDPW shall mitigate for impacts as follows: • A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities. • A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and, • A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.	Prior to/After Project construction and activities	LACDPW
MM-BIO-28- Impacts to Sensitive Vegetation Communities – HMMP	Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, LACDPW, in consultation with a qualified botanist and restoration specialist, shall develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall include the following components at a minimum: a) A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and, b) Vegetation community-specific measures for on- or off-site	Prior to Project construction and activities	LACDPW

	mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, shall be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.		
MM-BIO-29-Impacts to Bats – survey	Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify	Prior to Project construction and activities	LACDPW

	potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology to shall be used to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. Surveys and reporting by a qualified bat specialist shall be conducted prior to any Project-related ground-disturbing activities at locations near potential roosting habitat for bats.		
MM-BIO-30- Impacts to Bats – tree removal	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	During Project construction and activities	LACDPW
MM-BIO-31- Impacts to Bats – maternity roosts	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to/During Project construction and activities	LACDPW
MM-BIO-32- Impacts to Bats – maternity roosts	If maternity roosts are found and impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the	Prior to/During Project construction and activities	LACDPW

	detection of bats. Each tree or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before subset and 30 minutes after sunrise.		
REC-1-LSA Notification	To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq*. and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	Prior to Project construction and activities	LACDPW
REC-2-Sensitive Vegetation communities	Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under **MM-BIO-27**. Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.	Prior to Project construction and activities	LACDPW
REC-3-Sensitive Vegetation communities	The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmental Sensitive Habitat Area, Significant	After Project construction and activities	LACDPW

	Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory. Specially, CDFW recommends avoiding the following species: acacias (*Acacia* genus); tree-of-heaven (*Ailanthus altissima*); iceplant (*Carpobrotus* genus); pampas grass (*Cortederia* genus); fountain grass (*Pennisetum* genus); Brooms (*Genista, Cytisus, Spartinum, Ulex*); tamarisk (*Tamarix* genus); periwinkle (*Vinca* genus), and any type of ivy. These species can quickly spread into natural areas. For example, Fountain grass is a common erosion control/landscaping plant in southern California. Fountain grass can quickly spread and displace native plants. In southern California, Fountain grass is rapidly invading steep west and south facing hillsides in western Santa Monica Mountains. Moreover, Fountain grass may increase fuel load and therefore the frequency, intensity, and spread of fire. Instead, CDFW recommends LACDPW revegetate with southern California native plants that are appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage. If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive		

	Plants for Transportation and Utility Corridors for additional guidance and Best Management Practices for using seed mixes.		
REC-4-Fencing	All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way	Prior to/During Project construction and activities	LACDPW

	to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e., outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.		
REC-5-Equipment Inspection	Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.	Prior to/During Project construction and activities	LACDPW
REC-6-Data	Special status species detected should be reported to the California Natural Diversity Database (CNDDB) by completing and submitting CNDDB Field Survey Forms. Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.	Prior to/During Project construction and activities	LACDPW
REC-7-Mitigation Measures and Monitoring Reporting Plan	CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. LACDPW is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP should reflect the Project's final on and/or off-site mitigation plans.	Prior to Project construction and activities	LACDPW

Commenter A-03
California Department of Transportation
December 14, 2020

From: Gibson, Emily@DOT <Emily.Gibson@dot.ca.gov>
Sent: Monday, December 14, 2020 2:24 PM
To: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>
Cc: Jimon, Mayra@DOT <Mayra.Jimon@dot.ca.gov>; Eduardo Maguino <EMAGUINO@dpw.lacounty.gov>
Subject: SCH # 2017111032, District 29 Priority Capital Deficiencies Improvements Project

william.lamborn@lacity.org

Hello,

For your records, the attached letter is Caltrans District 7's response to the following project: **SCH # 2017111032, District 29 Priority Capital Deficiencies Improvements Project**. The Lead Agency under CEQA, which is the Los Angeles County Department of Public Works, is CC'ed on this email.

Please let me or the other Project Coordinator, Mayra Jimon, also CC'ed on this email, know if you have any questions or need anything else.

Best regards,

Emily Gibson
Associate Transportation Planner, Local Development-Intergovernmental Review
Caltrans District 7, Los Angeles
Emily.Gibson@dot.ca.gov
Work Cell Phone: 213-266-3562
Note: Due to COVID-19, I am teleworking.

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Making Conservation a California Way of Life.

December 14, 2020

Eduardo Maguino
Los Angeles County Dept. of Public Works,
Waterworks District No. 29
P.O. Box 1460
Alhambra, CA 91802-1460

RE: District 29 Priority Capital Deficiencies Improvements Project – Draft Environmental Impact Report (DEIR)
SCH # 2017111032
GTS # 07-LA-2017-03402
Vic. LA-1/PM: 41.098 - 61.332

Dear Eduardo Maguino:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced DEIR. The purpose of the proposed project is to make several separate improvements to existing waterlines and water reservoirs (i.e., tanks) as well as construct a new waterline. The project would include demolishing 3 water tanks and replacing those with new tanks; replacing 34,300 feet of underground water pipeline; constructing 6,300 feet of new underground pipeline; and repairing several creek-crossing, bridge-mounted pipelines. Certain underground pipeline improvements would be within the right-of-way of State Route 1, also known as Pacific Coast Highway (PCH). These improvements would replace 19,000 feet of pipeline and recoat segments of pipe and air-release valves. The Los Angeles County Department of Public Works, Waterworks District No. 29 is the Lead Agency under the California Environmental Quality Act (CEQA). **A-03-1**

The project is located adjacent to or near sections of the PCH, State Route 23 (SR-23), and State Route 27 (SR-27) in Los Angeles County. As noted in the DEIR, this project will need an encroachment permit for any work on or near these facilities. Please contact Caltrans' Office of Permits for more information on applying for an encroachment permit. Contact information for this office can be found at the following link: https://dot.ca.gov/caltrans-near-me/district-7/district-7-programs/d7-encroachment-permits. **A-03-2**

Also, 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 supports the project limiting construction traffic to off-peak periods to minimize the potential impact on State facilities. Since construction traffic may cause delays on State facilities, please submit a construction traffic management plan detailing these delays and the proposed measures for mitigating these delays for Caltrans' review. This plan should account for construction traffic caused by Caltrans' PCH Secant Wall Improvements project, since as noted in the DEIR, construction traffic from Caltrans' project could overlap with construction traffic from this project. **A-03-3**

The construction traffic management plan should also include measures similar to MM-TRA-5 to accommodate the circulation of bicyclists and pedestrians on state facilities such as the PCH during

construction. In addition, since the PCH serves as the popular Pacific Coast Bicycle Route, the Adventure Cycling Association (ACA) should be notified about any construction impacts to this route. The ACA can then communicate any potential route closures to the non-motorized community. Please see the following link for more information on the ACA: www.adventurecycling.org.

The following information is included for your consideration. **A-03-4**

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Furthermore, Caltrans encourages Lead Agencies to implement Transportation Demand Management (TDM) strategies that reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions. For TDM options to potentially include in this project, 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/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf, 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.

As a reminder, Senate Bill 743 (2013) mandates that VMT be used as the primary metric in identifying transportation impacts of all future development projects under CEQA, starting July 1, 2020. For information on determining transportation impacts in terms of VMT on the State Highway System, see the Technical Advisory on Evaluating Transportation Impacts in CEQA by the California Governor's Office of Planning and Research (OPR), dated December 2018: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

The Department can also refer to Caltrans' updated Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG), dated May 2020 and released on Caltrans' website in July 2020: https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf. Caltrans' new TISG is largely based on the OPR 2018 Technical Advisory.

If you have any questions about these comments, please contact the project coordinators, Mayra Jimon and Emily Gibson, at Mayra.Jimon@dot.ca.gov and Emily.Gibson@dot.ca.gov, and refer to GTS # 07-LA-2017-03402.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

From: Kathleen Stecko <kstecko@malibucity.org>
Sent: Monday, December 14, 2020 4:35 PM
To: DPW-Waterworks Projects
Cc: Richard Mollica; Patricia Salazar
Subject: Los Angeles County Waterworks District No. 29, Malibu, Priority Capital Deficiencies Improvements Draft EIR Comment Letter
Attachments: Submittal Letter Malibu.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr. Maguino,

Attached please find the EIR comment letter.

Thank you,

Kathleen Stecko
Administrative Assistant
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 ext. 374

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

Sent via email: waterworksprojects@dpw.lacounty.gov

December 14, 2020

Mr. Eduardo Maguino, Project Manager
Los Angeles Department County Public Works
Waterworks Division
P.O. Box 1460
Alhambra, CA 91802-1460

RE: Los Angeles County Waterworks District No. 29, Malibu, Priority Capital Deficiencies Improvements Draft EIR Comment Letter

Dear Mr. Maguino:

A-04-1

The City of Malibu has reviewed the Draft EIR for the subject project and have one comment relative to a reference on page 3-16-3 regarding the Malibu Local Coastal Program. The EIR indicates the District 29 project would file for an exemption for repair, replacement, and minor alternations or existing public water infrastructure under Coastal Zone Regulation Section 12.20.065 (C). To be consistent with the City of Malibu's Local Costal Program, the correct reference should be Malibu Local Implementation Plan Section 13.4.2 (C). The code reference in the Santa Monica Mountains Local Coastal Program discussion on the same page should be confirmed as well.

Sincerely,

Richard Mollica
Acting Planning Director

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 2000
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732
WWW.COASTAL.CA.GOV

December 15, 2020

Attn: Eduardo Maguino, Project Manager
Los Angeles County Public Works
Waterworks Division
P.O. Box 1460
Alhambra, CA 91802-1460

RE: Los Angeles County Department of Public Works, Waterworks District No. 29 Priority Capital Deficiencies Improvements Project Draft Environmental Impact Report SCH # 2014111057

Dear Mr. Maguino,

A-05-1

Coastal Commission staff has reviewed the Draft Environmental Impact Report (DEIR) for the Los Angeles County Department of Public Works (LACDPW), Waterworks District 29 Priority Capital Deficiencies Improvements dated October 2020, and we appreciate the opportunity to provide comments for your consideration. It should be noted that Commission staff has previously provided comments about this project in writing. Commission staff sent a comment letter regarding the Notice of Preparation for this DEIR on December 18, 2017. Many of the comments that are discussed in this comment letter were identified in the previous comment letter, prior to the completion of the DEIR.

A-05-2

The proposed project involves: the demolition of two 50,000-gallon water tanks and construction of one 200,000-gallon tank reservoir in the unincorporated area of Topanga and demolition of one 70,000-gallon water tank and construction of one 225,000-gallon tank reservoir in Malibu; replacement of approximately 34,300 feet of existing underground water pipeline, construction of approximately 6,300 feet of new underground pipeline; and repairing several creek crossing locations by replacing and recoating segments of pipe and air release valves on PCH with pipeline segments constructed underground in existing roadways.

The proposed project consists of several projects in the Malibu and Topanga areas. Thus, the project is located within the jurisdictions of the City of Malibu Local Coastal Program (LCP) and the Los Angeles County Santa Monica Mountains LCP. Some components of the proposed project will require a coastal development permit (CDP) from each respective jurisdiction (City of Malibu or Los Angeles County), and some components may be exempt from the requirement to obtain a CDP. Each respective jurisdiction is responsible for determining permit requirements, processing the required permit, and analyzing the project's consistency with the policies and provisions of their LCPs. We recommend LACDPW coordinate with the City of Malibu and Los Angeles

County to obtain all necessary CDPs for the proposed project. Additionally, some of the proposed project sitings are located within the appealable jurisdiction of the California Coastal Commission and as such the required coastal developments permits would be appealable to the Coastal Commission. Lastly, it's important to note that some areas of the proposed project may be located within an area where the Commission has retained jurisdiction over the issuance of CDPs, therefore in those areas the project will require a CDP (unless determined to be exempt) issued by the Coastal Commission.

A-05-3

The purpose of this letter is to identify potential coastal resource impacts that could result from the proposed project and provide comments that should be further evaluated in the Final Environmental Impact Report. Policies of particular relevance to the project sites located within the jurisdiction of the Malibu LCP include Section 30230, 30231, 30236, and 30240 of the Coastal Act, which are incorporated as policies of the Malibu Land Use Plan; and for the projects located in the unincorporated area of Los Angeles, goals CO-01 and CO-02 of the Santa Monica Mountains LCP. These policies/goals require that development maintain and restore biological productivity and coastal water quality and limit the type of development in and around Environmental Sensitive Habitat Area (ESHA) or Sensitive Environmental Resource Areas (SERA). These policies not only limit the type of development that can be permitted within these resources, but also provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging feasible alternatives exist for the project and all unavoidable impacts are fully mitigated. Additionally, Policy 3.63 of the Malibu Land Use Plan (LUP) and Policy CO-99 of the Santa Monica Mountains LUP require that new development be sited and designed to preserve native trees that are not otherwise protected as ESHA/SERA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Where the removal of native trees cannot be avoided through feasible alternatives, then adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation.

A-05-4

As discussed in the DEIR, some of the project sites are situated within or adjacent to areas identified and mapped as an ESHA by the Malibu LCP or SERA by the Santa Monica Mountains LCP. As such, the project has the potential to result in significant adverse impacts to the sensitive habitats on and adjacent to the project sites, including but not limited to dunes, riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, and wetlands. Section 30240 of the Coastal Act, which is incorporated as a policy of the Malibu Land Use Plan, and the Santa Monica Mountains Land Use Plan Goal CO-02 require that ESHA/SERA be protected against any significant disruption of habitat vales, and only uses depended on such resources shall be allowed within those areas. Furthermore, Malibu LUP Policy 3.16 and Santa Monica Mountains LUP Policy CO-43, require that new development be sited and designed to avoid impacts to ESHA/SERA, and if there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected.

A-05-5

A-05-6

While the proposed development is located in the general footprint of existing development and previously disturbed areas, the Final EIR should evaluate siting and

A-05-7

design project alternatives that avoid impacts to ESHA/SERA. Only if no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected and mitigation should be required. Further, the Final EIR should evaluate the potential for short-term, long-term, indirect and direct impacts to sensitive habitats located at the respective project sites and surrounding areas as well as any indirect or direct impacts to water quality in the adjacent creeks/streams. **A-05-8**

Additionally, the DEIR states that the proposed project will have adverse impacts to native trees that are protected under the Malibu LCP and Santa Monica Mountains LCP. Specifically, the Fernwood Tank Improvement is expected to result in the direct removal of up to five coast live oak trees. To ensure that native trees are protected consistent with the Malibu LCP and Santa Monica Mountains LCP, the Final EIR should analyze alternatives to the proposed project that would avoid the removal of native trees. Only if no feasible project alternative exists that would prevent tree removal, then the alternative that would result in the fewest or least-significant impacts shall be selected and mitigation should be required consistent with the policies of the respective LCPs. **A-05-9**

Thank you for the opportunity to comment. Coastal Commission staff is available to discuss these comments if that would be useful.

Sincerely,

Denise Venegas, Coastal Program Analyst
Walt Deppe, Coastal Program Analyst

From: Helen Braithwaite <braithwaite.h@gmail.com>
Sent: Wednesday, October 28, 2020 7:19 PM
To: Eduardo Maguino
Cc: Mikke Pierson; speak@malibucity.org
Subject: Re: LA County Waterworks District No. 29 – Draft Environmental Impact Report Priority Capital Deficiencies Improvements

Follow Up Flag: Follow up
Flag Status: Flagged

P-01-1

Here is a thought... what about providing a water tank at the top of Trancas as was in the works over 5 years ago and then a abandoned. That would be a helpful improvement to those that truck water (adding pollution and being completely energy inefficient)
That is an idea 💡 when you think of District 29 improvements that allegedly The City of Malibu can not involve themselves in.

Thank you
Helen
5820 Trancas Canyon Rd

Helen Braithwaite

From: Nojan Boloorchi <nojanb32@icloud.com>
Sent: Wednesday, October 28, 2020 8:45 PM
To: Eduardo Maguino <EMAGUINO@dpw.lacounty.gov>
Cc: DPW-Waterworks Projects <waterworksprojects@dpw.lacounty.gov>
Subject: Re: LA County Waterworks District No. 29 – Draft Environmental Impact Report Priority Capital Deficiencies Improvements

Hi Eduardo,

P-02-1

Thank you for your email. I am the owner of 3700 Malibu Vista Dr, Malibu CA 90265 in the unincorporated section of LA County near the Getty Villa in Malibu. There is a County water storage facility that is in front of my property. Do you know if the proposed changes would effect the structure that is in front of my property?

The following is the picture of the facility and my home:

Sincerely,

Nojan

From: Steve Panagos <steve.panagos@gmail.com>
Sent: Wednesday, October 28, 2020 11:47 PM
To: DPW-Waterworks Projects
Subject: District 29 Improvements

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Email. Proceed Responsibly.

P-03-1

To whom it may concern;

I own a home located at 22251 Carbon Mesa Road and I am directly impacted by this project.

I am 100% supportive of the replacement of the aging and undersized water lines and my only request is that the work is started and completed faster.

These lines are crucial to supplying adequate water flow in the event of a fire.

Thank you
Steven Panagos

Steven Panagos
Steve.Panagos@gmail.com
917.328.3560

From: Anne Marie Tumulty <ATUMULTY@grfllp.com>
Sent: Thursday, October 29, 2020 6:52 AM
To: Eduardo Maguino
Subject: RE: LA County Waterworks District No. 29 – Draft Environmental Impact Report Priority Capital Deficiencies Improvements

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Email. Proceed Responsibly.

P-04-1

My clients no longer own a Malibu property, and their water account has been closed, so I can be removed from this e-mail list.

Thanks

Anne Marie Tumulty

Account Manager
Gelfand, Rennert & Feldman, LLC
360 Hamilton Ave., #100
White Plains, NY 10601
ATUMULTY@grfllp.com
212-307-8027 (Direct Line)
914-872-0927 (Direct Fax)

From: Richard Hinson <rchwdm@gmail.com>
Sent: Friday, October 30, 2020 2:40 PM
To: DPW-Waterworks Projects
Cc: Karl Short
Subject: LA County Waterworks District 29, Malibu Priority Capital Deficiencies Improvements

CAUTION: External Email. Proceed Responsibly.

P-05-1

Dear Mr Eduardo Maguino, Project Manager
I believe I understand the basics of the project but have continuing questions about assessments and overall costs. Over a year ago I attended a meeting with Dave Rydman who suggested that we refer questions to Nima Parsa. On June 3, 2019 we began emailing our questions but have never received any responses. I will copy my emails from last year herein.
I have been paying into two separate funds since we purchased our property in October of 2009; the Service Facilities Construction Surcharge and the Quantity Facilities Construction Surcharge.. Do we assume that all of the payments would be applied to any type of special water district assessment?
Please let us know.
Thanks,
Richard C Hinson
32915 calle de la Burrita, Malibu CA 90265
Account #29158586 Customer # 0102579

o mparsa, Karl, Andy, bcc: me

Dear Ms Nima Parsa:
Back on June 3, 2019 I sent the below email to you at the direction of Dave Rydman. Did you receive my request and if so, when might we expect to hear back from you, Dave Rydman or someone else in your department?
If there is a source other than your department, please give us that information.
Sincerely,
Richard C Hinson
La Chusa Encinal Cyn

Dave Rydman's comments about water bills, assessments et al
4 messages

Richard Hinson <rchwdm@gmail.com> Mon, Jun 3, 2019 at 3:18 PM
To: mparsa@dpw.lacounty.gov
Cc: Karl Short <kshortinc@mac.com>
Bcc: Richard Hinson <rchwdm@gmail.com>

P-05-2

Nima Parsa
At our meeting at Malibu City Hall last Thursday evening, Dave made multiple mentions of fees, possible assessments and possible credits to HOA road districts. He mentioned that I should start asking you these questions and gave me your card.
1.Dave mentioned that we will be assessed with some form of special assessment when the new water system is completed or upon any new permits issued for remodel type of construction. Our house survived so we are not a burn our waiting to rebuild. My question is how much of an assessment and when?

P-05-3

2.I note that on our bi-monthly water bill I see two charges; Service Facilities Construction Surcharge AND a more variable Quantity Facilities Construction Surcharge. Are these fees to be applied to whatever our assessment may be?

P-05-4

3. In various letters there was a statement alluding to some property owners having agreed at some point to a special assessment. To my knowledge I never signed or was given any such letter or agreement and nothing was disclosed to us at our purchase. Can you check you records to see if such an agreement or letter exists for our property? And if so please forward a copy to me.

P-05-5

4. Our neighborhood association is obviously concern about funding road repairs as new water mains are installed. Dave mentioned to me that the Waterworks Districts contribute funds to Road Districts where the Waterworks has properties; in our case we have a big tank (and bigger one going in)up the hill and a smaller tank and pump facility below. Our question is how much is contributed, what timing and how is it divided? Would each of our 5 separate water districts under LaChusa participate or only the one wherein the tank and pump-tank is located?

My address is 32915 calle de la Burrita, Malibu, CA 90265 My LA County Department of Public Works Waterworks Districts acct #

29158586 Customer #0102579

I have been a owner customer since Oct 20, 2009. I've paid service charges, consumption charges and the Construction Surcharges. Please let me know the answers to my questions,

Thank you

Richard C. Hinson 32915 calle de la Burrita, Malibu, CA 90265

32915 Calle de la Burrita
Malibu, CA 90

From: Linda gibbs <lindamgibbs@mac.com>
Sent: Wednesday, November 4, 2020 12:50 AM
To: Eduardo Maguino
Subject: Re: LA County Waterworks District No. 29 – Draft Environmental Impact Report Priority Capital Deficiencies Improvements

P-06-1

Please S T O P putting fluoride in our water.

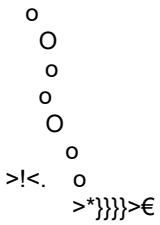
If someone wants to poison them self with foluride they can do it on their own.

I know many people who will not drink tap water because of this, or they waste lots of water filtering out the fluoride with reverse osmosis which wastes many gallons of water for every gallon of water it provides.

The fluoride is not good for your equipment either.

So, how much are they paying you to put that poison in our water. We are not the aluminum industries bio-filter. Stop using us as one.

"Let the beauty we love be what we do. There are hundreds of ways to kneel and kiss the ground." Rumi



l i n d a g i b b s
"Earth Care, People Care, Fair Share"

From: Susan Schoen <skisun@earthlink.net>
Sent: Monday, November 9, 2020 10:35 AM
To: Eduardo Maguino
Cc: Susan Schoen
Subject: LA County Waterworks District No. 29 - Topanga Water Tank Replacement

Follow Up Flag: Follow up
Flag Status: Flagged

HI Mr. Maguino,

P-07-1

I'm emailing you about the two water tanks in Topanga that are to be demolished. I emailed you previously and forgot to ask you a few questions. What capacity tank are the two existing tanks being replaced with? What determined the sizing of the previous two tanks and what year were they installed? With all the home growth in the area is the new tanks going to have a larger capacity then the two existing tanks? What criteria determined the sizing of the new tanks?

Thank you for your help with these questions,
Susan Schoen

From: Jo Drummond <jyotidrummond@yahoo.com>
Sent: Tuesday, December 8, 2020 8:07 PM
To: David Rydman <DRYDMAN@dpw.lacounty.gov>; DPW-Waterworks Projects <waterworksprojects@dpw.lacounty.gov>
Cc: K Hill <kraig.malibu@gmail.com>; Terry Davis <terry.davis821@gmail.com>; Colin Drummond <colinldrummond@gmail.com>; Jeff Grier <grierj@live.com>; Ellen Relles <relles.ellen@gmail.com>; MD Georgia Goldfarb <georgia.goldfarb@healthequality.net>; David Rydman <DRYDMAN@dpw.lacounty.gov>; Scott Dittrich <info@actionsportsstockfootage.com>; Stu Walters <stuwalter@hotmail.com>; Olivier Fortis <fortis@att.net>; Christopher Cunningham <cwcunningham2@gmail.com>; Rosemarie Ihde <rosemarie.ihde@gmail.com>; Frank Albino <falbino@pmcos.com>; Janet Fulk <fulk@usc.edu>; Dee Dee Graves <deed3204@yahoo.com>; Hak Wong <hpwbigrock@yahoo.com>; Scott Dittrich <info@actionsportsstockfootage.com>
Subject: Re: Waterworks EIR // upgrade along Tuna Beach

Hi all..

P-08-1

The **bold type** below are for waterworks to answer before or during their final EIR for the proposed projects in Malibu.

We just finished the waterworks mtg and Dave Rydman answered our questions as this is relating to the Las Tunas landslide and it's just a badly named project for its actual location. However, we did find out that below actual big rock along pch there is already triplicate piping because of the lack of soil stability there.

I have asked if there is movement in the las tunas landslide and he answered that they were having leak problems (due to the landslide?) so I wonder if the big rock Mesa landslide also can be causing possible damage to the pipes under big rock, etc. We'd like some kind of report on the state of the pipes under Big Rock. Dave said he could meet with us regarding this separately. Perhaps we can be shown the EIR study that was completed when the actual Big Rock pipes were tripled. Let us know when we can meet Dave thanks!

P-08-2

By the way these projects are funded by our water bills through our construction facilities charges and property taxes. This project will cost about $5.6 million out of the $60 million total budget for all the District 29 work.

P-08-3

With regards to the Tuna Canyon Big Rock Bypass my question for the waterworks division regarding the EIR is what is causing the leaks in the pipes along PCH in between Tuna Canyon & Big Rock Drive? In the scope it states, "the bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." So what studies have the EIR completed regarding this movement and its effect on those pipes? If this is the Tuna Canyon landslide and not the Big Rock area landslide then this wording needs to be changed in your EIR.

P-08-4

And as per my neighbor below an additional question is how far can the 'continuing movement' extend/involve beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be moved off further in the future. Will this project aggravate any existing movement?

P-08-5

How does sea level rise & erosion affect the movement of the landslide and the proposed project called Big Rock Bypass below Las Tunas canyon?

P-08-6

When will the final EIR be completed addressing these concerns? We were told early 2021 but is there a more specific date?

Thanks very much, Jo Drummond

On Dec 8, 2020, at 9:44 AM, Hak Wong <hpwbigrock@yahoo.com> wrote:

P-08-7

Please asked the DWP engineer how far the 'continuing movement' extent/involved beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be put off further in the future. But we can't actively aggravate the existing movement!
Sent from Yahoo Mail on Android

On Mon, Dec 7, 2020 at 9:01 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote:

Ok yes I'll make sure to get a clear answer. Tysm! Jo

On Dec 7, 2020, at 8:42 PM, K Hill <kraig.malibu@gmail.com> wrote:

There have been instabilities and repair work above Tuna beach within the past few years. So it could be related to that(?)

On Dec 7, 2020, at 8:30 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote:

P-08-8

Yes but when it mentions the big rock area landslide there is only one big rock landslide right? Jo

On Dec 7, 2020, at 8:26 PM, K Hill <kraig.malibu@gmail.com> wrote:

Jo,

P-08-9

I s'pose your questions are still worth asking, but it's clear that where the EIR says "Big Rock area" it's referring to Tuna Beach. Make sure that everyone is talking about the same place, because some Waterworks people may not appreciate the difference.

– K

On Dec 7, 2020, at 7:33 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote:

To whom it may concern and/ or Eduardo Maguino, Project Manager; Los Angeles Department County Public Works; Waterworks Division;

P-08-10

Regarding:

Los Angeles County Waterworks District No. 29, Malibu

I am writing as a member of the dewatering committee in Big Rock. We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of work for the Big Rock Bypass the following: "the bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." Does this confirm movement in the Big Rock Mesa Landslide Assessment District? Has this movement been affecting the pipes and waterworks equipment so that this effort must be mitigated? How did you confirm this movement? Let me know what we can do to get these answers at tomorrow evening's meeting. It is obviously important that we report these findings to Public Works and our dewatering equipment and assessment district management company. For such an expensive and extensive project some extensive studies must have been completed in your EIR to propose this work.

P-08-11

Also we do wonder at the condition of the pipes directly below Big Rock given that we have hydraugers balancing on duct taped pvc piping down there. That could be our Big Rock Assessment's equipment which is separate of course. But all the damage that is caused from pch, "continuing movement", etc. how are the pipes directly below Big Rock being affected and why are they not in the scope of work? How is the current configuration of main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna. And if no upgrades are proposed (or have they been done already?) for below Big Rock, then why/how would Waterworks be confident of the soil stability there?

P-08-12

Here are the questions again:

1. Has waterworks found movement from the Big Rock Mesa Landslide is causing issues with the pipelines in pch? What studies have been completed?

P-08-13

2. Do you already have redundant "triplicate" piping for the water main where it runs along PCH below Big Rock?

- If not, on what basis did you decide that the upgrade is necessary along Las Tunas Beach, but not along PCH below Big Rock?

P-08-14

3. Do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines? Or has this been mitigated already and how?

Thank you and my husband, Colin, or myself will be trying to tune in and ask these questions tomorrow night as well.

Jo Drummond

From a concerned resident:

Hi neighbors,

As a matter of general interest, you might like to look at the EIR for Waterworks' priority capital improvements for the Malibu area. There will be a Webex public meeting about it tomorrow night at 6 pm. Written comments are due by December 15. More info here:

https://pw.lacounty.gov/wwd/web/SystemImprovements/DistrictNo29.aspx

Their plans specify that, where Malibu's water main runs along PCH at Las Tunas Beach, redundant piping is necessary due to the possibility of pipe movement in "loose soils." (Confusingly, they refer to this project as "BIg Rock Bypass Improvements," even though it's at Tuna.)

Anyway, it strikes me that Waterworks' own studies/assessments of Big Rock's safety – or lack of anything recent(?) – might add some additional perspective to the neighborhood's inquiry.

FWIW, here's how Waterworks describes the Big Rock Bypass Improvements (along Tuna Beach) (EIR at 2-8):

<PastedGraphic-4.tiff>
<PastedGraphic-6.tiff>

<Big Rock Bypass.pdf>

From: Jeff Follert <rjfollert@gmail.com>
Sent: Friday, December 11, 2020 11:30 AM
To: Eduardo Maguino
Cc: Jeffrey Lemkin; John Payne; Susan Malzoni; Bertha Lopez-Nava; Rob Duboux
Subject: FW: Sweetwater Tank Upgrade

Eddie,

I am forwarding the below inquiry to update my email address in this thread to rjfollert@gmail.com. Please get back with an update so we can pass it along to our Board and Property Owner/Members.

Thank you,
Jeff Follert

Sent from Mail for Windows 10

From: Jeff Follert
Sent: Friday, December 11, 2020 11:15 AM
To: Jeff Follert
Subject: FW: Sweetwater Tank Upgrade

Sent from Mail for Windows 10

From: Jeff Follert
Sent: Wednesday, December 9, 2020 10:32 AM
To: Eduardo Maguino
Cc: Jeffrey Lemkin; Bertha Lopez-Nava
Subject: Sweetwater Tank Upgrade

P-09-1

Hi Eddie,
Thank you for your time last night. I was surprised to learn that the Sweetwater Tank upgrade project was not included on the current EIR list of projects. There was some mention of a separate process and I was hoping you could enlighten me so I can pass this along to our member/property owners. Specifically:

- Is the project funded and approved?
- If so, what is the proposed schedule?
- What is the separate EIR process that was mentioned?
- Has there been an effort to coordinate the proposed work with the Phase II Sewer project?

We are hoping to include this update in our semi-annual Board Meeting agenda and in communication with member/property owners.
Thank you,
Serra Canyon Property Owners Association (SCPOA)
Jeff Follert

Sent from Mail for Windows 10

Las Virgenes Homeowners Federation, Inc.
Post Office Box 353, Agoura Hills, California 91301
The voice and conscience of the Santa Monica Mountains since 1968

P-10-1

Good Morning Dave:

Thank you very much for your presentation.

However, this morning we do have additional questions -- one for example as it pertains to the Owens tank which you do not list as one of your priority 9 projects, yet it is slated for replacement?

Is the District piecemealing these additional projects or ? We understand that the Encinal waterline upgrade was not included in the EIR, but, we're confused about these additional cumulative impact projects.

Can you please clarify and address this for us? We anticipated the EIR covered the entire scope of the projects Waterworks was upgrading.

Bottom line, how many projects in addition to the 9 listed in the EIR is the District slating for upgrading in the next 6 years? And, what are they specifically?

Thank you,

Kim Lamorie

Las Virgenes Homeowners Federation, Inc.
Post Office Box 353, Agoura Hills, California 91301
The voice and conscience of the Santa Monica Mountains since 1968

December 14, 2020

Eduardo Maguino, Project Manager
Los Angeles Department County Public Works
Waterworks Division
P.O. Box 1460
Alhambra, CA. 91802-1460
Via email: waterworksprojects@dpw.lacounty.gov

Dear Mr. Maguino:

Re: SUPPORT -- Los Angeles County Waterworks District No. 29
Priority Capital Deficiencies Improvements Environmental Impact Report (EIR) **P-11-1**

On behalf of the Las Virgenes Homeowners Federation, Inc., and our mountain and coastal communities with thousands of stakeholders, we generally support the priority improvement projects as outlined in the EIR.

We applauded the use of objective criteria which identify the highest needs of the system as a whole for the benefit of the entire city of Malibu and Topanga as opposed to prioritizing the feeder line projects which benefit land speculators and developers.

The Federation is the largest umbrella of homeowner organizations in the SMMs and SMMNRA and has been representing homeowners' interests for more than 52 years.

We know only too well how special interests, particularly real estate investors and expediters/facilitators, pro-development attorneys, etc., have long sought to confuse the public by manipulating "new water resource infrastructure" versus "existing need" that is NOT to the actual benefit of communities, but to the extraordinary benefit of themselves and their clients.

We are gratified that the neediest, oldest infrastructure with the highest maintenance needs is prioritized in this plan.

We know our own VHFHSZ turf. The Federation has an unequivocal successful track record of advocating for critical homeowner mountain/coastal necessities versus the real estate voices that fearmonger and under the guise of community interest, particularly post Woolsey, seek to make profit for themselves.

We strongly support the District 29 priority projects that ensure that EXISTING residents and neighborhoods of the city of Malibu and of unincorporated Topanga have the resilient sustainable water system they need to ensure safety and system reliability -- including infrastructure upgrades, repair, and replacements to lines and tanks. And, this includes Woolsey fire rebuild water needs in District 29 and in the LVMWD.

Based on the District's criteria and project priority list this appears to be adequately addressed.

P-11-2

The Federation does not, however, support growth inducing NEW water infrastructure where none exists or where upgrades serve no current resident need/purpose except to open up new areas for development (projects put forth by pro-growth opportunists) subsidized on the public's dime. **This would be a misappropriation of public money or funding for the private gain of a few -- namely real estate interests.** Those property owners should bear the burden of the cost for such improvements, not the public.

Consequently, the Federation opposes changing or adding any other projects to the current Waterworks priority list.

The District has determined what priority needs it has and what must be met first with its precious and scarce "public funding".

Special interest pressure should be exposed for what it is -- just that -- an effort to change the project priority list -- to get the public to pay for new water infrastructure where there are vacant parcels with no water access. A simple map review reveals the true intent.

By challenging Waterworks priority list, these pro-growth advocates, hurt our vulnerable residents and communities who need District 29 water upgrades now. It is an affront to our neighborhoods. Further, using Woolsey to fearmonger is reprehensible, and propagating false claims about an old, defunct committee, not representative of the residents of Malibu or Topanga, with no public hearings, is just further evidence of the degree they will go to try and profit off the public dollar.

Moreover, new growth inducing impacts further endanger communities -- urban sprawl is identified as the single biggest contributor of new fire risk as is the expansion of the Wildland Urban Interface (WUI).

We do not need to create any new fire risks including those that would manipulate Waterworks District 29 priority list into new growth.

Instead, please stay the course, use “our money”, public money, wisely, to upgrade, fix, and focus on water supply and safety for all.

Thank you.

Sincerely,
Kim Lamorie
President
Las Virgenes Homeowners Federation, Inc.

From: ginaodian@gmail.com
Sent: Tuesday, December 15, 2020 6:32 AM
To: DPW-Waterworks Projects
Subject: Comments on rate hike

CAUTION: External Email. Proceed Responsibly.

P-12-1

I would like to see the very highest tiers of water usage increase exponentially. Rather than trying to public shame huge water wasters, let's simply let them pay for repairs needed to the system. It's hard for customers to work so hard to constantly save water when there are frequent water main leaks.

Sent from my iPhone

Malibu Coalition For Slow Growth

December 15, 2020

Eduardo Maguino, Project Manager
Los Angeles Department County Public Works
Waterworks Division
P.O. Box 1460
Alhambra, CA. 91802-1460
Via email: waterworksprojects@dpw.lacounty.gov

Re: SUPPORT -- Los Angeles County Waterworks District No. 29 Priority Capital Deficiencies Improvements Environmental Impact Report (EIR)

Dear Mr. Maguino:

P-13-1

On behalf of the Malibu Coalition for Slow Growth, a 29 year old organization and our many supporters, we support the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

We urge you not to add any new projects to the current priority list.

Thank you for your consideration of our thoughts on this matter.

Sincerely,

Patt Healy, Co-Founder
Malibu Coalition For Slow Growth

Malibu Monarch Project

20650 Whitecap Way
Malibu, California 90265
info@malibumonarchproject.com

15 December 2020

Eduardo Maguino, Project Manager
Los Angeles Department County Public Works
Waterworks Division
P.O. Box 1460
Alhambra, CA. 91802-1460
Via email: waterworksprojects@dpw.lacounty.gov

Re: SUPPORT -- Los Angeles County Waterworks District No. 29 Priority Capital Deficiencies Improvements Environmental Impact Report (EIR)

P-14-1

The Malibu Monarch Project supports the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

The western monarchs are bordering on extinction, their historical numbers of 10 million only a few decades ago have dropped to less than 2,000 this year. In fact, today, the USFWS found that the monarch butterfly is warranted for listing under the Endangered Species Act.

The monarch population has plummeted as a result of human development encroaching on habitat and pesticide use. The Santa Monica Mountains have hosted monarchs for millennia. This year only a few were counted in Malibu compared with 1,000 just a few years ago and, of course, many thousands a few decades ago. Development has destroyed both overwintering sites in Malibu and pollinator habitat. Allowing more housing and other development will only further shrink the available habitat.

In addition, adding new development will increase the risk of wildfire by allowing invasive grasses, structures which will burn for hours vs native habitat, and will introduce other causes of human ignition. Human ignition is about the only cause of wildfires in Southern California.

Thus, restricting development in native habitat areas helps prevent the destruction of habitat and is protective against further decimation of the monarch.

Please do not add more development to your project list.

Sincerely,

Georgia Goldfarb
Malibu Monarch Project

2.1.2 Non-Agency Individuals and Organizations

The following non-governmental agency individuals and organizations provided comments on the District 29 Priority Capital Deficiencies Improvements Draft EIR. Their comments are attached on the following pages and responses to their comments are included in Section 3.2, *Non-Agency Individuals and Organizations*, of Chapter 3, *Response to Comments*. The commenters included those attending a virtual public meeting on December 8, 2020, between 6:00 and 8:00 p.m. (All comments received during the virtual public meeting were from non-agency individuals.)

Comment #	Commenter	Date	Submission Type
P-01	Helen Braithwaite	October 28, 2020	Email
P-02	Nojan Boloorchi	October 28, 2020	Email
P-03	Steve Panagos	October 28, 2020	Email
P-04	Anne Marie Tumulty	October 29, 2020	Email
P-05	Richard Hinson	October 30, 2020	Email
P-06	Linda Gibbs	November 4, 2020	Email
P-07	Susan Schoen	November 9, 2020	Email
P-08	Jo Drummond	December 8, 2020	Email
P-09	Jeff Follert, Serra Canyon Property Owners Association	December 11, 2020	Email
P-10	Kim Lamorie, Las Virgenes Homeowners Federation, Inc.	December 11, 2020	Email
P-11	Kim Lamorie, Las Virgenes Homeowners Federation, Inc.	December 14, 2020	Letter transmitted by email
P-12	Gina Odian	December 15, 2020	Email
P-13	Patt Healy, Malibu Coalition for Slow Growth	December 15, 2020	Letter transmitted by email
P-14	Georgia Goldfarb, Malibu Monarch Project	December 15, 2020	Letter transmitted by email
Virtual Public Meeting, December 8, 2020, 6:00–8:00 p.m.			
P-15	Virtual Public Meeting Attendee No. 1 Anonymous	December 8, 2020	Chat box comment
P-16	Virtual Public Meeting Attendee No. 2 Jo Drummond	December 8, 2020	Oral comments
P-17	Virtual Public Meeting Attendee No. 3 Don Schmitz	December 8, 2020	Oral comments
P-18	Virtual Public Meeting Attendee No. 4 Craig Hill	December 8, 2020	Oral comments
P-19	Virtual Public Meeting Attendee No. 5 Nyhar Desai	December 8, 2020	Oral comments
P-20	Virtual Public Meeting Attendee No. 6 Paul Grisanti	December 8, 2020	Oral comments
P-21	Virtual Public Meeting Attendee No. 7 Anonymous	December 8, 2020	Chat box comment

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PRIORITY CAPITAL DEFICIENCIES IMPROVEMENT ENVIRONMENTAL IMPACT REPORT PROJECT

PUBLIC HEARING IN THE MATTER OF:)
)
LOS ANGELES COUNTY WATERWORKS DISTRICT NUMBER 29.)
)

Transcript of proceedings

Tuesday, December 8, 2020

ATKINSON-BAKER, INC.
(800) 288-3376
www.depo.com

Reported by: EILEEN ELDRIDGE, Hearing Reporter

File No.: AE08761

PRIORITY CAPITAL DEFICIENCIES IMPROVEMENT ENVIRONMENTAL IMPACT REPORT PROJECT

PUBLIC HEARING IN THE MATTER OF:)
)
LOS ANGELES COUNTY WATERWORKS DISTRICT NUMBER 29.)
)

Transcript of Proceedings, taken beginning at 6:00 p.m. and ending at 8:04 p.m., on Tuesday, December 8, 2020, electronically using the Webex platform, reported by Eileen Eldridge, Hearing Reporter.

ATKINSON-BAKER, INC.
(800) 288-3376
www.depo.com

Reported by: EILEEN ELDRIDGE, Hearing Reporter

File No.: AE08761

APPEARANCES:

Presenters/Staff:	Jennifer Piggott
	Eduardo Maguino
	Donna McCormick
	Alma Quintana
	Dave Rydman
Public Speakers:	Jiote Drummond
	Don Schmitz
	Craig Hill
	Nyhar Desai
	Paul Grisanti

Tuesday, December 8, 2020

6:00 p.m.

MS. PIGGOTT: The time is 6:00 p.m. local time and we will now start the public meeting for the Los Angeles County Waterworks District Number 29 priority capital deficiencies improvement Environmental Impact Report, or EIR project.

The purpose of this online public meeting is to share information about the Draft Environmental Impact Report, provide information on how to provide comments, and to receive California Environmental Quality Act (CEQA) related comments and questions, oral comments.

My name is Jennifer Piggott and I will serve as your neutral facilitator this evening. I am with ICF who is supporting LA County Works on this EIR as an independent third-party contractor.

Also, on the line and the presenters for tonight are Eduardo Maguino, LA County Public Works, Project Manager, and Donna McCormick, Project Manager with ICF.

Listening in to the meeting is Maria Chong-Castillo, Representative of Supervisor's Kuehl's office. Thank you, Maria, we appreciate your

attendance. This online public meeting is being recorded and transcribed.

If you need assistance with WebEx during the meeting, you can use the chat feature located at the bottom of your screen to message the meeting host or use the hand raise feature. For call-in only users, you can press star 3 to raise your hand.

Thank you everyone for participating.

Now, I would like to introduce Eduardo Maguino.

MR. MAGUINO: Thank you, Jennifer. My name is Eduardo Maguino, Project Manager, for Waterworks District 29 EIR. I will begin tonight's presentation with an overview of the district, the EIR background and describe the proposed project.

We provide drinking water to about 20,000 people in the region. Our service area consists of the City of Malibu and the unincorporated Topanga. The District supplied water by a 30-inch diameter transmission pipeline along Pacific Coast Highway that was built during the 1960s. The District was established in 1959, and many facilities were acquired from various small mutual water companies, some originally constructed in the 1940s and 1950s.

The District's infrastructure is aging and there are many improvements needed to provide a more

reliable system for the existing customers. In 2012 we identified over 266 million dollars work of improvements needed to correct existing deficiencies.

The District conducted community outreach in 2006 to provide an overview on infrastructure needs. After completing extensive outreach with stakeholders, we identified the highest priority improvements. These improvements address serious deficiencies in the water system, including areas with reoccurring leaks and breaks, aged infrastructure that's well beyond it's effective lifespan, structural integrity issues and poor system resilience. We also took into consideration available funding and limiting rate increases.

In November 2017, we started the EIR and had two public scoping meetings. In November of 2018, the Woolsey Fire greatly impacted the region. We paused the EIR at that time to evaluate the water system needs of the community. Based on departmental requirements, it was necessary to add upper Encinal tank improvement located in Western Malibu to assist homeowners with rebuilds.

On October 28th we made the Draft EIR available for public review. The EIR project objectives are providing more reliable water systems for existing Waterworks District 29 customers and complete the nine

most critical water system improvements that have been identified in Waterworks District over the next six years.

The project analyzed in the Draft EIR includes: Constructing two replacement water tanks, one in unincorporated Topanga and one in the City of Malibu; replacing 34,300 feet of waterlines in the City of Malibu and Los Angeles County, 19,000 feet of which are along Pacific Coast Highway; constructing 6,300 feet of new waterlines for an emergency connection to Las Virgenes Water District in Western Malibu and replacing several creek crossing waterline segments on Pacific Coast Highway in the City of Malibu and Los Angeles County.

There are a total of nine improvements analyzed in the Draft EIR, which are considered to be the proposed project for purposes of CEQA. All District 29 projects are proposed to be built over a six-year period at a cost of 60 million dollars. The projects in the EIR represent the maximum amount of work that can be completed using existing funds. The construction timeline is approximately six years, and we do not anticipate raising rates to finance the work.

This is a map that shows the location of the projects which include the replacement of two water

tanks and seven waterline improvements. The map can be found on page 57 of the Draft EIR for easier viewing.

Now, I would like to introduce Donna McCormick for her presentation on the environmental analysis on the project.

MS. MC CORMICK: Thank you. Thank you, Eddie. And hello. I am Donna McCormick with ICF, and I will be providing you with a brief overview of the results of the analysis reported in the Draft EIR. The California Environmental Quality Act or CEQA requires an EIR or Environmental Impact Report if a project could result in significant impacts that cannot be reduced to less than significant levels with mitigation.

Mitigation means methods to avoid, reduce, eliminate, repair, restore, rehabilitate or compensate for environmental impacts. When impacts cannot be reduced to less than significant with mitigation, they're called significant and unavoidable impacts. For this project there is one impact that has been found to be significant and unavoidable.

This impact would be the temporary nighttime noise levels during construction for replacement of pipelines in Pacific Coast Highway. This work must be done in the nighttime hours to avoid closing lanes on PCH during the daytime, which would result in very

significant impacts to traffic. Although, mitigation is included to reduce the noise impacts, it would not reduce them to a less than significant level.

This would be a temporary impact affecting any one individual property for less than one week before construction continues further down the road. For a utility project such as this one, the significant and unavoidable impact related to noise is also reported as a significant impact in the utility section of the Draft EIR.

There would also be significant impacts caused by the project that can be reduced to less than significant levels with mitigation. These are impacts to biological resources, cultural resources which are: Archeological resources and tribal cultural resources, geology and soils including paleontological resources, hazards and hazardous materials and transportation including wildfire evacuation routes.

Again, mitigation will be included for these impacts reducing them to less than significant levels. For all other topics in the EIR the proposed projects impacts would be less than significant or would result in no impacts at all.

Next slide. I would like to speak now about some of the more notable mitigations measures required

for this project. First, to protect nesting birds, as required by the Migratory Bird Treaty Act, pre-construction surveys will be done to make sure that there is no active bird nests in areas that would be affected by construction. If nesting birds are present, construction in that area will be delayed until the birds have fledged.

The project will also be required to replace oak trees removed for construction at a ten-to-one ratio. It's likely only one tree would be affected, but it could be as high as four or five. In some locations, construction sites will be monitored by archeologists in case unknown archeological resources are identified. This will allow the resources to be assessed, protected and/or collected before construction resumes.

Similar monitoring will be required for paleontological resources in areas where appropriate soils and these resources are present. In some location where expansive soils may occur, additional soils testing will be required and appropriate design included to address this type of soil.

I mentioned before that noise mitigation is included to reduce nighttime noise levels as much as possible. Construction will be required to use best available noise control techniques, such as mufflers,

engine enclosures and acoustical shields, backup beepers and truck idling and prior notification to affected residents with a project liaison to respond to noise complaints.

In one location, construction would occur very near existing residences. This will require the use of smaller sized mobile construction equipment to reduce vibration levels at these residences.

Finally, for traffic related impacts, the project requires all lanes to be opened during nonconstruction period and the construction on PCH and one other roadway will be limited to nighttime hours when lane closures are less likely to cause major delays.

I urge you to read the EIR for more information about impacts and mitigation.

Next slide. Okay. We are about to begin the comment session where we will take comments from you. I will remind you that there are numerous methods to comment on the Draft EIR. You can e-mail your comments, mail your comments or provide verbal comments tonight, as shown on this slide.

Even if you do comment tonight, you can and should still provide written comments as long as you do so by the deadline which is 5:00 p.m. on December 15th.

Compliance with the CEQA process is state mandated. In this meeting, we are here to listen to your comments and questions on the EIR. Please understand that comments provided here will be official comments on the Draft EIR. By state law, comments related to the project's environmental impacts will be responded to in the final EIR.

Next slide. The comment period closes at 5:00 p.m. on December 15th. After the comment period closes, we will respond to the CEQA related comments and questions in the Final EIR. We anticipate finalizing the EIR for the County Board of Supervisors' approval early in 2021. Once the EIR is finalized, the County will work closely with the City of Malibu and other partner and permitting agencies to acquire project approvals to meet the aggressive six-year schedule for these important improvements.

More improvements are needed throughout the region. The County will continue to assess water system needs that will allow Waterworks to continue to deliver high quality water to their customers. We realize that you may have many questions other than those on the Waterworks District -- I'm sorry -- other questions on Waterworks District 29 in general or specific questions related to your neighborhood.

Our goal is to keep this comment period focused on the environmental impacts of this specific project tonight, so we can follow the project CEQA formal process. However, other comments or questions, can be submitted to the same e-mail address for follow-up from Public Works.

I'll turn it over to our facilitator, Jennifer, to go over the ground rules and start the comment session.

Jennifer?

MS. PIGGOTT: Thank you, Donna. We have now reached the second part of the online public meeting, a facilitated comment and question session. If you have not already notified the facilitator or meeting host to be added to the commenter list and would like to speak, please send a chat message to the meeting host or raise your hand using the hand raise icon, which is located near the chat feature. If you are on Webex or for call-in only users, press star 3 to raise and lower your hand and we will add you to the commenter list.

As a reminder, each commenter will have 3 minutes to make their comments. At the start of your comments, we ask that you state your full name for the record. Donna, during the presentation, we did receive a question in the chat feed, which I will read now. The

first question is: **P-15-01**

I do not see the Sweetwater tank upgrade, is it included?

MS. MC CORMICK: Thank you for your comment. No. That project is not included in this EIR. I would ask the County if they had anything to add.

MS. QUINTANA: Good evening, everyone. My name is Alma Quintana.

MS. MC CORMICK: Alma, we can barely hear you. Could you maybe move your mic closer?

MS. QUINTANA: I'm sorry. Is that any better?

MS. PIGGOTT: It's a little bit. You might want to speak a little bit slower, Alma.

MS. QUINTANA: Okay. The Sweetwater tank is in the EIR is the cumulative analysis. So that project will have its own CEQA process, but it is included in the cumulative analysis as required by CEQA. Is that clear?

MS. PIGGOTT: Yes. Thank you, Alma. And for gentleman who asked the question, if you have any follow-up questions, please feel free to send them in the chat or to raise your hands. Thank you.

Okay. Ladies and gentlemen, our first speaker on the commenter list is Jiote Drummond give me just one moment. I'm going to ask you to unmute.

Jiote Drummond, you're unmuted.

MS. DRUMMOND: Hi. Yeah, it's Jo. Can you hear me?

MS. PIGGOTT: Yes. I can hear you. Go ahead. You have 3 minutes.

P-16-01

MS. DRUMMOND: Great. I'm a member of the dewatering committee in Big Rock, and have I some questions regarding the Big Rock bypass. I understand that this is happening along PCH between Big Rock Drive and Tuna Canyon. This is not actually below Big Rock, so we're a little confused. We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of the Big Rock bypass the following:

"The bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area."

Does this mean that you have studied the landslide and does it confirm movement in the Big Rock Mesa Landslide District? Has this movement been affecting the pipes and Waterworks equipment, so that this effort must be mitigated? How did you confirm this movement?

Let me know what we can do to get these answers. It is, obviously, important that we report

these findings to Public Works and to our dewatering equipment and assessment district management company. Extensive projects -- some extensive studies must have been completed in your EIR to propose this work.

Also we do wonder at the condition of the pipes directly below Big Rock given that we are -- we have high (Inaudible) balancing on duct tape PC piping down there. That could be our Big Rock assessment equipment, which is a separate thing, of course. But all the damage that is caused from PCH, continuing movement, et cetera, how are the pipes directly below Big Rock being effected and why are they not in the scope of work or have the current configuration of the main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna? And if no upgrades are proposed or have been (Audio interruption) below Big Rock, then why or how would Waterworks be confident of the soil stability there?

So here are my questions again: One, has Waterworks found movement from the Big Rock Mesa landslide that is causing issues with the pipelines on PCH where studies have been completed? Two, do you already have redundant triplicate piping for the water main where it runs along PCH below Big Rock? If not, on what basis did you decide the upgrade is necessary along

Las Tunas Beach, but not along PCH below Big Rock? Three, do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines or has this been mitigated already?

Thank you. And I look forward to hearing the answers.

MS. PIGGOTT: Thank you for your comments. If you would please lower your hands. Okay. Ladies and gentlemen, we ever a request for the previous question to be reanswered by the County due to you some audio issues. So, again, the question was: I do not see the Sweetwater tank upgrade, is it included.

MR. MAGUINO: I can answer that, Jennifer.

MS. PIGGOTT: Thank you, Eddie.

MR. MAGUINO: So the Sweetwater Mesa tank is not included in this EIR. It is only the cumulative impacts are analyzed in this EIR. The Sweetwater Mesa tank has a separate standalone CEQA process.

MS. PIGGOTT: Okay. Thank you, Eddie. And for the individual who asked the question, if you have any follow-on questions, please just write them in the chat box or raise your hand. Okay. Ladies and gentlemen, our next speaker this evening is Don Schmitz.

MS. MC CORMICK: Before we start that, can we focus on the last comment, not the one that was repeated

but one on Big Rock.

MS. PIGGOTT: Sure. Go ahead.

MS. MC CORMICK: So the Big Rock bypass project is not the same one I believe you are talking about, so it was not addressed in this EIR. But I'll turn it over to the County for more information on that project.

MS. PIGGOTT: Great. Thanks, Donna.

MR. RYDMAN: This is Dave Rydman. I am the principal engineer for Waterworks overseeing all our field operations. And, Jo, thank you for your question. Thank you all for giving us a heads-up on this question coming and sending it in e-mail, so I didn't have to furiously write the whole thing down.

It was very well spoken. Again, we really appreciate everybody being on this call with us tonight. Apologize about COVID and the fact that it has to be electronic, we're doing the best we can to address the concerns that we're seeing.

I really can't answer a lot of the questions that Jo answered from a CEQA perspective because the questions are really about details of the project itself. However, I do want to ease some of your mind on this. The project, the Big Rock bypass project is actually located east of the Big Rock area. Blame it on engineers. We pick the major streets that are the

nearest vicinity to the project and as some of the community has indicated, they may not be the best naming convention for this project because it is located east of Big Rock.

I want to address, first of all, that there is already a bypass line that is in place in this area, just because of the single feed that brings water into the Waterworks District. There's a 30-inch main on Pacific Coast Highway that brings all of our supply in, and in the vicinity of Big Rock both -- just a little bit to the west and then continuing further east, there are three 10-inch bypass lines that provide a redundant supply for the entire District just in case there's ever any issue with that 30-inch main.

And so this Big Rock bypass project is addressing one specific area of that existing bypass and it's replacing the 30-inch main and the three 10-inch mains with three 18-inch mains. It's a slightly different project, it still will be able to convey approximately the same amount of flow. There's been a whole engineering analysis on why that configuration was selected, but it isn't specific to the area where there was a landslide that we call the Big Rock landslide back in the 80s.

So I hope that answers the questions that

you've got. I'll just go one by one kind of on your summary, Jo, to make sure. Has water found movement from the Big Rock Mesa landslide is causing issues with the pipelines and PCH and what studies have been conducted? The simple answer is no, we haven't found that there is land movement causing issues with the pipeline and there haven't been any studies conducted specifically because, again, the project that we're looking at is located east of Big Rock.

And you already have redundant triplicate piping for the water main where it runs along PC and Big Rock and the answer is yes. And then do you have data showing that soils along Big Rock are safe enough to require triplicate pipelines or has this been mitigated already? And, again, there is triplicate pipelines all along the Big Rock area and the pipelines are selected based on the soil conditions that are found during construction.

MS. PIGGOTT: Thank you, Dave. Our next commenter is Don Schmitz. Mr. Schmitz, I'm going to ask you to unmute.

MR. SCHMITZ: Good evening.

MS. PIGGOTT: Good evening. You have 3 minutes. **P-17-1**

MR. SCHMITZ: Thank you very much. I

appreciate it. First of all, I want to thank everybody for all the hard work that's gone into this. It's good to see you again, Dave. I want to thank Maria Chong-Castillo. I've been working with her for many years on this. She's been working on this for several supervisors and multiple City of Malibu council members and it's good to see parts of it moving forward. It's overdue.

I do have some questions in regards to the scope of the EIR, asked and answered is the water improvement system within the Civic Center, which is the aforementioned Sweetwater Mesa tank. I know a lot of funds have been contributed to that by property owners within the Civic Center and that's a separate CEQA document.

But what concerns me is that this EIR does not seem to address many of the priority projects of several years of work from the Citizen Committee and the Professionals Group which is hosted by Water District 29 and the City of Malibu. I do sit on that, identified four of the communities of Malibu and it seems like perhaps they were not included out of a budgeting constraint, but I would point out that the EIR pursuant to CEQA is an informational document -- what concerns me greatly is that when Water District 29 is able to

approve the funds and move up, again, on improving some of those tanks, again, I'll give you the two examples, we will be put into another very lengthy CEQA review process.

So the two that jump out at me, which were both identified, as I recall correctly, as priority number one projects from the task force group that worked on this was in the Las Flores Mesa area, which has a deficient water main and water tanks size, and I believe Carbon Canyon Mesa, same story.

These are both built up neighborhoods. They both have existing tanks, which are very substandard. They both have substandard water main lines, three- or four-inch lines. And so those were identified as, as prior projects by the Water District in the City of Malibu, in the Citizen Task Force.

It seems that somehow that those have dropped out, and it does concern me greatly. And I know also that Water District 29 in Las Flores Mesa has done a lot of analysis to ascertain definitively the geologic stability of the water tank site in that location where the existing water tank is.

So I know the Water District did take some input in regards to how to prioritize these different projects. But the two that I just addressed meet all

the criteria and that they're completely built out neighborhoods which are at risk with very substandard infrastructure, which is the reason why they were priority one projects.

So I sure hope that we can continue to include those priority one projects in this review cycle for this EIR, so that we don't have to go through another CEQA review process when the Water District is able to financially budget the improvements to those two neighborhoods and any others that they deem appropriate.

We could certainly review everything through the CEQA process now with this EIR that does not obligate Water District 29 to immediately make those improvements.

So I want to thank you very much for listening to my comments and for all the hard work that the supervisors' office and the Water District has put into this very laudable effort. I am grateful. Thank you.

MS. PIGGOTT: Thank you for your comments.

MS. MC CORMICK: So this is Donna. I would like to tell you that this document only addressed the nine improvements that were provided by the County in their first priority and I defer to the County to answer any questions that they may have about -- any information they may have about other projects.

MS. QUINTANA: Hi. This is Alma again. Can everyone hear me better now.

MS. PIGGOTT: Yes, Alma. You're much better.

MS. QUINTANA: Great. Thank you for the comment. We did look at a whole list of priority projects and as Eddie already covered in the presentation, there are a lot of deficiencies in Waterworks 29. So we did have to look at our funds and make sure that we were spending appropriately and really prioritizing the most critical projects. And that's the objective of this project and this EIR.

But we recognize that there's more work to be done in the future, and we will continue to evaluate our system and make the most critical improvements. Thank you.

MS. PIGGOTT: Thank you, Alma.

MR. RYDMAN: This is Dave Rydman. I want add, Don, just in response to your question just to clarify the Carbon Mesa and Carbon Canyon pipeline is one of the 9 projects that's included in the priority. You asked about Las Flores and Carbon, I just wanted to clarify that that one is in.

MS. PIGGOTT: Thank you, Dave. Ladies and gentlemen, we've heard from everyone who requested to speak and still have plenty of time remaining. If

anyone would like an additional 3 minutes to provide additional comments, you may raise your hand. Please limit your comments to additional comments, not repeating your previous comments. For those using Webex webinar feed, please raise your hand by using the raise hand feature located near the chat feature or if you have not already provided an oral comment and would like to provide an oral comment.

For our call-in only users, please press star 3, if you would like to provide an oral comment and I will call on you as time permits. I see we have a hand raised by participant Craig Hill. I'm going to ask you to unmute. **P-18-1**

MR. HILL: This is just a quick follow-up with Dave. Hi, Dave. This is Craig Hill up in Big Rock. We've met a few times. Just following up on Jo's comments, I'm just curious if you can say offhand how long has it been since the piping directly beneath Big Rock has been studied or evaluated, you know, how do we know that it was not worthy of inclusion in this project? Was it last assessed last year or has it been 20 years? Or just any sort of indication of what the status of our knowledge is of that piping because, you know, as you're aware, we're going to be going ahead with a lot of talk about the assessment district and so

forth. And any further clue you could give us about what is known about the condition of those -- the current piping of Big Rock might be helpful. Thanks.

MS. PIGGOTT: Okay. Thank you for your questions. Dave, I see you're unmuted, do you want to take the -- respond first.

MR. RYDMAN: Yeah. I do -- thanks, Craig. It's so weird to have people just talking and missing you guy's faces, but appreciate you taking time to be in the meeting tonight. I do think that this issue a little bit deviates from the EIR specifically where I addressed the project that we're talking about is located a distance away from the Big Rock area. I think it would be best to take that conversation offline. It doesn't specifically address the -- it isn't part of the CEQA comments, because there's a very formal process on that and we can talk about specific issues in the Big Rock area. Would that be okay?

MR. HILL: Sure.

MR. RYDMAN: Okay. I want to just check in with Donna and Jennifer on a legal standpoint, since they're our experts on this. Is there any concerns with taking this specific issue that's a question that doesn't really have to do with projects that are described in the EIR and addressing it in a separate

meeting specific with the Big Rock community, any concerns there?

MS. MC CORMICK: This is Donna. No, I have no concerns there. If there are comments on this EIR on the Big Rock bypass project that is included in this EIR, I encourage people to provide written comments before the comment period ends on 5:00 p.m. on December 15th. And I'll rely on you, Dave, to let us know if you hear comments that need to be addressed in the final EIR.

MR. RYDMAN: Great. Thank you Donna. So Craig and Jo, let's follow up separately on the issue outside of the CEQA process.

MR. HILL: Yeah, excellent.

MS. PIGGOTT: Jo Drummond, I got your chat request that you have a follow-on or clarification question. I'm going to ask you unmute.

MS. DRUMMOND: Hi.

MS. PIGGOTT: Hi there. Go ahead.

P-16-2

MS. DRUMMOND: So I was asking Dave, so the movement -- it says in the scope:

"The bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area."

So what movement is it addressing? That's what

I want to know. Is it a different landslide. That's what I'm trying to figure out.

MS. PIGGOTT: Dave, are you able to help clarify.

MR. RYDMAN: Yes, I can help. I belive as Craig -- and, again, this is not really addressing issues in the area itself. But I believe it's called the Las Tunas landslide that there is a history of landslides all throughout the Malibu area. The bigger issue is these projects have been selected because they are in leak-prone areas.

And this area, this 1,500 feet that's addressed by the Big Rock bypass project as we're calling it, is one of the areas where we just have observed a disproportionate amount of leaks and that's why we're addressing it in its specific reach. It isn't specifically related to a landslide, but we do know that there are landslides throughout Malibu area including the Las Tunas.

Does at that help, Jo? **P-16-3**

MS. DRUMMOND: Oh, yeah. I just -- it was in the scope, so I wondered. It say, "To accommodate continuing movement of a major landslide in the Big Rock area," so I wondered what it was.

MR. RYDMAN: It is not the Big Rock landslide.

MS. DRUMMOND: Yeah. It's the Las Tunas.
MR. RYDMAN: Yeah.
MS. DRUMMOND: And so we'll talk separately about Big Rock. Okay. That would be great.
MR. RYDMAN: That's correct. We'll set that up separately.
MS. DRUMMOND: Thank you.
MS. PIGGOTT: Thank you, Jo. Thank you, Dave.
MS. DRUMMOND: Thanks.
MS. PIGGOTT: Ladies and gentleman, while it appears that there are no more speakers at this time, we will continue to stay on the line until the end of the scheduled meeting to ensure everyone has had an opportunity to comment or ask questions. Again, to be added to the speaker list, please raise your hand or send a note using the chat.
I see another hand was just raised. Again, I apologize if I mispronounce your name. Nyhar Desai (Phonetic), may I ask you to unmute.
MR. DESAI: Can you hear me? **P-19-1**
MS. PIGGOTT: Yes. Go ahead. You have 3 minutes.
MR. DESAI: Thank you. I'm not going to need 3 minutes. But just following up on Don's comments here. The list that was given of the 9 projects, is there any

order of urgency on that list. I believe it looks like 1 or 2 on your presentation here and if there is no urgency we request -- we're trying to get all the homeowners together but, again, following up on what Don said. We really are hoping that the Public Works District will take care of Carbon Mesa and Carbon Canyon first just because it is a built out neighborhood and it is posing a great life safety risk because of the very, very low water flow in the lines that are currently existing.

Is there any type of priority that will be given to that project?

MS. PIGGOTT: Thank you for your questions. Donna, do you want to respond first from a CEQA perspective?

MS. MC CORMICK: Yes. I can respond. In chapter 2 of the Draft EIR, there is a construction schedule when the approximate dates of the beginning and ending of each improvement for construction is listed and I defer to the County for any other information.

MS. QUINTANA: I'll just add to that. So all of the projects they're deemed critical and if you look at the schedule, it's a really -- it's really an aggressive schedule for six years to complete all the projects. They're not in a particular order, but we're

going to try to get the ones that we can get through the quickest, so we can keep moving on.

Some of them will have more complicated permitting issues and we'll take the time to get through those while we try to push other projects. So it's a pretty tough schedule for all the projects. And, again, Donna, reference the place in the document where we have the schedules listed, the estimated schedules listed for all those projects including Carbon. Thank you.

MS. PIGGOTT: Thank you, Donna and Alma. Did you have any additional follow-on questions. **P-19-2**

MR. DESAI: No. If that's all the information we have right now, I just want to emphasize that we do feel it is a life safety issue on Carbon Mesa and Carbon Canyon. So any expediency is greatly appreciated.

MS. PIGGOTT: Great. Thank you for your comments. When you get the opportunity, please lower your hands. Dave, did you have a follow-up?

MR. RYDMAN: Jennifer, there's a question that's been directed just asking is the water tank Carbon Mesa included or only the waterline in the EIR?

And I just wanted to clarify for everybody that the Carbon Mesa pipeline and the Carbon Canyon pipeline are included in the EIR. A proposed tank in the Carbon Mesa is not included in the EIR.

MS. PIGGOTT: Great. Thank you, Dave.

Ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment. To do so, please send the host a chat message, raise your hand by using the raise hand feature or for the call-in only users, press star 3 to raise your hand. While we won't be presenting any additional information or new content, we will stay on the line until the published end time to receive your oral comments and questions.

Don Schmitz, I see your hand is raised. I'm going to ask you unmute.

P-17-2

MR. SCHMITZ: Thank you. Dave, I appreciate you responding back to my query in regards to Carbon Mesa. And that was my read of the EIR document was that Carbon Canyon and Carbon Mesa line, which is essentially one and the same, it's just the line and not the tank. And the tank, as I recall in there, is a very substandard 50,000 gallon tank. It's great to get an adequate sized water main to serve that neighborhood up there in Carbon Mesa, but that being said, the majority of that neighborhood is above the pressure zone and standards being what Water District 29 has applied historically in the fire department, they want to see gravity flow for the 1,250 gallons per minute for one hour that was modified from two hours pursuant to the

Woolsey Fire.

So I find it extremely curious why it is that when we have a tank, when there is an established easement in the area up there at the top the Mesa to the benefit of the water district to accommodate a larger tank in that seeing the tank is so substandard, why is it that we would be putting in just the water main in that area without improving the size of the tank so that neighborhood is adequately served.

Again, this was a priority 1 project as established by the assistant task force, Water District 29 and the City of Malibu. So I would appreciate if you could address that one specifically and if at all possible, Dave, if you could shed some light on why Las Flores Mesa was also dropped back seeing as it's an established neighborhood and such a substandard system.

I really do appreciate your feedback on that, sir. Thank you.

MS. PIGGOTT: Thank you for the questions. Dave, are you able to take the first round of responses?

MR. RYDMAN: I'm going to give somebody else a chance because it sounded like the line was going unmute real quick. I think Alma was gating ready to answer this. Hang on a second.

MS. QUINTANA: If you take my answer before, so

we looked at a lot of different issues in it. It wasn't just the size of the tank and fire flow. We had to look at the areas where there were significant number of leaks. We had to look at structural deficiencies. So some of -- you know, one of the tanks was in the critical list that are part of this project -- is structurally deficient. The projects selected are just the most urgent of all the projects that we've identified in the past or all the deficiencies in the past.

So those some of the reasons and other reasons are our system resiliency. So we had to look at making connections to account for emergencies in the future, that's our interconnection pipes. So I just want to give you an idea, we had look at a lot of different criteria to prioritize this list of projects. And that's still acknowledging that there's more work to do in the future and we'll handle those as we get through this list of projects and continue to have stakeholder engagement and hear these concerns of yours and take that into account as we move forward.

MS. PIGGOTT: Thank you, Alma. Don, did you have any additional questions or follow-up questions?

MR. SCHMITZ: No. I guess I'm good. I don't want to -- it's not a debate; it's a comment period.

And I do want to thank you for your time, but I'm good for now.

MS. PIGGOTT: Great thank you so much for your comments and questions. Okay. Jo Drummond, I see your hand is raised. I'm going to ask you to unmute. **P-16-4**

MS. DRUMMOND: Sorry I keep going back to Las Tunas landslide. I just want to know has there been movement in the Las Tunas landslide that's causing the leaks that caused this project to come up?

MS. PIGGOTT: Donna, can you answer that from a CEQA perspective and then maybe we'll ask the County for a follow-up.

MS. MC CORMICK: Yeah. I'm going to defer to the County because this is not the Big Rock bypass project that is in the EIR.

MS. PIGGOTT: Thanks, Donna. Dave?

MR. RYDMAN: They're not doing this project as mitigation for a landslide. This is -- we know that there are landslides throughout Malibu. The reason that this project was selected was because of the frequent leaks on this section of the pipeline. So that is why this particular stretch is being replaced.

When there is -- when a project is designed and constructed, there's going to need to be a geological analysis that's conducted as part of the design and if

there is information found out during that process, it will be reflected in the construction and in the design plans for the project.

P-16-5

MS. DRUMMOND: Okay. So when it says "accommodating continuous movement of a major landslide," it's just the design? That's all? It's not because it's actually moving?

MS. QUINTANA: I think that might be a question on the EIR itself. I'm not too sure, but I think it's language in the EIR, I would say go ahead and submit that in writing to us and we dig in the details to see what that's referencing and kind of give you a better answer. And if it's related to the EIR, then we'll do that in the Final EIR. And if not, we can probably take that offline and talk to you about that.

MS. DRUMMOND: Okay. Thank you.

MS. PIGGOTT: Thanks, Alma. Thanks, Jo. Please lower your hand when you get a chance.

Ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment or ask a question. To do so, please send the host a chat message, raise your hand by using the hand raise icon or for call-in only users press star 3 to raise your hands. While we won't be presenting any additional information or new content this evening, we will stay on the line

until the published end time to receive your oral comments and answer any questions we can.

Nyhar Desai, I see your hand is raised. I'm going to ask you to unmute. **P-19-3**

MR. DESAI: Thank you. Sorry. I was just browsing the Draft EIR and I thought somebody reference a timeline in Chapter 2. Is there a particular section I should be looking at where the timeline is.

MS. PIGGOTT: Thank you for your question. Donna, are you able to give a little bit more information about where that timeline might be located in the EIR.

MS. MC CORMICK: Yes. It's a table. I'm going to look it up and tell you exactly which table it is.

MR. DESAI: Thank you.

MS. MC CORMICK: But it will take me a minute.

MS. PIGGOTT: Okay. Great. Thanks, Donna. While she's looking that up, do you have any additional questions?

MR. DESAI: Not at the time, no. Just that question.

MS. PIGGOTT: Okay.

MR. DESAI: Thank you.

MS. MC CORMICK: I have a location for that table. It's Table 2-3 in section -- in Chapter 2. And

it's called the Construction Schedule and Staging Locations of the Proposed Project, and that should give you the approximate timelines.

MS. PIGGOTT: And, Donna, you said Table 2-3 in Chapter 2?

MS. MC CORMICK: In Chapter 2, yes. And it's, you know, pretty far back in the chapter so keep scrolling.

MS. PIGGOTT: Thank you, Donna.

Again, ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment. To do so, please send the host a chat message, raise your hand using the hand raise feature or for call-in only users press star 3 to raise you hand. While we won't be presenting any additional information or new content this evening, we will stay on the line until the published end time to receive your oral comments.

MR. RYDMAN: This is not an official CEQA comment but I just want to acknowledge that this takes online meetings to a whole new low. And I appreciate you guys hanging on.

MS. PIGGOTT: Again, ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment or ask a question this evening. To do

so please send the host a chat message or raise your hand by using the hand raise feature or for call in only users, you can press star 3 to raise your hand.

As we previously said, we won't be presenting any additional information or new content this evening but we will stay on the line until 8:00 to receive your oral comments that we can.

Again, ladies and gentlemen, we have plenty of time remaining if you would like to make a comment or you have a question. To do so, please send the host a chat message, you can raise your hand using the hand raise feature or for call-in only users, you can press star 3 to raise your hand.

While we won't be presenting any additional information or new content this evening, we will stay on the line until 8:00 to hear any comments you have and answer any questions that we can. Thank you.

MS. MC CORMICK: This is Donna McCormick. I also urge all commenters to provide comments in writing either by e-mail or mail.

MS. PIGGOTT: Thank you, Donna. Okay. You broke up a little bit there. So just for the group, Donna just provided a reminder to provide your comments by December 15th at 5:00 p.m., the close of the comment period, either electronically or by e-mail to

waterworksprojects@pw.losangelescounty.gov or mail comments to Eduardo Maguino, Project Manager, Los Angeles County Public Works, Waterworks Division, PO Box 1460, Alhambra, California 91802.

Jo Drummond, I see your hand is raised. Let me unmute you.

P-16-6

MS. DRUMMOND: I just wondered if we put our comments in writing by December 15th, when would we hear an answer or when will the Final EIR be completed? I'm not sure if those are related but...

MS. PIGGOTT: It's okay. Donna, do you want to take that on the timeline of the EIR?

MS. MC CORMICK: Yes. And hopefully I'm not breaking up. The requirements of CEQA is that we reply to comments on the Draft EIR in the Final EIR. And the Final EIR is expected to be approved by the Board of Supervisors in early 2021. It's a little dependent on how many comments we get. So we can't be more specific, but that is the goal.

MS. DRUMMOND: Okay. Thanks.

MS. PIGGOTT: Thanks, Jo. Thanks, Donna. Please lower your hand when you get a chance. Thank you. Jo Drummond, I see your hand is raised, I'm not sure if that was from the last time, but I'm going to unmute you.

MS. DRUMMOND: No. Sorry. That was from the last time.

MS. PIGGOTT: No worries. Thank you. Again, ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment. To do so, please send the host a chat message, raise your hand by using the raise hand feature or for call-in only users press star 3 to raise your hand.

While we won't be presenting any additional information or new content this evening, we will stay on the line until the published end time of 8:00 to receive your oral comments and answer any questions that we can answer. Thank you.

Ladies and gentlemen, again, we have plenty of time left if you would like to make an oral comment or ask a question. To do so, please send a note to the meeting host using the chat feature, you can raise your hand using the hand raise feature or for call-in only users, you can press star 3 to raise your hand.

Again, we won't be presenting any new information or content this evening, but we will stay on until the published time of 8:00 to hear any comments or questions that you might have. Thank you.

MR. RYDMAN: Jennifer, this is Dave. It does look like Jo has still got her hand up. I don't know if

there's another question she has.

MS. PIGGOTT: Yes. Thank you, Dave. I sent her a note in the chat box, but I can go ahead and unmute her. **P-16-7**

MS. DRUMMOND: I don't know. I guess I have a question. We just got a notice that our water bill rates are being raised, is that just for -- does this have anything to do with these projects or no? Or is that just our water usage?

MS. PIGGOTT: Thank you for the question, Jo. Dave, are you able to provide a response.

MR. RYDMAN: Sure. I'll provide a response for the last time. It has absolutely nothing do with CEQA, Jo, but we'll take advantage of -- I believe this is the notice for our annual passthrough yearly increase by law.

We do the notice each -- every five years of our intent to passthrough the cost increases that we get from the wholesale water agency that provides water to the district, West Basin Municipal Water District, and also to account for inflation costs. And this is just the annual passthrough of those increases that we're required to notice customers every year of these -- prop 218 public hearing for those passthrough increases does only happen once every five years.

Hope that answers your question, Jo.

MS. DRUMMOND: Yeah, it does. Thank you.

MS. PIGGOTT: Okay. Thanks, Jo. Thanks, Dave.

Jo, I see you have another question. I'm going to go ahead and unmute you.

P-16-8

MS. DRUMMOND: Oh, I just wondered, yeah, how are these projects funded?

MS. PIGGOTT: Donna, do you want to take that first from a CEQA perspective.

MS. MC CORMICK: CEQA doesn't talk about funding. So I'll leave that to the County.

MS. PIGGOTT: Okay. Thanks, Donna.

MS. QUINTANA: Hi. This is Alma. And we do collect funds for our system improvements. And you would see that on a portion of your bill, which would be for -- let me see how it would come on your bill. It's -- let me see if I have that. If you can help out Dave, I don't know exactly how -- the sur charge for a utility construction and that comes from you bill but it's specifically for infrastructure improvement. And there's a portion that we collect from property taxes. And it's a little bit different than how we plan for operation and maintenance for the district.

MS. DRUMMOND: Okay. Thank you.

MR. RYDMAN: And I'll just add that 100 percent

of the funding for the projects in the districts comes from the rate payers of the districts either through their water bills or through their property taxes. We get a portion of ad valorem 1 percent tax with all the public agencies kind of split within a particular jurisdiction and there is no outside funding for the District that comes from County general fund or any other source. It's all funded by districts customers.

MS. DRUMMOND: Okay. Thank you.

MS. QUINTANA: And just looking at a sample bill, it would show something like facilities, construction sur charge.

MS. DRUMMOND: Okay. Thanks.

MS. PIGGOTT: Thanks, Jo. Thanks, Alma and Dave.

Again, ladies and gentlemen, we have plenty of time remaining if you would like to make an oral comment or ask a question. To do so, please send a note to the host using the chat feature, raise your hand using the hand raise feature or for call-in only users you can press star 3 to raise your hand.

Again, we won't be providing any new information or content this evening, but we will stay on the line until the publicized end time to receive your oral comments and answer any questions that we can.

Paul Grisanti, I see your hand is raised. I'm going to ask you to unmute.

MR. GRISANTI: I believe I am unmuted, am I?

MS. PIGGOTT: Yes, you are.

MR. GRISANTI: Terrific.

MS. PIGGOTT: Go ahead. You have 3 minutes.

MR. GRISANTI: I love the fact that this is finally coming to the surface over two years later from when it was supposed to come out first. I'm rather disappointed to see that Las Flores Mesa improvements have been taken off the project. P-20-1

Does anybody have any comments about that?

MS. PIGGOTT: Thank you for your question. Donna, any comments on that from a CEQA perspective.

MS. MC CORMICK: No. I would defer to the County.

MS. PIGGOTT: Okay. Thank you. Alma?

MS. QUINTANA: Hi. How are -- I don't know if you were on the whole time, but we did --

MR. GRISANTI: I was.

MS. QUINTANA: Okay. We did -- this is the same project that we did cover when we kicked off of EIR back in 2017. And --

MR. GRISANTI: Actually, I have the things from 2017 and it was on it then. So...

MS. QUINTANA: I guess go ahead and submit that comment to us and we'll try to decipher where that came from, but it is the same project list. **P-20-2**

MR. GRISANTI: It isn't the same project list, because the things that were on the project list in 2017 included Las Flores Mesa tank and pipes and also going over into Bonsall Canyon and things like that. This is a different project list.

MS. QUINTANA: So, yeah, I guess, submit that comment to us and we'll look where that information came from. We have the scoping information, I believe, still on our website. But we can always reference back to that. We can try to figure that out. But that, too, I think was what we looked at for this project list. We looked for the most critical deficiencies in the system.

And we were looking at things like leaks, things like structural integrity, things that would add resiliency. So we had to select the top projects and we do have a lot of needs in the district. And it -- just to recap, this is a pretty aggressive timeline, we're committing to completing the project, all of these projects, in six years and we have recognized that District 29 has more urgent improvements to take on tediously in the future.

And we're going to continue to have that

conversation with stakeholders, with the City and, you know, continue working on those things. P-20-3

MR. GRISANTI: Are you planning on doing any of this with outside contractors or is it all in-house?

MS. QUINTANA: This will be through outside contracting. So we're going to advertise -- package the project for advertising through our low-bid contract process. And it go that route for all of these projects.

MR. GRISANTI: The project from 2017 was more ambitious and it was supposed to be done in five years. So -- okay.

MS. QUINTANA: Go ahead and submit the comment. I think there's been a long history of identifying needs in the District and I think it's probably related to that long history.

MS. MC CORMICK: And this is Donna. I urge you to provide written comments on that and, if possible, attach any materials you have that you're referring to. Thank you.

MS. PIGGOTT: Thank you, Alma and Donna. So, Paul, did you have any additional questions or comments?

MR. GRISANTI: No. I'm just going to write out the fact that I have copies of the EIR that was not approved or it wasn't even heard back in 2017, and the P-20-4

project list and the attachments for it that showed each project and the -- on the map, so and I made copies. So I'll be glad to give you copies. I can hand deliver them to Dave Rydman if he's going to be out in Malibu tomorrow.

MR. RYDMAN: That would --

MS. PIGGOTT: He's joining us.

MR. RYDMAN: Sorry. It takes a long time to load up here from the Civic Center. Yes, you can drop them off tomorrow, Paul. As Alma said, all comments regarding the CEQA document can be submitted in writing, but I can make sure that they get to Eddie via the waterworksprojects@pw.lacounty.gov. e-mail address. I do want to recognize too, it's nice to have you join us Council Member Elect Grisanti. I did see Steve on the call earlier as well. Appreciate the City of Malibu making this a priority. Thank you very much.

MS. PIGGOTT: Again, ladies and gentlemen, we have some time remaining if you have any comments or questions to ask, comment or question. You can use the chat feature, you can raise your hand using the hand raise feature or for our call-in only users, you can press star 3 to raise your hand.

Again, we won't be presenting any new information or content this evening but we will stay on

the line until the published end time to receive your oral comments and answer any questions that we can. Thank you.

Okay. Ladies and gentlemen, we've received an additional question. And that is: How much money is in the account accumulated for this project?

Alma, are you able to perhaps answer that question. Again, how much money is in the account accumulated for this project?

MS. QUINTANA: Yeah. I'll go ahead and give them rough numbers. So we have about $35 million in our ACL funds right now, and we've taken revenues every year. So I hope that answers your question.

MS. PIGGOTT: Okay. Thank you, Alma. And, Jo Drummond, your hand just raised again. So I'm going to ask you to unmute in case you have a follow-on question.

MS. DRUMMOND: I think it has a mind of its own. It's not me. Sorry.

MS. PIGGOTT: No worries. I just don't want to not call on you if you have another question. Thank you. We do have an additional question: What is the total budget?

Alma, are you able to answer that question?

MS. QUINTANA: Yes. We're estimating 60 million for all the projects in District 29 right now.

MS. PIGGOTT: Okay. Thank you, Alma. And, Paul, I see your hand is raised. I'm going to go ahead and ask you to unmute.

MR. GRISANTI: I'm unmuted.

MS. PIGGOTT: Okay. We can hear you. Go ahead. **P-20-5**

MR. GRISANTI: That is more proof that the 2017 project was larger than this project, because the budget at that time was $100 million for that project. Do you hear that?

MS. QUINTANA: Yeah, I heard that, Paul.

MS. PIGGOTT: Thank you for your comment. Alma, do you have any additional information to provide?

MS. QUINTANA: Yeah. At the beginning we identified -- and I know you were involved back in it 2012.

MR. GRISANTI: Yes, I was.

MS. QUINTANA: When we did go through the entire needs assessment for District 29, and I know that was a lot of expensive work. And from that effort we identified that there were over $266 million dollars worth of needs in District 29 --

MR. GRISANTI: Right.

MS. QUINTANA: -- just for existing deficiencies and from that time, you know, there were

different proposals identified in 2012. And then as you referenced in 2016 there was an effort put forward by Waterworks to pursue a larger project list, and we had to, at that point, regroup after we had a lot of input from the community, a lot of questions, a lot of concerns about public outreach and we had to regroup after that point.

MR. GRISANTI: You had one negative comment.

MS. QUINTANA: Yeah, I guess that's a little bit outside of this effort. But there were comments that we had to address and then we did a lot of outreach in 2016. We did -- and that's how we prioritized, we looked at our budget list, we looked at our funds. And we narrowed it down to -- we actually identified a project list that was with the critical deficiencies, and that's where we are today. **P-20-6**

MR. GRISANTI: So you started by using the -- adding the two five-year plans together, because it had taken so long and now you've taken out stuff that was in that. So I don't understand why someone would be trying to tell me it's the same thing. I mean, all of these things were in the 2017 -- 2016-2017 plan, but they're not -- there are other things that have been taken out.

MS. QUINTANA: It was a very large group in 2016 and we had to, after that point, look at the

most critical things. So we had to prioritize based on leaks in the system, we prioritized based on structural deficiencies, we looked at how do we most efficiently add resiliency to the system and so that's where this project came from.

So the project that's in the EIR is after considering that and it's our next step to address the most critical things in the water. **P-20-7**

MR. GRISANTI: I would think that the four-inch water mains, the three- or four-inch water mains in Las Flores Mesa, which are decrepit and failing, are a critical part of the infrastructure, but you never --

MS. PIGGOTT: And, Dave, I see that you have unmuted. I wanted to see if you had a couple things to add to the conversation.

MR. RYDMAN: We appreciate your comments. We do have to be careful in this setting, and I don't want to seem too diversionary, but we do have to keep the comments focused on the CEQA process specifically. There has been a long history of revising this project list. This is the most critical items. We have gone over that a couple times of why these 9 projects rise to that level.

We do recognize that there are additional concerns within the District and projects that will need

to be completed in the future, but for now this CEQA document covers those nine, again, because of the priorities that we've identified. The most frequent leaks, the age, the resiliency component and the overall benefit to the entire District.

And there was prioritization process. I know that you were involved in earlier versions of that prioritization process. The District also has limited funds and there have been decisions made of how those funds are going to be spent, and this is the amount that has been approved so that we can go forward with. This is a bigger pot of money than we even have currently in our budget. We are relying on additional funding coming in over the next five years while these projects are being built.

So we can continue to have this dialogue outside of the meeting, but we do need to keep the discussion on the CEQA elements of the project. **P-20-8**

MR. GRISANTI: What is the earliest that any part of this project will begin?

MR. RYDMAN: I'm going to defer back to Alma for scheduling things.

MS. PIGGOTT: Alma, are you able to speak to the timeline?

MS. QUINTANA: Yeah. Donna, can you step in

and point Paul to the table that's in the EIR, and we could start there. And I'm just looking at the -- so out of the project list -- let's see -- so April 2021 is our most -- our soonest project from this EIR project. And that's our PCH eight-inch waterline improvement.

MR. GRISANTI: And is --

MS. MC CORMICK: I'm sorry. I can refer you to Table 2-3 in Chapter 2 of the Draft EIR for that construction schedule. **P-20-9**

MR. GRISANTI: Has the permitting process been started yet?

MS. QUINTANA: Yeah. So we've been working on a lot of these projects concurrently and, you know, one critical thing there, of course, that project specifically is on Caltrans right-of-way and so we have that started. And we -- yeah, for the other projects as well, we have some of the processes going a little faster than others, and there was a question earlier on how we, you know, within this project list, which ones we build first and a lot of it is dependent on project permits. Some of them are going to take a lot more time than others and we're factoring that into the project list.

MS. PIGGOTT: Okay. Thank you, Alma. Paul, did you have any additional questions or comments?

P-20-10

MR. GRISANTI: Is the District open to help from the community in the permitting process?

MS. PIGGOTT: Dave, do you want to take that question from a community relations perspective?

MR. RYDMAN: Thanks for the question, Paul. Yes, we're going to need help both from the community to help this process along and from the City. There is going to be needs that we have in order to push these projects through. So any suggestions that you have to help out with that process would be very much appreciated. And I look forward to working with you and the rest of the City Council on all off that.

MS. PIGGOTT: Thanks, Dave. Paul, do you have any additional questions or comments?

MR. GRISANTI: No. I'm done.

MS. PIGGOTT: Okay. And, again, as a reminder folks, for any questions or comments that you brought up this evening, we encourage you also to put those in writing for analysis as part of the Final EIR. During that discussion we received another question in the chat box, which I will read now.

P-21-1

How much will Las Tuna/Big Rock bypass cost of this portion? Alma, are you able to address that question on the Las Tuna/Big Rock bypass?

MS. QUINTANA: Right now our estimates are

5.7 million.

MS. PIGGOTT: Okay. Great. Thank you, Alma.

MS. QUINTANA: You're welcome.

MS. PIGGOTT: Okay. Ladies and gentlemen, not seeing any new hands raised or new comments, thank you for participating in this online public meeting. All comments whether submitted orally, electronically through the project website or in writing through US mail will receive equal consideration in preparing the Final EIR.

Again, any questions or comments that were brought up this evening, we encourage you also submit those as a written or electronic comment. Please submit comments on the Draft EIR electronically to waterworksprojects@pw.lacounty.gov or mail comments to Eduardo Maguino, Project Manager, at Los Angeles County Public Works, Waterworks Division, PO Box 1460, Alhambra, California 91802-1460. And the close of the comment period is at 5:00 p.m., December 15, 2020.

I'll now turn it over to Eddie for his closing remarks and next steps.

MR. MAGUINO: Thanks, Jennifer. After the comment period closes, we will respond to CEQA related comments and questions in the Final EIR. We anticipate finalizing the EIR for the County Board of Supervisor

approval early 2021. Once we finalize the EIR, we will work closely with the City and other partners and permitting agencies to acquire the project approvals to meet the aggressive six-year schedule for these important improvements.

More improvements are needed throughout the region. We will continue to assess water system needs that will allow us to continue to deliver high quality water to our customers. With that, I thank you. This meeting is adjourned.

(Meeting adjourned at 8:04 p.m.)

Q

Chapter 3
Responses to Comments

This section provides responses to all comments received during the public review period for the Draft EIR). No comments were received after the public review period. Section 2.2.1, *Public Agencies*, provides responses to comments received from governmental agencies and Native American tribes. Section 2.2.2, *Non-Agency Individuals and Organizations*, provides responses to comments received by non-agency individuals and organizations. This section includes comments received during the virtual public meeting, all of which were from non-agency individuals. Table 3-1, *List of Comment Letters Received on the Draft EIR,* provides a list of the comment letters and authors received during the public review period and the section within this chapter where the response to the comment is located.

Table 3-1. List of Comment Letters Received on the Draft EIR

Letter Number	Commenter	Section Location of Response
Public Agencies		
A-01	California Department of Fish and Wildlife (CDFW) Erinn Wilson-Olgin, Environmental Program Manager I	3.1.1
A-03	California Department of Transportation Miya Edmondson, IGR/CEQA Branch Chief District 7 – Office of Regional Planning	3.3.1
A-04	City of Malibu Richard Mollica, Acting Planning Director	3.4.1
A-05	California Coastal Commission Denise Venegas, Coastal Program Analyst Walt Deppe, Coastal Program Analysis	3.5.1
Non-Agency Individuals and Organizations		
P-01-1	Helen Braithwaite	3.2.1
P-02-1	Nojan Boloorchi	3.2.2
P-03-1	Steve Panagos	3.2.3
P-04-1	Anne Marie Tumulty	3.2.4
P-05-1	Richard Hinson	3.2.5
P-06-1	Linda Gibbs	3.2.6
P-07-1	Susan Schoen	3.2.7
P-08-1	Jo Drummond	3.2.8
P-09-1	Jeff Follert, Serra Canyon Property Owners Association	3.2.9
P-10-1	Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (1)	3.2.10
P-11-1	Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (2)	3.2.11
P-12-1	Gina Odian	3.2.12
P-13-1	Patt Healy, Malibu Coalition for Slow Growth	3.2.13
P-14-1	Georgia Goldfarb, Malibu Monarch Project	3.2.14

Letter Number	Commenter	Section Location of Response
Virtual Public Meeting The following comments were provided at the virtual public meeting (all non-agency individuals). A transcript of that meeting is included in Chapter 2, *Comments Received.*		
P-15-1	Anonymous	3.2.15
P-16-1	Jo Drummond	3.2.16
P-17-1	Don Schmitz	3.2.17
P-18-1	Craig Hill	3.2.18
P-19-1	Nyhar Desai	3.2.19
P-20-1	Paul Grisanti	3.2.20
P-21-1	Anonymous	3.2.21
Note: A-02 not used.		

3.1 Public Agencies

3.1.1 Commenter A-01—California Department of Fish and Wildlife

3.1.1.1 COMMENT A-01-1

Comment #1*: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration (LSA) Agreement*

Issue: *CDFW is concerned that the Project may impact streams and riparian vegetation.*

Specific impacts: *The Project's Jurisdictional Delineation Report in Appendix C-2 identified 14 streams potentially subject to CDFW jurisdiction. According to Table 4 on page 4-5 of the Jurisdictional Delineation Report, 2.54 acres (2,920 linear feet) of streambed and riparian resources occur within the jurisdictional survey area.*

Why impacts would occur: *Project construction and activities could result in temporary or permanent impacts to streams. Vegetation removal to facilitate access improvement footprints for Creek Crossing Repairs may increase sediment, debris, and pollutant input into a stream. The Project would require a foot crew to be present in streams for pipeline repairs, removals, or replacements. Foot, vehicle, and heavy equipment may trample vegetation, cause streambed erosion, or degrade, compact, or denude soils adjacent to or within a stream. Erosion may be more likely where Project construction and activities occur in areas burned by the 2018 Woolsey Fire. Excess sediment may be transported downstream and impair waterbodies. This may impact special-status plants, wildlife, or fish species directly or indirectly through habitat modifications or habitat loss.*

Evidence impact would be significant: *The Project may impact streams, which absent specific mitigation, could result in substantial erosion or siltation on site or downstream of the Project.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *The Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).*

LSA Notification should occur prior to Project ground-disturbing activities related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive Waterline Improvements; and Las Virgenes Connection.

Mitigation Measure #2: *Where Project staging areas occur adjacent to a stream (e.g., Topanga County Beach Staging), CDFW recommends LACDPW establish appropriate setbacks from the stream and demarcate the staging area. A setback should provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging should be within the designated staging area only.*

Mitigation Measure #3*: CDFW recommends that Creek Crossing Repair improvements be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.*

Mitigation Measure #4*: CDFW recommends the LSA Notification include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report should also include a scour analysis to demonstrate that stream banks and stream bed would not erode.*

Mitigation Measure #5*: As part of the LSA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.*

Mitigation Measure #6*: LACDWP should update its table of impacts on riparian habitat and sensitive vegetation communities prior to LSA Notification [see Comment #6 (Impacts to Sensitive Vegetation Communities)].*

Recommendation: *CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from LACDPW for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.*

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

RESPONSE A-01-1

Los Angeles County Waterworks District 29 (Waterworks District No. 29 or Waterworks) thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment pertains to temporary and permanent impacts within CDFW Section 1600 jurisdiction and the need for a Lake and Streambed Alteration Agreement (LSA).

The project has been purposely and carefully designed to avoid temporary and permanent impacts to California Department of Fish and Wildlife (CDFW) Section 1600 jurisdiction. As a result, no modifications to the bed, bank, or channel of any CDFW-regulated stream would occur, and no Section 1600 LSA is required as a result. No mechanized ground disturbance would occur within any stream, and construction would be programmed to occur during the dry season. No temporary structures or heavy machinery would be used within the creeks, no dewatering or diversion would occur, and no vegetation would be removed. Repairs would be made by suspending personnel and equipment from the bridge deck. Supporting personnel may enter the channel on foot, but only under dry conditions, and would not perform activities that constitute a modification to the channel. The implementation of **MM BIO-1**, *Environmentally Sensitive Area Fencing*, **MM BIO-14**, *Equipment Maintenance*, **MM BIO-17**, *Preconstruction Training*, and **MM BIO-18**, *Jurisdictional Waters and Riparian Vegetation,* will ensure there are no impacts to jurisdictional aquatic resources.

The mitigation measures suggested in the comment, "**Mitigation Measure #1**" and "**Mitigation Measure #2**," both address streambed alteration and LSAs. As discussed above, no streambed alteration would occur with the proposed project and an LSA will not be required. Therefore, although the mitigation measures suggested in the comment are feasible, they would not be necessary because they do not address significant impacts that would result from the proposed project. No additional mitigation measures are proposed.

No changes to the Draft EIR are required in response to this comment.

3.1.1.2 COMMENT A-01-2

Comment #2*: Impacts to Special Status Fish*

Issue: *The following species of fish occur within the Project site: southern California Distinct Population Segment of steelhead trout (Oncorhynchus mykiss; steelhead), tidewater goby (Eucyclogobius newberryi), and arroyo chub (Gila orcuttii). The steelhead trout and tidewater goby are Endangered Species Act (ESA)-listed endangered species. The arroyo chub is a California Species of Special Concern (SSC). Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality, reduced reproductive capacity, population declines, or local extirpation of ESA-listed fish species or SSC.*

Why impacts would occur: *The Project site contains habitat for steelhead, tidewater goby, and arroyo chub. According to the DEIR, steelhead are known to occur in Topanga Creek and Malibu Creek. Escondido Creek, Corral Canyon Creek, and Las Flores Canyon Creek provide habitat for steelhead. Tidewater goby has a high potential to occur in Malibu Lagoon or Topanga Creek. The DEIR also states that arroyo chub has a high potential to occur in Malibu Lagoon/Malibu Creek. Lastly, the DEIR states that all three fish species may be present in other streams and brackish waters within the Project site.*

Given the high potential for special-status fish species to occur, the Project may impact fish directly or through habitat modification. The Project proposes to work only when streams are dry; however, some of the streams (e.g., Zuma Creek and Topanga Creek) and waterbodies supporting tidewater goby flow year-round. Work occurring in these areas could impact fish. Crews working in streams may cause stream bank erosion, potentially resulting in crushing, burying, smothering, or displacing fish, fish fry, nesting burrows, and eggs, or microscopic flora and fauna food sources for fish and fry. Excessive sedimentation may degrade substrate and water conditions needed for reproduction, potentially causing reduced reproductive capacity and success (Reiser and White 1988; Thompson and Larson 2004; USFWS 2005; Jensen at al. 2009). The Project may require vegetation removal along stream banks, potentially resulting in additional stream bank erosion. While dewatering is not expected to occur for any Project related improvements, the DEIR states that dewatering may ultimately be needed. Subsequently, flow regime changes or changes to the streambed composition may affect the viability and reproductive capacity of special-status fish that persist in the affected streams/watershed.

Evidence impacts would be significant: *The Project has not proposed specific measures to fully avoid impacts to ESA-listed native fish species and SSC. Project construction and activities, directly or through habitat modification, may result in direct mortality or injury and reduced reproductive capacity of a threatened or endangered fish. CEQA provides protection not only for ESA-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 SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or U.S. Fish and Wildlife Service (USFWS).*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that the Project be conditioned to fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work should occur in the stream channel or stream banks adjacent to streams supporting special-status fish species. If work must occur in the stream channel or stream banks, no work should occur during the winter rainy season which typically occurs between December 1 through March 31 in southern California's Mediterranean climate (NMFS 2011). Additionally, no work should occur during the combined rainy season and breeding season(s) (depending on the species potentially impacted):*

- Steelhead: No work should occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15.
- Tidewater goby: No work should occur during peak breeding activities from April 1 through June 31.
- Arroyo chub: No work should occur from February 1 through August 31 (Tres 1992).

Mitigation Measure #2: *If the Project cannot feasibly avoid impacts, including dewatering activities, to steelhead, tidewater goby, or arroyo chub over the life of the Project, LACDPW should consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation should occur prior to the start of any Project-related construction and activities where there may be impacts to these native fish species. Take under the federal ESA is more broadly defined than CESA; take under ESA 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. Consultation with the USFWS,*

in order to comply with ESA, is advised well in advance of any Project-related ground-disturbing activities where impacts to special-status fish will occur.

Mitigation Measure #3: *CDFW recommends LACDPW, in consultation with a qualified aquatic biologist, survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys should be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist should develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub should be reported to CDFW/USFWS.*

Mitigation Measure #4: *CDFW recommends that LACDPW implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed. New Zealand Mudsnails (Potamopyrgus antipodarum) is documented in Malibu Creek and Corral Canyon Creek (USGS 2020). All work boots, equipment, and tools should be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures should be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol (CDFW 2012).*

RESPONSE A-01-2

This comment addresses potential impacts on listed and special-status fish.

As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, although there are several listed or sensitive fish species within several of the project sites, no direct or indirect impacts on stream channels or habitats, nor impacts on federal Endangered Species Act (FESA)/Species of Special Concern (SSC) fish, would occur as a result of project implementation. No vegetation removal along stream banks and no dewatering or in-water work from hand crews would occur. Sedimentation from hand crews would also not occur because the hand crews would not be performing earth work in or near ponded or flowing water. No take of state or federally listed fish species would occur, and no impacts to SSC fish are anticipated. Implementation of measures **MM BIO-1**, *Environmentally Sensitive Area Fencing*, **MM BIO-14**, *Equipment Maintenance*, **MM BIO-15**, *Stormwater Pollution Prevention Plan*, **MM BIO-17**, *Preconstruction Training*, and **MM BIO-18**, *Jurisdictional Waters and Riparian Vegetation*, will ensure there would be no impacts to sensitive fish species.

The comment suggests several additional mitigation measures. **Mitigation Measure #1** addresses impacts on steelhead, tidewater goby, and arroyo chub by precluding work in stream channels and on stream banks during certain months of the year. Because no work would occur in the stream channel or on stream banks during construction of the project, no impacts on these special-status fish species would occur and this mitigation measure is not required. **Mitigation Measure #2** requires consultation with CDFW, USFWS, and NMFS if impacts on the named species would occur, but because these impacts would not result from the project, this mitigation measure is not required. **Mitigation Measure #3** recommends that surveys be performed to determine if habitat for the named species occurs in the study area. However, because the project would not result in significant impacts on any streams channels or banks, this mitigation measure is not necessary. Finally, **Mitigation Measure #4** recommends implementation of a decontamination plan to prevent spread of potential aquatic invasive species within the watershed when exiting and entering streams or waterbodies. However, because no work crews would be permitted to enter streams or waterbodies as part of the project, no impacts related to invasive aquatic species would occur and this mitigation measure is not needed. In summary, although the suggested mitigation measures are feasible, they are not necessary because

they do not address significant impacts that would result from the proposed project. No changes to the Draft EIR are required in response to this comment.

3.1.1.3 COMMENT A-01-3

Comment #3: *Impacts to Raptors*

Issue: *CDFW is concerned that the Project may impact breeding and nesting white-tailed kites (Elanus leucurus) and/or American peregrine falcon (Falco peregrinus anatum). Both raptors are California Fully Protected species.*

Specific impacts: *Project construction and activities during the raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.*

Why impacts would occur: *Table 7 on page 3-25 of Appendix C-2 states that there is a moderate potential for white-tailed kite to occur and nest within the biological study area. These areas include Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Regarding American peregrine falcon, Table 7 also states, "moderate potential to occur within the [biological study area] at creek banks, ledges, or structures." Impacts to breeding and nesting raptors could result from Project ground-disturbing and vegetation removal activities. Construction during the breeding and nesting season of raptors could result in the incidental loss of breeding success or otherwise lead to nest abandonment or reduced feeding, causing the incidental loss of fertile eggs or nestlings.*

Evidence impact would be significant: *The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protect species. Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511). Additionally, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513. The reduction in the number of rare raptor species would constitute a significant impact absent appropriate mitigation. Adverse impacts to white-tailed kite and American peregrine falcon may occur because the Project is not conditioned to implement any raptor take avoidance surveys or fully avoid impacts to raptors.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *To protect potential nesting white-tailed kites and American peregrine falcons, CDFW recommends that a qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys should be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys should be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections should be reported to CDFW prior to the any Project-related ground-disturbing activities.*

Mitigation Measure #2: *If white-tailed kite and/or American peregrine falcon nests are detected, CDFW strongly recommends that no Project-related construction and activities occur from January 1 through August 31.*

Mitigation Measure #3: *If Project-related construction and activities must occur between January 1 through August 31, CDFW recommends that a minimum 0.5-mile no-disturbance buffer be implemented around each raptor nest. No Project-related construction and activities should occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations should be prohibited. LACDPW, in consultation with a qualified biologist, should develop a robust buffer and demarcation plan. The plan should include effective, specific, enforceable, and feasible measures. LACDPW should be responsible for maintaining protective fencing. Buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist should determine if buffers need to be increased to protect active nests.*

Mitigation Measure #4: *If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist should repeat raptor surveys before work may restart.*

RESPONSE A-01-3

This comment addresses potential impacts to white-tailed kites and/or American peregrine falcon.

As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, although several fully protected avian species have the potential to occur within, or adjacent to, several of the project sites, no direct or indirect impacts to listed, fully protected, SSC, or nesting birds, including raptors protected under state and federal laws would occur with the implementation of **MM BIO-4**, *Preconstruction Nesting Bird Survey*. If active nests of white-tailed kites and/or American peregrine falcon are observed, then, as mandated in **MM BIO-4**, the qualified biologist will ensure that an appropriate-sized buffer will be established to ensure no direct or indirect impacts (i.e., take) of the active nest will occur.

The comment suggests several additional mitigation measures: **Mitigation Measure #1, Mitigation Measure #2, Mitigation Measures #3, and Mitigation Measure #4**, all of which address preconstruction surveys for nesting white-tailed kite and American peregrine falcon and protection of bird nests if found. However, as discussed above, **MM BIO-4**, included in the Draft EIR, requires preconstruction surveys for all nesting birds and protection of any nests found, so these mitigation measures were already included in the project. No changes to the Draft EIR are required in response to this comment.

3.1.1.4 COMMENT A-01-4

Comment #4: Impacts to California Species of Special Concern

Issue: *With the proposed mitigation measures identified in the DEIR, the Project may still result in significant impacts to the following SSC:*

- Reptiles and amphibians: southern California legless lizard (Anniella stebbinsi), San Diegan tiger whiptail (Aspidoscelis tigris stejnegeri), southern western pond turtle (Emys marmorata pallida), coast horned lizard (Phrynosoma blainvillii). All species have a moderate potential to occur. The southern western pond turtle has a high potential to occur.

- San Diego desert woodrat (Neotoma lepida intermedia). The San Diego desert woodrat is present in the Project site.

Specific impacts: *The Project may result in injury or mortality to SSC. The Project may indirectly impact SSC by causing the temporary or permanent loss of suitable habitat.*

Why impacts would occur: *The Project could result in direct or indirect impacts to SSC absent appropriate mitigation. Direct impacts to SSC could result from Project ground-disturbing (e.g., equipment staging, mobilization, demolition, and grading) and vegetation removal activities. Ground-disturbing activities may trap wildlife hiding under refugia and burrows. Wildlife could be*

trampled or crushed by construction equipment, vehicles, and foot traffic. This can result in injury or death of adults, juveniles, eggs, or hatchlings. Additionally, the Project may impact native vegetation supporting essential foraging and breeding habitat for SSC.

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for ESA- and CESAlisted 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 SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *Scientific Collecting Permit – LACDPW/qualified biologist should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. 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 webpage for information (CDFW 2020b). Pursuant to the California Code of Regulations, title 14, section 650, LACDPW/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. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement [see Comment #1 (Impacts to Streams and Riparian Habitat; Lake and Streambed Alteration Agreement)].*

Mitigation Measure #2: *Species Surveys – LACDPW should retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat should follow the United States Geological Survey's 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.*

A summary report discussion survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified biologist should discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: *Protection/Relocation Plan – Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper handling and relocation procedures. A relocation plan should be submitted to LACDPW prior to implementing any Project-related ground-disturbing activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.*

Mitigation Measure #4: *Biological Monitoring – Preconstruction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW should contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist should safely protect or relocate the animal per relocation and handling protocols.*

Mitigation Measure #5: *Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.*

RESPONSE A-01-4

This comment pertains to potential impacts to California species of special concern, including amphibians, reptiles, turtles, and mammals.

In response to this comment and to make one mitigation measure in the Draft EIR more inclusive and more specific, the following change is made to Section 3.4.3.3, *Environmental Analysis, Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-4*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by <u>underlines</u>):

Mitigation Measure BIO-4: Preconstruction Nesting Bird and Wildlife Survey

If construction commences during the bird breeding season (March 1 through June 30), a preconstruction survey for nesting birds by an experienced avian biologist will occur within 3 days prior to construction activities. The survey will occur within all suitable nesting habitat within the improvement impact area and at a buffer deemed suitable by the biologist. It is assumed that areas along Pacific Coast Highway (PCH) will receive a smaller survey buffer than areas where there is less ambient disturbance. If nesting birds are found, an avoidance area will be established as appropriate by a qualified biologist around the nest until it has determined that young have fledged or nesting activities have ceased. The improvement site will need to be resurveyed if there is a lapse in construction activities for more than 7 days during the nesting season.

In areas where vegetation trimming is required during the construction phase, the avian biologist will conduct a preconstruction survey for nesting birds in the targeted vegetation within 3 days prior to trimming, and preferably on the same day. This action is required even if there has been no lapse in construction activities in an area so as to avoid direct take of active but "acclimated" nests that may be present.

Prior to and no more than 3 days before construction commencement, a qualified biologist will perform a survey for species of special concern, including birds, amphibians, reptiles, turtles, and mammals, including bats. Surveys for Southwestern pond turtle and potential habitat will follow the *Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion* (United States Geological Survey [USGS 2006]). Should any non-listed sensitive species be present, then the biologist will be present at the onset of ground-disturbing activities to ensure the work area is clear of any sensitive species. The biologist will encourage the species to move out of the disturbance area of its own volition. If relocation is required, then the biologist will retain a scientific collecting permit and relocate the species to an adjacent suitable habitat. If any special-status species is harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist will be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report will include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats will be surveyed for bat roosts

> prior to ground-disturbing activities. The survey will include the work area and 100-foot buffer as access permits. If roosting bats may be present, trees would be pushed down (removed) using heavy machinery, rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each push, to allow bats to become active. If maternity roosts are found, and the County determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan.

With the changes to **MM BIO-4**, the suggested **Mitigation Measure #1,** addressing collection permits for handling wildlife, if necessary, is addressed. (Note that the reference to an LSA for the project is not necessary as discussed in the response to Comment A-01-1.) The revision to **MM BIO-4** also addresses the requests for surveys for southern California legless lizard, San Diegan tiger whiptail, southwestern pond turtle, coast horned lizard, and San Diego desert woodrat requested in **Mitigation Measure #2** in the comment. The recommended **Mitigation Measure #3,** suggesting methods of protecting any special-status species found; **Mitigation Measure #4,** detailing how the surveys should be conducted; and **Mitigation Measure #5,** specifying what would occur if an injured or dead special-status species is found, have also been included in **MM BIO-4.** Because this revision clarifies an existing mitigation measure, it does not represent a substantive change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

3.1.1.5 COMMENT A-01-5

Comment #5: *Impacts to Rare Plants*

*Issue: CDFW is concerned that the Project's proposed mitigation for rare plants (**MM BIO-8**: Plant Surveys) is insufficient to mitigate for impacts to rare plants, including ESA- and CESA-listed endangered and threatened species. The Project's proposed mitigation 1) defers to preconstruction surveys; 2) proposes relocation of rare plants; and 3) mitigation at a minimum of 1:1, possibly through payment of an in-lieu fee. Specific impacts: The Project may result in population declines or local extirpation of rare plants, including ESA- and CESA-listed endangered and threatened species. The Project could impact at least 27 species of rare plants that include (but not limited to):*

- ESA-listed endangered: Braunton's milkvetch (Astragalus brauntonii);
- ESA-listed threatened: canyon liveforever (Dudleya cymosa ssp. agourensis); Santa Monica Mountains dudleya (Dudleya cymosa ssp. ovatifolia);
- ESA and CESA-listed endangered: Ventura marsh milkvetch (Astragalus pycnostachyus var. lanosissimus); coastal dunes milkvetch (Astragalus tener var. titi); San Fernando valley spineflower (Chorizanthe parryi var. fernandina); salt marsh bird's-beak (Chloropyron maritimum ssp. maritimum); Lyon's pentachaeta (Pentachaeta lyonia);
- California Rare Plant Rank (CRPR) 1B: Coulter's saltbush (Atriplex coulteri); Malibu baccharis (Baccharis malibuensis); Mesa horkelia (Horkelia cuneata var. puberula); decumbent goldenbush (Isocoma menziesii var. decumbens); white leaf monardella (Monardella hypoleuca ssp. hypoleuca); California tortula moss (Tortula californica);
- CRPR 2B: chaparral ragwort (Senecio aphanactis);

- CRPR 3: Lewis' evening-primerose (Camissoniopsis lewisii); south coast branching phacelia (Phacelia ramosissima var. austrolitoralis); and,
- CRPR 4: red sand verbena (Abronia maritima); Brewer's calandrinia (Calandrinia breweri); Catalina mariposa lily (Calochortus catalinae); Plummer's mariposa Lily (Calochortus plummerae); western dichondra (Dichondra occidentalis); southern California black walnut (Juglans californica var. californica); southwestern spiny rush (Juncus acutus ssp. leopoldii); fragrant pitcher sage (Lepechinia fragrans); Humboldt lily (Lilium humboldtii ssp. ocellatum); woolly seablite (Suaeda taxifolia).

Why impacts would occur: *Project construction and activities involving ground disturbance and vegetation clearing, and vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb rare plants. Soil disturbance may result in permanent loss of rare plants and rare plant seed bank. Impacts to rare plants may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a rare plant species range, distribution, and population in the State. The Project proposed Mitigation Measure BIO-8 to mitigate for potential impacts to rare plants; however, preconstruction surveys, relocation of rare plants, and payment of in-lieu fees may not mitigate for impacts to rare plants below a level of significance under CEQA.*

First, preconstruction surveys may not detect rare plants if surveys are performed in the previous fall or winter. Moreover, rare plant abundance, density, and distribution may vary annually depending on the timing, duration, and amount of seasonal rainfall. Preconstruction surveys conducted during years of low rainfall inadequate to germinate a rare plant species may result in missed detection because of this variation. Also, multiple surveys are necessary to accurately capture where rare plants may occur. A single preconstruction survey may be insufficient to detect rare plants and determine population distribution. Project construction and activities proceeding after a false-negative preconstruction survey may result in irrevocable damage to a rare plant and seedbank.

Second, rare plant relocation should be considered experimental in nature and not be considered as a measure to mitigate for impacts to rare plants below a significant level under CEQA (Fiedler 1991; Fahselt 2007; Godefroid 2010). CDFW generally does not support the use of translocation, transplantation, or salvaging rare plants as the primary mitigation strategy for unavoidable impacts to rare plants. Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998). Additionally, rare plants are habitat specialists that require specific habitat conditions to exist and persist. For example, they may require a particular soil type, set of pollinators, mycorrhizal fungi, associate plant species, and microclimate. Relocation of rare plants to an area not suitable to support the species may result in the mortality of rare plants and propagules. Furthermore, CDFW is concerned with translocating or moving collected seed to an undisclosed location. The biological implication of mixing genes and specific alleles into new areas is not supported by CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near.

Finally, LACDPW proposes mitigation at a minimum of 1:1 for impacts to rare plants, potentially through payment of in-lieu fees. The proposed replacement of 1:1 may by insufficient to mitigate for impacts to rare plants, especially species that are ESA- and CESA-listed endangered or threatened. The Project may impact species that are extremely rare within their range and are seriously threatened in the State. Replacement at 1:1 may be insufficient considering the species rarity, modifications or permanent loss of the seedbank, and uncertainties and often failures when creating or restoring rare plants and habitat that depend on complex and specific interactions between abiotic and biotic variables and physical processes (Fiedler 1991; Fahselt 2007; Godefroid 2010). Finally, it is unclear how in-lieu fees will be used

for mitigation such that there is no net loss of rare plants and specific habitat meeting requirements of the rare plant species impacted. Moreover, it is unclear when in-lieu fees are collected and used for mitigation so there is no prolonged temporal loss of habitat.

Evidence impact would be significant: *Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020). Some CRPR 3 and 4 species meet the definitions of CESA. Depending on the species and ranking, a CRPR species may be seriously threatened in the State. California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2020). Impacts to special-status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative 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 and/or USFWS.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that LACDWP retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist should conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground-disturbance where there is suitable habitat for rare plants. Surveys should be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).*

The qualified biologist should prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report should provide the following information:

a) *A description and map of the survey areas. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.*

b) *Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.*

c) *If rare plants are detected, provide a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation.*

d) *A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).*

e) *If rare plants are detected, the report/final environmental document should provide species-specific measures to fully avoid impacts to rare plants (see Mitigation Measure #2 and #4 below). For unavoidable Project impacts, provide species-specific measures to mitigate for impacts to rare plants and habitat (see Mitigation Measure #3, #5, and #6).*

Mitigation Measure #2: *If a CESA- or ESA-listed threatened or endangered rare plant species is detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW and/or USFWS. CDFW recommends a qualified biologist develop a robust avoidance plan. The plan should include effective, specific, enforceable, and feasible measures. If CRPR 1, 2, 3, and 4 species are detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW of CRPR 1 and 2 species.*

Mitigation Measure #3: *If the Project cannot feasibly avoid impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW must notify and consult with CDFW and/or USFWS.*

Mitigation Measure #4: *CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends LACDPW seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESAlisted species and specifies a Mitigation Monitoring and Reporting Program (MMRP) that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.*

Mitigation Measure #5: *If the Project cannot feasibly avoid impacts to CRPR plants and habitat, either during Project activities or over the life of the Project, CDFW recommends the LACDPW compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. The Project, and environmental document, should be conditioned to provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and, no less than 5:1 for CRPR 3 and 4 species. CDFW recommends that mitigation occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits should be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.*

Mitigation Measure #6: *If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.*

Mitigation lands should be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The abundance of a rare plant species and total habitat acreage within

the mitigation lands should be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment should be provided for the longterm management of mitigation lands. A rare plant mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, control of illegal dumping, water pollution, and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.

RESPONSE A-01-5

This comment addresses potential impacts to listed and special-status plant species.

In response to this comment and to make one mitigation measure in the Draft EIR more specific, the following change is made to Section 3.4.3.3, *Environmental Analysis, Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-8*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by <u>underlines</u>):

> **Mitigation Measure BIO-8: Plant Surveys**
>
> To ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species <u>by a qualified botanist with experience surveying for southern California plants</u> will occur within suitable habitat during the most recent blooming season prior to the start of construction <u>in accordance with appropriate CDFW protocols</u>. Surveys for Lyon's pentachaeta, Santa Monica dudleya, Braunton's milk vetch, Agoura Hills dudleya, San Fernando Valley spineflower, Coulter's saltbush, Malibu baccharis, Brewer's calandrinia, Catalina mariposa-lily, Plummer's mariposa-lily, Lewis' evening primrose, western dichondra, mesa horkelia, decumbent goldenbush, southern California black walnut, fragrant pitcher sage, ocellated Humboldt lily, white-veined monardella, chaparral ragwort, and California screw moss will be conducted within areas of coastal scrub, chaparral, and woodland and non-native grassland habitat within the project's limits of disturbance. Surveys for Ventura marsh milk-vetch, salt marsh bird's-beak, coastal dunes milk-vetch, red sand verbena, Lewis' evening primrose, southwestern spiny rush, south coast branching phacelia, and woolly seablite will be conducted within areas of coastal dunes and coastal lagoons within limits of disturbance.
>
> <u>The qualified biologist will prepare a report to CDFW and USFWS (if applicable) documenting the results of the surveys including a description and map of the survey areas, field survey conditions, whether or not rare plants were detected with mapping of locations, descriptions of the conditions where rare plants were found, and species-specific measures to avoid or mitigate impacts to the rare plants.</u>
>
> Special-status plants found during focused surveys will be avoided to the extent feasible. Where avoidance is not possible, and as feasible depending upon the species and population, non-listed special-status

> plants will be relocated to the nearest suitable habitat by a qualified biologist prior to construction. State or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency. Habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are locally rare and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through mitigation bank or in-lieu fee program credit purchase or other approved method.

Construction of the nine improvements would generally be confined to the existing street rights-of-way and tank sites, which are mostly paved and developed. Most of the construction would take place within trenches in PCH or other paved roadways, many of which are in residential areas or otherwise experience moderate to heavy traffic and associated roadway edge disturbance. Tank areas are also within frequently disturbed areas. Some sensitive plant species may occur in creeks that are adjacent to or cross under bridges within improvement sites or at less-disturbed sites. Implementation of **MM BIO-8**, *Plant Surveys*, as revised, incorporates most of the recommendations in the comment and will ensure that no impacts on FESA/California Endangered Species Act (CESA) plants occur and that any impacts to CRPR list plants would be less than significant.

MM BIO-8 states that to ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species will occur within suitable habitat during the most recent blooming season prior to the start of construction. Preconstruction rare plant surveys are not proposed outside of the blooming season. Because of the very limited habitat present and the existing disturbance of all sites, one season of focused surveys in these limited areas is appropriate, rather than two seasons as suggested in recommended **Mitigation Measure #1** in the comment. **MM BIO-8** has been revised to include the requirement for a report to CDFW and USFWS (if applicable), as requested in recommended "Mitigation Measure #1." The measure also requires that state or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency; therefore, no FESA or CESA plants would be affected without consultation and issuance of a take permit. The measure also states that habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are rare locally and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through a mitigation bank or in-lieu fee program credit purchase or other approved method. Because a minimum replacement ratio is provided along with proposed mitigation options, CEQA disclosure has not been deferred. Implementation of **MM BIO-8** will ensure that no take of listed plants occurs and that minimization of non-listed plants will be appropriately mitigated. **MM BIO-8** includes the suggestions in recommended **Mitigation Measure #2 Mitigation Measure #3, Mitigation Measure #4, Mitigation Measure #5,** and "Mitigation Measure #6" through the requirements for avoidance of threatened and endangered rare plant species, notification of CDFW of any CRPR species found, and appropriate measures to offset any loss of individual plants or populations at appropriate levels through mitigation banks or in-lieu fee programs. No additional changes to the Draft EIR are required in response to this comment.

3.1.1.6 COMMENT A-01-6

Comment #6: *Impacts to Sensitive Vegetation Communities and Natural Areas*

Issue: *The DEIR uses the Holland ecosystem classification system to determine impacts on sensitive vegetation communities. By providing the Holland ecosystem classification, CDFW is unable to comment on impacts, alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the sensitive vegetation community.*

Specific impacts: *The Project will have at least 0.358 acres and 0.053 acres of temporary and permanent impacts, respectively, on sensitive vegetation communities including Southern Riparian Forest, Southern Sycamore Alder Riparian Woodland, and California Walnut Woodland, Southern Coast Live Oak Riparian Forest (Table 3.4-2, DEIR). The Project could impact sensitive vegetation communities not previously known to occur.*

Why impacts would occur: *The Project proposes to remove or cut back vegetation associated with sensitive vegetation communities. Temporary and permanent impacts to sensitive vegetation communities would occur at the following sites/improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Fernwood Tank Improvement; PCH and Topanga Beach Drive Waterline Improvements; Las Virgenes Connection; Zuma Creek; and Apple Field Lane Vacant Lot staging area. The name provided for each sensitive vegetation community impacted is based on the Holland ecosystem classification system. Since 2012, CDFW transitioned from using the Holland ecosystem classification system to using the Statewide accepted Manual of California Vegetation (MCV) alliance or association-based vegetation classification and mapping standard to track and rank sensitive vegetation communities (Sawyer et al. 2009). Since the DEIR uses Holland ecosystem classification, sensitive vegetation communities may be misidentified, resulting in potentially undisclosed Project impacts.*

Evidence impacts would be significant*: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish and G. Code, § 1940). This standard complies with the national vegetation classification system, which utilizes alliance and association-based classification of unique vegetation stands. CDFW only tracks sensitive vegetation communities and their respective state (S) rarity ranking using the MCV alliance and association names for vegetation communities. An S3 ranking indicates there are 21 to 100 occurrences of this community in existence in California; S2 has 6 to 20 occurrences; and S1 has less than 6 occurrences. CDFW considers natural communities with ranks of S1, S2, and S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§ 15380, 15063, 15065) and to be addressed in CEQA [CEQA Guidelines, § 15125(c)]. Many sensitive vegetation communities are associated with perennial or ephemeral sources of water, including groundwater depended ecosystems. These sensitive communities are deteriorating or have been significantly degraded at local, regional, and state levels. Without identifying the alliance/association vegetation community or their state ranking, the Project may impact sensitive vegetation communities or wildlife species that depend on these communities. The Project may result in substantial adverse direct effect on any S1, S2, or S3 sensitive vegetation communities.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation, second edition (Sawyer et al. 2009) and California Natural Community List (CDFW 2020). LACDPW should disclose total acres of temporary and permeant impacts associated with each MCV alliance/association.*

Mitigation Measure #2: *The Project will impact sensitive vegetation communities. Therefore, CDFW recommends the Project mitigate for impacts as follows:*

- A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities.
- A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and,
- A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.

CDFW makes these recommendations based on factors that include (but not limited to) the rarity of the vegetation community in the State; local significance; potential rarity of specific plant species associated with each vegetation community; temporal loss of habitat; and the likelihood that the Project would impact communities associated with wetlands, streams, rivers, and creeks, which provide important food, nesting habitat, cover, and migration corridors for wildlife.

Mitigation Measure #3: *Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, CDFW recommends that LACDPW, in consultation with a qualified botanist and restoration specialist, develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP) for impacts to sensitive vegetation communities. The HMMP should include the following components at a minimum:*

a) A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and

b) Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, should be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.

Recommendation #1: *Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under Mitigation Measure #2. Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.*

Recommendation #2: The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmentally Sensitive Habitat Area, Significant Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory (Cal-IPC 2020a). Specially, CDFW recommends avoiding the following species: acacias (Acacia genus); tree-of-heaven (Ailanthus altissima); iceplant (Carpobrotus genus); pampas grass (Cortederia genus); fountain grass (Pennisetum genus); brooms (Genista, Cytisus, Spartinum, Ulex); tamarisk (Tamarix genus); periwinkle (Vinca genus), and any type of ivy. These species can quickly spread into natural areas. Instead, CDFW recommends LACDPW revegetate with southern California native plants that are appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage (Cal-IPC 2020b). If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive Plants for Transportation and Utility Corridors for additional guidance and BMPs for using seed mixes (Cal-IPC 2012).

RESPONSE A-01-6

This comment addresses methods of vegetation mapping used in the Draft EIR.

The vegetation mapping followed the classifications defined in *A Manual of California Vegetation* (Sawyer et al. 2009); however, *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986) was also consulted for clarification, particularly with sensitive vegetation communities in the California Natural Diversity Database (CNDDB). Therefore, the sensitive vegetation communities in the Draft EIR are based on the CNDDB sensitive vegetation classifications as reported in the quadrangle search. Based on this, the remapping of vegetation communities as suggested in recommended **Mitigation Measure #1** is not necessary. Also, "Recommendation #1," requesting renaming of sensitive vegetation community names, is not necessary.

Impacts to sensitive vegetation communities would consist of temporary effects from trimming; permanent impacts are limited to the removal of up to five oak trees. No mechanized sensitive habitat clearing or grubbing would occur, with the exception of oak tree removal. Because vegetation trimming of sensitive communities for access would be temporary and unsubstantial, and no complete removal of individuals or their root systems would occur, compensatory mitigation is not required, as suggested in recommended **Mitigation Measure #2** nor is a Habitat Mitigation and Monitoring Plan necessary, as suggested in recommended "Mitigation Measure #3." **MM BIO-11**, *Certified Arborist*, and **MM BIO-12**, *Coastal Development Permit*, require investigations by a certified arborist and authorization and replacement mitigation for protected trees species through County Tree Removal Permit and Coastal Development Permit at a minimum replacement ratio of 10:1.

The erosion-control seed mix for slopes would be an approved California Department of Transportation (Caltrans) seed mix, which, as a design plan specification, is prohibited from including California Invasive Plant Council (Cal-IPC) invasive or nonnative species. The mix is also required to

be native plants and developed based on the affected and surrounding vegetation community. This addresses "Recommendation #2" in the comment.

No changes to the Draft EIR are required in response to this comment.

3.1.1.7 COMMENT A-01-7

Comment #7: *Impacts to Bats*

Issue: *Additional mitigation measures may be necessary in order to adequately avoid or minimize the mortality of western mastiff bat (Eumops perotis californicus) and western red bat (Lasiurus blossevillii). Both bat species are Species of Special Concern.*

Specific impacts: *The Project may result in direct and indirect impacts to bats. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.*

Why impacts would occur: *In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).*

Evidence impact would be significant: *Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys and reporting by a qualified bat specialist should be conducted prior to any Project related ground-disturbing activities at locations near potential roosting habitat for bats.*

Mitigation Measure #2: *If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related*

tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Mitigation Measure #3: *If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).*

Mitigation Measure #4: *If maternity roosts are found and LACDPW determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise.*

RESPONSE A-01-7

This comment pertains to potential impacts to bat species in trees and structures.

See response to Comment A-01-4, which includes revision to **MM BIO-4**, *Preconstruction Nesting Bird and Wildlife Survey*. These additions include additional detail regarding the requirements for surveys, monitoring, and potential relocation of species of special concern including birds, amphibians, reptiles, turtles, and mammals including bats should they be present in the construction area.

As further described in **MM BIO-4,** activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats would be surveyed for bat roosts prior to ground-disturbing activities. If roosting bats may be present, trees should be pushed down (removed) using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees would pushed lightly to allow bats to become active. If maternity roosts are found and Waterworks determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan.

The revision of **MM BIO-4** addresses the recommended feasible mitigation measures suggested in the comment. No additional revisions to the Draft EIR are required in response to this comment.

3.1.1.8 COMMENT A-01-8

Additional Recommendations:

Fencing. All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In

coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e., outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.

RESPONSE A-01-8

This comment pertains to recommendations for project fencing to avoid impacts to environmentally sensitive areas.

The Draft EIR included **MM BIO-1**, *Environmentally Sensitive Area Fencing*, which addresses this comment.

No changes to the Draft EIR are required in response to this comment.

3.1.1.9 COMMENT A-01-9

Equipment Inspection. Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.

RESPONSE A-01-9

This comment pertains to recommendations for equipment inspection to avoid impacts to wildlife.

See response to Comment A-01-4, which includes revision to **MM BIO-4**, *Preconstruction Nesting Bird and Wildlife Survey*. This measure, as revised, addresses this recommendation.

No additional changes to the Draft EIR are required in response to this comment.

3.1.1.10 COMMENT A-01-10

Data. CEQA requires that information developed in environmental impact reports 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 detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020c). Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.

RESPONSE A-01-10

This comment pertains to recommendations for incorporating environmental impact reports into a database.

The project biologist will submit CNDDB forms for any special-status species observed prior to, or during, construction.

No changes to the Draft EIR are required in response to this comment.

3.1.1.11 COMMENT A-01-11

Mitigation Measures and Monitoring Reporting Plan. CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the LACDPW in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LACDPW 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 LACDPW 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). A final MMRP should reflect the Project's final on and/or off-site mitigation plans.

RESPONSE A-01-11

This comment recommends that an MMRP be prepared.

As required by CEQA, an MMRP was prepared for this EIR: Chapter 3, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

No changes to the Draft EIR are required in response to this comment.

3.1.1.12 COMMENT A-01-12

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 Los Angeles County

Department of Public Works and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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).

RESPONSE A-01-12

This comment addresses the required filing fees for environmental review by CDFW.

As required by CEQA and the California Fish and Game Code, Waterworks will pay the CDFW environmental review fees when filing the Notice of Determination (NOD) for the EIR with the Los Angeles County Clerk.

No changes to the Draft EIR are required in response to this comment.

3.1.1.13 COMMENT A-01-13

Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Public Works in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Public Works 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 Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov

RESPONSE A-01-13

This comment requests that CDFW have the opportunity to review and comment on Waterworks' responses to their comments.

Responses to the CDFW comments will be provided to the agency at least 10 days before the Final EIR is certified by the Los Angeles County Board of Supervisors, as required by CEQA.

No changes to the Draft EIR are required in response to this comment.

3.1.1.14 COMMENT A-01-14

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect the Project's final on- and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
MM BIO-1-Impacts to Streams – LSA Notification	*The LACDPW shall notify CDFW pursuant to Fish and Game Code, section 1600 et seq. prior to any Project ground disturbing activities related to the following improvements: related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive*	*Prior to Project construction and activities*	*Los Angeles County Department of Public Works (LACDPW)*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	Waterline Improvements; and Las Virgenes Connection.		
MM BIO-2- Impacts to Streams – setbacks and staging areas	*Where Project staging areas occur adjacent to a stream, LACDPW shall establish appropriate setbacks from the stream and demarcate the staging area. A setback shall provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging shall be within the designated staging area only.*	*Prior to/During Project construction and activities*	*LACDPW*
MM BIO-3- Impacts to Streams – setbacks and staging areas	*Creek Crossing Repair improvements shall be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.*	*During Project construction and activities*	*LACDPW*
MM BIO-4- Impacts to Streams – LSA Notification	*Lake and Streambed Notification shall include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report shall also include a scour analysis to demonstrate that stream banks and channel would not erode.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-5- Impacts to Streams – LSA Notification	*As part of the LSA Notification process, LACDPW shall provide a map showing features potentially subject to CDFW's broad regulatory authority over streams. LACDPW shall also provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-6- Impacts to Streams – LSA Notification	*LACDWP shall update its table of impacts on riparian habitat and sensitive vegetation communities prior to Notification.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-7- Impacts to special-status fish species - avoidance	*The Project shall fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work shall occur in the stream channel or stream banks adjacent to streams supporting special-status fish species. If work must occur in the stream channel or stream banks, no work shall occur during the winter rainy season which typically occurs between December 1 through March 31. Additionally, no work shall occur during combined rainy season and breeding season(s) (depending on the species potentially impacted):* *Steelhead: No work shall occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15).*	*Prior to/During Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	Tidewater goby: No work shall occur during peak breeding activities from April 1 through June 31. *Arroyo chub: No work shall occur from February 1 through August 31 (Tres 1992).*		
MM BIO-8- Impacts to special-status fish species - impacts	*If impacts to steelhead, tidewater goby, and arroyo chub cannot be avoided, including dewatering activities, LACDPW shall consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation shall occur prior to the start of any Project related construction and activities where there may be impacts to these native fish species.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-9- Impacts to special-status fish species - surveys	*LACDPW, in consultation with a qualified aquatic biologist, shall survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys shall be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist shall develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub shall be reported to CDFW/USFWS.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-10- Impacts to special-status fish species – aquatic invasive species /decontaminatio n	*LACDPW shall implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed such as New Zealand Mudsnails (Potamopyrgus antipodarum). All work boots, equipment, and tools shall be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures shall be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol.*	*Prior to/During Project construction and activities*	*LACDPW*
MM BIO-11- Impacts to raptors – survey	*A qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience shall conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys shall be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys shall be conducted in the immediate work/disturbance area plus a 500-foot buffer.*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	Positive detections shall be reported to CDFW prior to the any Project-related ground disturbing activities.		
MM BIO-12- Impacts to raptors – avoidance	*If white-tailed kite and/or American peregrine falcon nests are detected, no Project-related construction and activities shall occur from January 1 through August 31.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-13- Impacts to raptors – buffers	*If Project-related construction and activities must occur between January 1 through August 31, a minimum 0.5-mile no-disturbance buffer shall be implemented around each raptor nest. No Project related construction and activities shall occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations shall be prohibited. LACDPW, in consultation with a qualified biologist, shall develop a robust buffer and demarcation plan. LACDPW shall be responsible for maintaining protective fencing. Buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist shall determine if buffers need to be increased to protect active nests.*	*Prior to/During Project construction and activities*	*LACDPW*
MM BIO-14- Impacts to raptors – surveys	*If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist shall repeat raptor surveys before work may restart.*	*Prior to/During Project construction and activities*	*LACDPW*
MM BIO-15- Impacts to Species of Special Concern – Scientific Collecting Permit	*LACDPW/qualified biologist shall obtain appropriate handling permits from CDFW in order to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-16- Impacts to Species of Special Concern – surveys	*LACDPW shall retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) shall conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat shall follow the United States Geological Survey's 2006 Western Pond Turtle*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	Visual Survey Protocol for the Southcoast Ecoregion. Positive detections of SSC and suitable habitat at the detection location shall be mapped. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. *A summary report discussion survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified biologist shall discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).*		
MM BIO-17- Impacts to Species of Special Concern – protection and relocation plan	*Wildlife shall be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits.* *The qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-18- Impacts to Species of Special Concern – biomonitoring	*Preconstruction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW shall contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring shall be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC shall be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC shall be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers shall*	*Prior to/During Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist shall safely protect or relocate the animal per relocation and handling protocols.		
MM BIO-19- Impacts to Species of Special Concern – injured or dead wildlife	*If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the CDFW and LACDPW by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. Additionally, a formal report shall be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and*	*During Project construction and activities*	*LACDPW*
MM BIO-20- Impacts to Rare Plants - survey	*LACDWP shall retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist shall conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground disturbance where there is suitable habitat for rare plants. Surveys shall be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The qualified biologist shall prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report shall provide the following information:* *A description and map of the survey areas. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys.* *Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.* *c) If rare plants are detected, maps(s) will be provided showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location.* *A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions,*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
	primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).		
MM BIO-21- Impacts to Rare Plants – avoid	*If a CESA- or ESA-listed threatened or endangered rare plant species is detected, LACDPW shall fully avoid impacts and notify CDFW and/or USFWS. A qualified biologist shall develop a robust avoidance plan. If a CRPR 1, 2, 3, and 4 species is detected, LACDPW shall fully avoid impacts and notify CDFW of CRPR 1 and 2 species.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-22- Impacts to Rare Plants – CESA ITP	*If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, LACDPW shall seek appropriate take authorization under CESA prior to implementing the Project.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-23- Impacts to Rare Plants – impacts	*If there will be impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW will notify and consult with CDFW and/or USFWS.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-24- Impacts to Rare Plants – replacement habitat	*If there are impacts to CRPR plants and habitat, LACDPW shall compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. LACDPW shall provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and no less than 5:1 for CRPR 3 and 4 species. Mitigation shall occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits shall be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-25- Impacts to Rare Plants – replacement habitat	*If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, LACDPW shall set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the samewatershed as the Project site and support habitat that contains the rare plant species*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	impacted. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A rare plant mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.		
MM BIO-26- Impacts to Sensitive Vegetation Communities - survey	*LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, shall remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation and California Natural Community List.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-27- Impacts to Sensitive Vegetation Communities – replacement habitat	*LACDPW shall mitigate for impacts as follows:* *A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities.* *A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and,* *A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.*	*Prior to/After Project construction and activities*	*LACDPW*
MM BIO-28- Impacts to Sensitive Vegetation Communities – HMMP	*Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, LACDPW, in consultation with a qualified botanist and restoration specialist, shall develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall include the following components at a minimum:* *A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and,* *Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, shall be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the preproject function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.		
MM BIO-29- Impacts to Bats – survey	*Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology to shall be used to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. Surveys and reporting by a qualified bat specialist shall be conducted prior to any Project-related ground-disturbing activities at locations near potential roosting habitat for bats.*	*Prior to Project construction and activities*	*LACDPW*
MM BIO-30- Impacts to Bats – tree removal	*If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may*	*During Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.		
MM BIO-31-Impacts to Bats – maternity roosts	*If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).*	*Prior to/ During Project construction and activities*	*LACDPW*
MM BIO-32-Impacts to Bats – maternity roosts	*If maternity roosts are found and impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before subset and 30 minutes after sunrise.*	*Prior to/ During Project construction and activities*	*LACDPW*
REC-1-LSA Notification	*To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.*	*Prior to Project construction and activities*	*LACDPW*
REC-2-Sensitive Vegetation communities	*Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under* ***MM BIO-27****.*	*Prior to Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.		
REC-3-Sensitive Vegetation communities	*The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmental Sensitive Habitat Area, Significant Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures.* *LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory. Specially, CDFW recommends avoiding the following species: acacias (Acacia genus); tree-of-heaven (Ailanthus altissima); iceplant (Carpobrotus genus); pampas grass (Cortederia genus); fountain grass (Pennisetum genus); Brooms (Genista, Cytisus, Spartinum, Ulex); tamarisk (Tamarix genus); periwinkle (Vinca genus), and any type of ivy. These species can quickly spread into natural areas. For example, Fountain grass is a common erosion control/landscaping plant in southern California. Fountain grass can quickly spread and displace native plants. In southern California, Fountain grass is rapidly invading steep west and south facing hillsides in western Santa Monica Mountains. Moreover, Fountain grass may increase fuel load and therefore the frequency, intensity, and spread of fire.* *Instead, CDFW recommends LACDPW revegetate with southern California native plants that are*	*After Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage. If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive Plants for Transportation and Utility Corridors for additional guidance and BMPs for using seed mixes.		
REC-4- Fencing	*All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.* *LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering*	*Prior to/ During Project construction and activities*	*LACDPW*

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		***Timing***	***Responsible Party***
	sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e., outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.		
REC-5-Equipment Inspection	*Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.*	*Prior to/ During Project construction and activities*	*LACDPW*
REC-6-Data	*Special status species detected should be reported to the California Natural Diversity Database (CNDDB) by completing and submitting CNDDB Field Survey Forms. Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.*	*Prior to/ During Project construction and activities*	*LACDPW*
REC-7-Mitigation Measures and Monitoring Reporting Plan	*CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. LACDPW is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP should reflect the Project's final on and/or off-site mitigation plans.*	*Prior to Project construction and activities*	*LACDPW*

RESPONSE A-01-14

This comment provides a recommended MMRP for the suggested mitigation provided in Comments A-01-1 through A-01-11.

See responses to Comments A-01-1 through A-01-11 regarding mitigation and recommendations. As stated in response to Comment A-01-11, an MMRP has been developed for mitigation in the Draft EIR, as revised in this Final EIR, as Chapter 3, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

No additional changes to the Draft EIR are required in response to this comment.

3.1.2 Commenter A-03—California Department of Transportation

3.1.2.1 COMMENT A-03-1

The project is located adjacent to or near sections of the PCH, State Route 23 (SR-23), and State Route 27 (SR-27) in Los Angeles County. As noted in the DEIR, this project will need an encroachment permit for any work on or near these facilities. Please contact Caltrans' Office of Permits for more information on applying for an encroachment permit. Contact information for this office can be found at the following link: https://dot.ca.gov/caltrans-near-me/district-7/district-7-programs/d7-encroachment-permits.

RESPONSE A-03-1

This comment addresses the need for encroachment permits for work in Caltrans rights-of-way. The Draft EIR identified the need for encroachment permits for improvements located within PCH (Table 2.5, *Responsible Agencies and Required Permits or Other Approvals for the Proposed Project,* in Chapter 2, *Project Description.*) Waterworks, as the lead agency, will contact Caltrans' Office of Permits for any required and necessary permits as noted by the commenter.

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.2 COMMENT A-03-2

Also, 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 supports the project limiting construction traffic to off-peak periods to minimize the potential impact on State facilities. Since construction traffic may cause delays on State facilities, please submit a construction traffic management plan detailing these delays and the proposed measures for mitigating these delays for Caltrans' review. This plan should account for construction traffic caused by Caltrans' PCH Secant Wall Improvements project, since as noted in the DEIR, construction traffic from Caltrans' project could overlap with construction traffic from this project.

RESPONSE A-03-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment addresses the need for Caltrans transportation permits for transportation of heavy construction equipment and/or materials requiring oversized transport vehicles on State highways. The Draft EIR identified the need for these permits (Table 2.5, *Responsible Agencies and Required Permits or Other Approvals for the Proposed Project,* in Chapter 2, *Project Description.*)

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.3 COMMENT A-03-3

The construction traffic management plan should also include measures similar to MM TRA-5 to accommodate the circulation of bicyclists and pedestrians on state facilities such as the PCH during construction. In addition, since the PCH serves as the popular Pacific Coast Bicycle Route, the Adventure

Cycling Association (ACA) should be notified about any construction impacts to this route. The ACA can then communicate any potential route closures to the non-motorized community. Please see the following link for more information on the ACA: www.adventurecycling.org.

RESPONSE A-03-1

This comment states that measures similar to **MM TRA-5**, *Accommodate Bike Route on PCH during Construction*, should be included in the construction traffic management plan.

All mitigation measures related to construction, including **MM TRA-5**, will be incorporated as requirements in the scope of work for construction contractors hired for the project. **MM TRA-5** is also included in the MMRP for the project.

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.4 COMMENT A-03-4

The following information is included for your consideration.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Furthermore, Caltrans encourages Lead Agencies to implement Transportation Demand Management (TDM) strategies that reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions. For TDM options to potentially include in this project, 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*, 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.

As a reminder, Senate Bill 743 (2013) mandates that VMT be used as the primary metric in identifying transportation impacts of all future development projects under CEQA, starting July 1, 2020. For information on determining transportation impacts in terms of VMT on the State Highway System, see the Technical Advisory on Evaluating Transportation Impacts in CEQA by the California Governor's Office of Planning and Research (OPR), dated December 2018: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

The Department can also refer to Caltrans' updated Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG), dated May 2020 and released on Caltrans' website in July 2020: https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf. Caltrans' new TISG is largely based on the OPR 2018 Technical Advisory.

RESPONSE A-03-1

This comment offers additional information for consideration, including encouraging Transportation Demand Management (TDM) strategies to reduce vehicle miles traveled (VMT) and greenhouse gas

(GHG) emissions and the use of VMT as the primary metric in identifying transportation impacts on the State Highway System.

The District 29 Priority Capital Deficiencies Improvements project is not a development project. It would repair and replace existing infrastructure. After construction, the project would not result in new trips or VMT. During construction, additional trips and VMT would be minimal, related to short-term construction worker trips and materials delivery. Significant traffic impacts resulting from construction would occur due to the reduction in capacity (lane closures) for construction within travel lanes, especially on PCH. Mitigation proposed in the Draft EIR would reduce this impact to less than significant (Section 3.17, *Transportation*).

Because the proposed project would not affect VMT in the long term, and the short-term, construction-related VMT increase would be minimal, TDM measures are not needed, and no changes to the Draft EIR are required due to this comment.

3.1.3 Commenter A-04—City of Malibu

3.1.3.1 COMMENT A-04-1

The City of Malibu has reviewed the Draft EIR for the subject project and have one comment relative to a reference on page 3-16-3 regarding the Malibu LCP. The EIR indicates the District 29 project would file for an exemption for repair, replacement, and minor alterations or existing public water infrastructure under Coastal Zone Regulation Section 12.20.065 (C). To be consistent with the City of Malibu's Local Costal Program, the correct reference should be Malibu Local Implementation Plan Section 13.4.2 (C). The code reference in the Santa Monica Mountains LCP discussion on the same page should be confirmed as well.

RESPONSE A-04-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment identifies a mistake in the Draft EIR. In response to this comment the following change is made to paragraph 1 under the *Malibu Local Coastal Program* heading in Section 3.16.2.3, *Environmental Analysis, Recreation, Regulatory Setting, Local and Regional*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

> The entire City of Malibu is located within the California coastal zone, which means that all development and activity occurring within city limits (unless considered exempt) is subject to the regulations of the City's LCP. LCPs contain the ground rules for protecting sensitive coastal resources and public access along the entire coastline of California. Malibu's LCP was certified by the Coastal Commission in 2002. It grants the City the right to review and approve CDPs at the local level. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the Local Implementation Plan of the City of Malibu Local Coastal Program, Section 13.4.2(C) ~~Coastal Zone Regulation Section 13,20.065(C)~~.

Also in response to this comment, the following change is made to paragraph 1 under the *Santa Monica ~~,Ana~~ Mountains Local Coastal Program* (corrected in Final EIR) heading in Section 3.16.2.3, *Environmental Analysis, Recreation, Regulatory Setting, Local and Regional*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

> The Santa Monica Mountains (SMM) Coastal Zone is the unincorporated portion of the SMM west of the City of Los Angeles, east of Ventura County, and south of the coastal zone boundary, excluding the City of Malibu. The Coastal Zone extends inland from the shoreline approximately 5 miles. The SMM LCP consists of the Land Use Plan (LUP) and implementing actions, including the Local Implementation Program (LIP), a series of ordinance sections added to the Zoning Ordinance, Title 22 of the County Code. The LUP was certified by the Coastal Commission in 1986. Policies applicable to the District 29 project include those

addressing protection and expansion of public access to shoreline and recreational opportunities. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the *Santa Monica Mountains Implementation Program of the Santa Monica Mountains Local Coastal Program*, Section 22.44.820.A.3.c. ~~Coastal Zone Regulation Section 13,20.065(C)~~.

These corrections do not represent substantive changes to the Draft EIR. No additional changes to the Draft EIR are required in response to this comment.

3.1.4 Commenter A-05—California Coastal Commission

3.1.4.1 COMMENT A-05-1

Coastal Commission staff has reviewed the Draft Environmental Impact Report (DEIR) for the Los Angeles County Department of Public Works (LACDPW), Waterworks District 29 Priority Capital Deficiencies Improvements dated October 2020, and we appreciate the opportunity to provide comments for your consideration. It should be noted that Commission staff has previously provided comments about this project in writing. Commission staff sent a comment letter regarding the Notice of Preparation for this DEIR on December 18, 2017. Many of the comments that are discussed in this comment letter were identified in the previous comment letter, prior to the completion of the DEIR.

RESPONSE A-05-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment states that the California Coastal Commission submitted comments during the scoping period for the Draft EIR on December 18, 2017, in response to the NOP. The letter indicated the need for the EIR to evaluate potential coastal resource impacts, including short-term, long-term, indirect, and direct impacts on sensitive habitats as well as any indirect or direct impacts on water quality in the adjacent creeks/stream. The Draft EIR, including Sections 3.4, *Biological Resources*, and 3.10, *Hydrology and Water Quality*, addressed the topics in the agency's previous comment letter as requested. No changes to the Draft EIR are required in response to this comment.

3.1.4.2 COMMENT A-05-2

The proposed project involves: the demolition of two 50,000-gallon water tanks and construction of one 200,000-gallon tank reservoir in the unincorporated area of Topanga and demolition of one 70,000-gallon water tank and construction of one 225,000-gallon tank reservoir in Malibu; replacement of approximately 34,300 feet of existing underground water pipeline, construction of approximately 6,300 feet of new underground pipeline; and repairing several creek crossing locations by replacing and recoating segments of pipe and air release valves on PCH with pipeline segments constructed underground in existing roadways.

The proposed project consists of several projects in the Malibu and Topanga areas. Thus, the project is located within the jurisdictions of the City of Malibu LCP and the Los Angeles County Santa Monica Mountains LCP. Some components of the proposed project will require a CDP from each respective jurisdiction (City of Malibu or Los Angeles County), and some components may be exempt from the requirement to obtain a CDP. Each respective jurisdiction is responsible for determining permit requirements, processing the required permit, and analyzing the project's consistency with the policies and provisions of their LCPs. We recommend LACDPW coordinate with the City of Malibu and Los Angeles.

RESPONSE A-05-2

This comment references the Malibu LCP and the Santa Monica Mountains LCP. Both of these documents are discussed in detail in various places in the Draft EIR, including in Table 2-5, *Responsible*

Agencies and Required Permits or Other Approvals for the Proposed Project, in Chapter 2, *Project Description.* It is anticipated that the improvements included in the District 29 Priority Capital Deficiencies Improvements project would qualify for an exemption from the CDP requirements under the Malibu LCP (13.4.2(C) of the Malibu LCP LIP) and the SMM LCP (Section 22.44.820.A.3.c of the SMM LCP Local Implementation Plan). The District will coordinate with the City of Malibu and the County of Los Angeles during implementation of the project improvements.

No changes to the Draft EIR are required in response to this comment.

3.1.4.3 COMMENT A-05-3

The purpose of this letter is to identify potential coastal resource impacts that could result from the proposed project and provide comments that should be further evaluated in the Final Environmental Impact Report. Policies of particular relevance to the project sites located within the jurisdiction of the Malibu LCP include Sections 30230, 30231, 30236, and 30240 of the Coastal Act, which are incorporated as policies of the Malibu Land Use Plan; and for the projects located in the unincorporated area of Los Angeles, goals CO-01 and CO-02 of the Santa Monica Mountains LCP. These policies/goals require that development maintain and restore biological productivity and coastal water quality and limit the type of development in and around Environmental Sensitive Habitat Area (ESHA) or Sensitive Environmental Resource Areas (SERA). These policies not only limit the type of development that can be permitted within these resources, but also provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging feasible alternatives exist for the project and all unavoidable impacts are fully mitigated.

RESPONSE A-05-3

This comment references sections of the California Coastal Act (Coastal Act) (incorporated into the Malibu LCP) and goals in the SMM LCP. The comment discusses development within areas covered by these policies and goals. The proposed project does not propose new development, only repair and replacement of existing infrastructure.

Section 30230 of the Coastal Act addresses the marine environment. The proposed project would not affect the marine environment directly, and impacts to marine resources from construction activities, such as from runoff, erosion, and use of hazardous materials, would be avoided through Los Angeles County Public Work's Construction BMPs, as listed in Table 3.10-9, *District 29 Project Construction BMPs (Stormwater, Non-Stormwater)*, in Section 3.10, *Hydrology and Water Quality*, of the Draft EIR.

Section 30231 of the Coastal Act and Goal CO-1 in the SMM LCP address biological productivity and water quality of coastal waters, streams, wetlands, estuaries, and lakes. Impacts to coastal waters are addressed in the previous paragraph. Impacts to biodiversity and impacts on other waters were described in Section 3.10, *Hydrology and Water Quality,* and in Section 3.4 of the Draft EIR, *Biological Resources*, of the Draft EIR.

Section 30236 of the Coastal Act addresses channelization, dams, and substantial alterations of rivers and streams. The proposed project would not include any channelization, dams, or any other alteration of rivers or streams.

Section 30240 of the Coastal Act and Goal CO-2 in the SMM LCP address environmentally sensitive habitat areas. Impacts to such habitats were addressed in Section 3.4, *Biological Resources*, of the Draft EIR.

No changes to the Draft EIR are required in response to this comment.

3.1.4.4 COMMENT A-05-4

Additionally, Policy 3.63 of the Malibu Land Use Plan (LUP) and Policy CO-99 of the Santa Monica Mountains LUP require that new development be sited and designed to preserve native trees that are not otherwise protected as ESHA/SERA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Where the removal of native trees cannot be avoided through feasible alternatives, then adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation.

RESPONSE A-05-4

This comment references policies in the Malibu LUP and SMM LUP related to preservation of native trees. As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, the Malibu LCP's Native Tree Protection Ordinance, the SMM LCP, and the Los Angeles County Oak Tree Ordinance all prohibit the unpermitted cutting, damaging, destroying, removing, or relocating of protected trees under each respective ordinance. Therefore, cutting, damaging, destroying, removing, or relocating any protected trees within the improvement sites could result in significant impacts to protected trees under these local tree preservation policies. With implementation of **MM BIO-11**, *Certified Arborist*, and **MM BIO-12**, *Coastal Development Permit*, impacts related to local tree preservation policies would be less than significant.

Only one of the improvements would result in the removal of native trees, the Fernwood Tank Improvement in the SMM LCP area in unincorporated Los Angeles County, which would remove between one and five coast live oak trees, depending on the final footprint of the replacement tank. Because the Fernwood Tank must be replaced onsite and connect with existing infrastructure, alternative locations are not feasible, and the footprint for the replacement tank would reduce the impact to native trees to the maximum extent feasible. The impacts to native trees would be significant. Compensatory mitigation, under a Coastal Development Permit – Oak Tree (CDP-OT) process in the SMM LCP and Los Angeles County's Oak Tree Permit, is required by **MM BIO-12**.

No changes to the Draft EIR are required in response to this comment.

3.1.4.5 COMMENT A-05-5

As discussed in the DEIR, some of the project sites are situated within or adjacent to areas identified and mapped as an ESHA by the Malibu LCP or SERA by the Santa Monica Mountains LCP. As such, the project has the potential to result in significant adverse impacts to the sensitive habitats on and adjacent to the project sites, including but not limited to dunes, riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, and wetlands. Section 30240 of the Coastal Act, which is incorporated as a policy of the Malibu Land Use Plan, and the Santa Monica Mountains Land Use Plan Goal CO-02 require that ESHA/SERA be protected against any significant disruption of habitat vales, and only uses depended on such resources shall be allowed within those areas.

RESPONSE A-05-5

This comment addresses environmentally sensitive habitat areas ESHA in the Malibu LCP and SERA in the SMM LCP. Impacts related to ESHAs and SERAs were addressed in Section 3.4, *Biological Resources*, of the Draft EIR. In some locations, significant impacts were identified. Mitigation measures

MM BIO-9, *Invasive Weed Avoidance*, and **MM BIO-10**, *Dust Control*, would reduce these impacts to less-than-significant levels.

No changes to the Draft EIR are required in response to this comment.

3.1.4.6 COMMENT A-05-6

Furthermore, Malibu LUP Policy 3.16 and Santa Monica Mountains LUP Policy CO-43, require that new development be sited and designed to avoid impacts to ESHA/SERA, and if there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected.

RESPONSE A-05-6

This comment addresses eliminating impacts to ESHAs/SERAs with feasible alternatives. See response to Comment A-05-5. Impacts to ESHAs/SERAs would be reduced to less-than-significant levels with mitigation. In addition, no alternatives to the improvements affecting ESHAs/SERAs are feasible because these improvements relate to replacing or repairing existing infrastructure in the same locations.

No changes to the Draft EIR are required in response to this comment.

3.1.4.7 COMMENT A-05-7

While the proposed development is located in the general footprint of existing development and previously disturbed areas, the Final EIR should evaluate siting and design project alternatives that avoid impacts to ESHA/SERA. Only if no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected and mitigation should be required.

RESPONSE A-05-7

This comment addresses eliminating impacts to ESHAs/SERAs with feasible alternatives. See responses to Comments A-05-5 and A-05-6. No changes to the Draft EIR are required in response to this comment.

3.1.4.8 COMMENT A-05-8

Further, the Final EIR should evaluate the potential for short-term, long-term, indirect and direct impacts to sensitive habitats located at the respective project sites and surrounding areas as well as any indirect or direct impacts to water quality in the adjacent creeks/streams.

RESPONSE A-05-8

This comment addresses potential impacts to sensitive habitats caused by the proposed project. Short-term, long-term, indirect, and direct impacts related to sensitive habitats were addressed in Section 3.4, *Biological Resources*, of the Draft EIR. In some locations, significant impacts were identified, including dust deposition, vegetation trimming, and removal of one to five coast live oak trees. Mitigation measures identified in the Draft EIR would reduce these impacts to less-than-significant levels, including **MM BIO-10**, *Dust Control*, **MM BIO-11**, *Certified Arborist*, and **MM BIO-12**, *Coastal Development Permit*.

No changes to the Draft EIR are required in response to this comment.

3.1.4.9 COMMENT A-05-9

Additionally, the DEIR states that the proposed project will have adverse impacts to native trees that are protected under the Malibu LCP and Santa Monica Mountains LCP. Specifically, the Fernwood Tank Improvement is expected to result in the direct removal of up to five coast live oak trees. To ensure that native trees are protected consistent with the Malibu LCP and Santa Monica Mountains LCP, the Final EIR should analyze alternatives to the proposed project that would avoid the removal of native trees. Only if no feasible project alternative exists that would prevent tree removal, then the alternative that would result in the fewest or least-significant impacts shall be selected and mitigation should be required consistent with the policies of the respective LCPs.

RESPONSE A-05-9

This comment addresses impacts to up to five coast live oak trees. See response to Comment A-05-4. Because the Fernwood Tank must be replaced onsite and connect with existing infrastructure, alternative locations are not feasible, and the footprint for the replacement tank would reduce the impact to native trees to the maximum extent feasible. The impacts to native trees would be significant. Compensatory mitigation, under a CDP-OT process in the SMM LCP and Los Angeles County's Oak Tree Permit, is required by **MM BIO-12,** *Coastal Development Permit.* With implementation of **MM BIO-12**, impacts related native trees would be less than significant.

No changes to the Draft EIR are required in response to this comment.

3.2 Non-agency Individuals and Organizations

3.2.1 Commenter P-01—Helen Braithwaite

3.2.1.1 COMMENT P-01-1

Here is a thought... what about providing a water tank at the top of Trancas as was in the works over 5 years ago and then a abandoned. That would be a helpful improvement to those that truck water (adding pollution and being completely energy inefficient).

That is an idea when you think of District 29 improvements that allegedly The City of Malibu can not involve themselves in.

RESPONSE P-01-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment addresses potential improvements not included in the District 29 Priority Capital Deficiencies Improvements project. The priority improvements analyzed in the Draft EIR address serious deficiencies in the water system, including areas with reoccurring leaks and breaks, aged infrastructure that is well beyond its effective lifespan, structural integrity issues, and poor system resilience. These are the most critical projects and can be completed most efficiently. Waterworks continues to evaluate the District 29 system to make other critical improvements in the future.

No changes to the Draft EIR are required in response to this comment.

3.2.2 Commenter P-02—Nojan Boloorchi

3.2.2.1 COMMENT P-02-1

Thank you for your email. I am the owner of 3700 Malibu Vista Dr, Malibu CA 90265 in the unincorporated section of LA County near the Getty Villa in Malibu. There is a County water storage facility that is in front of my property. Do you know if the proposed changes would effect the structure that is in front of my property?

RESPONSE P-02-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment requests information about potential impacts on a property that is not located in close proximity to the District 29 Priority Capital Deficiencies Improvements project. The commenter's property is approximately three blocks north of the Coastline Drive 12-inch Waterline Improvements site, separated by topography and intervening development. No construction would occur on the street where the property is located and construction on Coastline Drive would not be visible from the commenter's property. As such, implementation of the project is not anticipated to affect the property.

Waterworks responded to the commenter by email on October 29, 2020, explaining that the referenced property would not be affected and the commenter replied back, thanking Waterworks for the response. No changes to the Draft EIR are required in response to this comment.

3.2.3 Commenter P-03—Steve Panagos

3.2.3.1 COMMENT P-03-1

I own a home located at 22251 Carbon Mesa Road and I am directly impacted by this project.

I am 100% supportive of the replacement of the aging and undersized water lines and my only request is that the work is started and completed faster.

These lines are crucial to supplying adequate water flow in the event of a fire.

RESPONSE P-03-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment requests that the project be completed on a faster timetable. As noted in the Draft EIR, construction of the nine improvements included under the proposed project would vary in duration and in start times based upon type of construction. Generally, construction activities would begin in March 2022 and end in September 2026, although some flexibility has been built into the schedule to accommodate potential reprioritization, weather, and other unforeseen circumstances.

This comment expresses support for the project and does not address significant environmental issues and no changes to the Draft EIR are required.

3.2.4 Commenter P-04—Anne Marie Tumulty

3.2.4.1 COMMENT P-04-1

My clients no longer own a Malibu property, and their water account has been closed, so I can be removed from this email list.

RESPONSE P-04-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment responded to the Notice of Availability for the Draft EIR but does not address significant environmental issues. No response is required under State CEQA Guidelines Section 15132(d), and no changes to the Draft EIR are required.

3.2.5 Commenter P-05—Richard Hinson

This commenter submitted comments by email, attaching a previous emails to Waterworks from dates prior to the public comment period. All comments are responded to herein.

3.2.5.1 COMMENT P-05-1

I believe I understand the basics of the project but have continuing questions about assessments and overall costs. Over a year ago I attended a meeting with Dave Rydman who suggested that we refer questions to Nima Parsa. On June 3, 2019 we began emailing our questions but have never received any responses. I will copy my emails from last year herein.

I have been paying into two separate funds since we purchased our property in October of 2009; the Service Facilities Construction Surcharge and the Quantity Facilities Construction Surcharge. Do we assume that all of the payments would be applied to any type of special water district assessment?

RESPONSE P-05-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.2 COMMENT P-05-2

At our meeting at Malibu City Hall last Thursday evening, Dave made multiple mentions of fees, possible assessments and possible credits to HOA road districts. He mentioned that I should start asking you these questions and gave me your card.

1. Dave mentioned that we will be assessed with some form of special assessment when the new water system is completed or upon any new permits issued for remodel type of construction. Our house survived so we are not a burn our waiting to rebuild. My question is how much of an assessment and when?

RESPONSE P-05-2

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.3 COMMENT P-05-3

2. I note that on our bi-monthly water bill I see two charges; Service Facilities Construction Surcharge AND a more variable Quantity Facilities Construction Surcharge. Are these fees to be applied to whatever our assessment may be?

RESPONSE P-05-3

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.4 COMMENT P-05-4

3. In various letters there was a statement alluding to some property owners having agreed at some point to a special assessment. To my knowledge I never signed or was given any such letter or agreement and nothing was disclosed to us at our purchase. Can you check you records to see if such an agreement or letter exists for our property? And if so please forward a copy to me.

RESPONSE P-05-4

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.5 COMMENT P-05-5

4. Our neighborhood association is obviously concern about funding road repairs as new water mains are installed. Dave mentioned to me that the Waterworks Districts contribute funds to Road Districts where the Waterworks has properties; in our case we have a big tank (and bigger one going in) up the hill and a smaller tank and pump facility below. Our question is how much is contributed, what timing and how is it divided? Would each of our 5 separate water districts under LaChusa participate or only the one wherein the tank and pump-tank is located?

RESPONSE P-05-5

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.6 Commenter P-06—Linda Gibbs

3.2.6.1 COMMENT P-06-1

Please S T O P putting fluoride in our water.

If someone wants to poison them self with [fluoride] they can do it on their own.

I know many people who will not drink tap water because of this, or they waste lots of water filtering out the fluoride with reverse osmosis which wastes many gallons of water for every gallon of water it provides.

The fluoride is not good for your equipment either.

So, how much are they paying you to put that poison in our water. We are not the aluminum industries bio-filter. Stop using us as one.

RESPONSE P-06-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment addresses use of fluoride in the water, but does not address significant environmental issues related to the project. The proposed project does not propose any changes in the water carried and stored in District 29 facilities. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.7 Commenter P-07—Susan Schoen

3.2.7.1 COMMENT P-07-1

I'm emailing you about the two water tanks in Topanga that are to be demolished. I emailed you previously and forgot to ask you a few questions. What capacity tank are the two existing tanks being replaced with? What determined the sizing of the previous two tanks and what year were they installed? With all the home growth in the area is the new tanks going to have a larger capacity then the two existing tanks? What criteria determined the sizing of the new tanks?

RESPONSE P-07-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks questions about the Fernwood Tank Improvement.

The Fernwood Tank site is located at 19834 Horseshoe Drive, Topanga. The proposed improvements would replace two existing 50,000-gallon tanks, built in 1967, with one 200,000-gallon tank. The sizing of the new tank would serve existing needs and is based on current domestic and fire protection standards.

No changes to the Draft EIR are required in response to this comment.

3.2.8 Commenter P-08—Jo Drummond

The following comments were submitted by Jo Drummond by email, attaching additional comments from herself and others.

3.2.8.1 COMMENT P-08-1

The bold type below are for waterworks to answer before or during their final EIR for the proposed projects in Malibu.

We just finished the waterworks mtg and Dave Rydman answered our questions as this is relating to the Las Tunas landslide and it's just a badly named project for its actual location. However, we did find out that below actual big rock along PCH there is already triplicate piping because of the lack of soil stability there.

I have asked if there is movement in the las tunas landslide and he answered that they were having leak problems (due to the landslide?) so I wonder if the big rock Mesa landslide also can be causing possible damage to the pipes under big rock, etc. We'd like some kind of report on the state of the pipes under Big Rock. Dave said he could meet with us regarding this separately. Perhaps we can be shown the EIR study that was completed when the actual Big Rock pipes were tripled.

RESPONSE P-08-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks about the Big Rock Mesa landslide, which is not located in the vicinity of the District 29 Priority Capital Deficiencies Improvements.

The Big Rock Bypass Improvements is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide; rather it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides.

Because the comment does not address the analysis in the Draft EIR or significant environmental issues related to the District 29 Priority Capital Deficiencies Improvements, no changes to the Draft EIR are required in response to this comment.

3.2.8.2 COMMENT P-08-2

By the way these projects are funded by our water bills through our construction facilities charges and property taxes. This project will cost about $5.6 million out of the $60 million total budget for all the District 29 work.

RESPONSE P-08-2

This comment appears to address the cost of the Big Rock Bypass Improvements included in the District 29 Priority Capital Efficiencies Improvements. It does not address significant environmental

issues related to the project or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.8.3 COMMENT P-08-3

With regards to the Tuna Canyon Big Rock Bypass my question for the waterworks division regarding the EIR is what is causing the leaks in the pipes along PCH in between Tuna Canyon & Big Rock Drive? In the scope it states, "the bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." So what studies have the EIR completed regarding this movement and its effect on those pipes? If this is the Tuna Canyon landslide and not the Big Rock area landslide then this wording needs to be changed in your EIR.

RESPONSE P-08-3

This comment asks about the cause of the leaks in the pipes at the Big Rock Bypass Improvements site. The cause of the leaks has not been identified. The 30-inch main is over 50 years old, and the three parallel bypass lines are more than 30 years old.

The comment asks about the following wording: "the bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." This wording does not appear in the Draft EIR and it may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: "The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock" (see Chapter 2, *Project Description*).

No changes to the Draft EIR are required in response to this comment.

3.2.8.4 COMMENT P-08-4

And as per my neighbor below an additional question is how far can the 'continuing movement' extend/involve beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be moved off further in the future. Will this project aggravate any existing movement?

RESPONSE P-08-4

This comment asks about land movement beyond the extent of the planned project. This is outside the scope of the current project.

The comment also asks if the Big Rock Bypass Improvements can be moved to further in the future. Because of the ongoing leaks, this improvement has been identified as a critical priority and therefore is scheduled to be implemented within the next 6 years.

The comment also asks if the Big Rock Bypass Improvements would aggravate the existing land movement. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design, which would prevent aggravating land movement (see Section 3.7, *Geology and Soils*, of the Draft EIR). Standard engineering design will consider the site's geologic conditions. This will provide the same

quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.5 COMMENT P-08-5

How does sea level rise & erosion affect the movement of the landslide and the proposed project called Big Rock Bypass below Las Tunas canyon?

RESPONSE P-08-5

This comment asks about the effects of sea level rise and erosion on the land movement in the vicinity of the Big Rock Bypass Improvements. See response to Comment P-08-4. At the project final design phase, geotechnical studies will be conducted within the project limits will incorporate any necessary geotechnical requirements into the project design, which would prevent aggravating land movement (see Section 3.7, *Geology and Soils* , of the Draft EIR). Potential erosion impacts were evaluated in Section 3.10, *Hydrology and Water Quality*, and Section 3.7, *Geology and Soils*, of the Draft EIR. As noted in these sections, with implementation of the Los Angeles County Public Works BMPs for sediment and erosion control, potential erosion impacts as a result of the project were determined to be less than significant. Sea level rise is a longer-term effect; therefore, the project would not be affected during construction. During operation of the project, the location of the Big Rock Bypass Improvements pipelines would be buried under the roadway, so they would not be exposed to direct impacts of sea level rise.

Standard engineering design will consider the site's geologic conditions. As discussed in Section 3.7 of the Draft EIR, *Geology and Soils*, this will provide the same quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.6 COMMENT P-08-6

When will the final EIR be completed addressing these concerns? We were told early 2021 but is there a more specific date?

RESPONSE P-08-6

This comment asks about the timing of the Final EIR. The Final EIR for the District 29 Priority Capital Deficiencies Improvements is expected in early 2021, with the specific date to be determined.

No changes to the Draft EIR are required in response to this comment.

3.2.8.7 COMMENT P-08-7

On Dec 8, 2020, at 9:44 AM, Hak Wong <hpwbigrock@yahoo.com> wrote:

Please asked the DWP engineer how far the 'continuing movement' extent/involved beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be put off further in the future. But we can't actively aggravate the existing movement!

On Mon, Dec 7, 2020 at 9:01 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote: Ok yes I'll make sure to get a clear answer. Tysm! Jo

On Dec 7, 2020, at 8:42 PM, K Hill <kraig.malibu@gmail.com> wrote: There have been instabilities and repair work above Tuna beach within the past few years. So it could be related to that(?)

RESPONSE P-08-7

This comment addressed land movement beyond the extent of the planned project. See response to Comment P-08-4. No changes to the Draft EIR are required in response to this comment.

3.2.8.8 COMMENT P-08-8

On Dec 7, 2020, at 8:30 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote: Yes but when it mentions the big rock area landslide there is only one big rock landslide right?

RESPONSE P-08-8

This comment asks about Big Rock area landslides. The Big Rock Bypass Improvements is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides.

Landslides are common throughout the Malibu area, and the Draft EIR identified landslides in the vicinity of the proposed project improvements, including the Las Tunas Beach slides near the Big Rock Bypass Improvements. As discussed in the response to Comment P-08-5, at the project final design phase, geotechnical studies be conducted within the project limits will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.9 COMMENT P-08-9

On Dec 7, 2020, at 8:26 PM, K Hill <kraig.malibu@gmail.com> wrote:

I s'pose your questions are still worth asking, but it's clear that where the EIR says "Big Rock area" it's referring to Tuna Beach. Make sure that everyone is talking about the same place, because some Waterworks people may not appreciate the difference.

RESPONSE P-08-9

This comment addresses the confusion about the Big Rock Bypass Improvements location. See response to Comment P-08-1. The Big Rock Bypass Improvements would not affect the Big Rock Mesa landslide. No changes in the Draft EIR are necessary in response to this comment.

3.2.8.10 COMMENT P-08-10

I am writing as a member of the dewatering committee in Big Rock. We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of work for the Big Rock Bypass the following: "the bypass will consist of three parallel pipelines in PCH to

accommodate continuing movement of a major landslide in the Big Rock area." Does this confirm movement in the Big Rock Mesa Landslide Assessment District? Has this movement been affecting the pipes and waterworks equipment so that this effort must be mitigated? How did you confirm this movement? Let me know what we can do to get these answers at tomorrow evening's meeting. It is obviously important that we report these findings to Public Works and our dewatering equipment and assessment district management company. For such an expensive and extensive project some extensive studies must have been completed in your EIR to propose this work.

RESPONSE P-08-10

The comment asks about the following wording: "the bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." This wording does not appear in the Draft EIR and it may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: "The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock" (see Chapter 2, *Project Description*).

As discussed in the previous responses, the Big Rock Bypass Improvements would not affect the Big Rock Mesa landslide.

No changes to the Draft EIR are necessary in response to this comment.

3.2.8.11 COMMENT P-08-11

Also we do wonder at the condition of the pipes directly below Big Rock given that we have hydraugers balancing on duct taped pvc piping down there. That could be our Big Rock Assessment's equipment which is separate of course. But all the damage that is caused from PCH, "continuing movement", etc. how are the pipes directly below Big Rock being affected and why are they not in the scope of work? How is the current configuration of main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna. And if no upgrades are proposed (or have they been done already?) for below Big Rock, then why/how would Waterworks be confident of the soil stability there?

RESPONSE P-08-11

This comment appears to address the Big Rock Mesa landslide area, which is outside the study area for the project, as discussed in previous responses. The Big Rock Bypass Improvements site is located in the vicinity of the Las Tunas Beach slides. As discussed in the response to Comment P-08-5, at the project final design phase, geotechnical studies conducted within the project limits will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards). No changes to the Draft EIR are necessary in response to this comment.

3.2.8.12 COMMENT P-08-12

Here are the questions again:

1. *Has waterworks found movement from the Big Rock Mesa Landslide is causing issues with the pipelines in PCH? What studies have been completed?*

RESPONSE P-08-12

This comment addresses the Big Rock Mesa landslide area, which is outside the study are for the project, as discussed in previous responses. No changes to the Draft EIR are necessary in response to this comment.

3.2.8.13 COMMENT P-08-13

2. *Do you already have redundant "triplicate" piping for the water main where it runs along PCH below Big Rock? If not, on what basis did you decide that the upgrade is necessary along Las Tunas Beach, but not along PCH below Big Rock?*

RESPONSE P-08-13

This comment asks about the reason for the Big Rock Bypass Improvements and why it was selected to be part of the District 29 Priority Capital Deficiencies Improvements, rather than improvements below Big Rock Mesa landslide.

The Big Rock Bypass Improvements were included in the project to address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. Waterworks continues to evaluate the District 29 system to make other critical improvements in the future.

No changes to the Draft EIR are required in response to this comment.

3.2.8.14 COMMENT P-08-14

3. *Do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines? Or has this been mitigated already and how?*

RESPONSE P-08-14

This comment appears to address the Big Rock Mesa landslide area, which is outside the study are for the project, as discussed in previous responses. No changes to the Draft EIR are necessary in response to this comment.

3.2.9 Commenter P-09—Jeff Follert, Serra Canyon Property Owners Association

3.2.9.1 COMMENT P-09-1

Thank you for your time last night. I was surprised to learn that the Sweetwater Tank upgrade project was not included on the current EIR list of projects. There was some mention of a separate process and I was hoping you could enlighten me so I can pass this along to our member/property owners. Specifically:

- *Is the project funded and approved?*
- *If so, what is the proposed schedule?*
- *What is the separate EIR process that was mentioned?*
- *Has there been an effort to coordinate the proposed work with the Phase II Sewer project?*

We are hoping to include this update in our semi-annual Board Meeting agenda and in communication with member/property owners.

RESPONSE P-09-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment asks why the Sweetwater Mesa Tank project was not included as a project component of District 29 Priority Capital Deficiencies Improvements project within the Draft EIR. For clarification, the Sweetwater Mesa Tank project, called the Civic Center Improvements, is a separate project and is not a part of the District 29 Priority Capital Deficiencies Improvements project. However, the Civic Center Improvements project was included in the cumulative impact analysis in the Draft EIR (as the Civic Center Improvements project).

The comment also references the funding and timing of the Civic Center Improvements project. The project has not been approved or funded by the Los Angeles County Board of Supervisors. Construction is anticipated to occur between October 2022 and October 2023, if approved.

Regarding the comment related to the environmental process of the Civic Center Improvements project, Waterworks is currently preparing an initial study as the first step in preparing the project's environmental document and is working with the City of Malibu during the preparation of preliminary design plans.

No change to the Draft EIR are necessary in response to this comment.

3.2.10 Commenter P-10—Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (1)

3.2.10.1 COMMENT P-10-1

Thank you very much for your presentation.

However, this morning we do have additional questions -- one for example as it pertains to the Owens tank which you do not list as one of your priority 9 projects, yet it is slated for replacement?

Is the District piecemealing these additional projects or ? We understand that the Encinal waterline upgrade was not included in the EIR, but, we're confused about these additional cumulative impact projects.

Can you please clarify and address this for us? We anticipated the EIR covered the entire scope of the projects Waterworks was upgrading.

Bottom line, how many projects in addition to the 9 listed in the EIR is the District slating for upgrading in the next 6 years? And, what are they specifically?

RESPONSE P-10-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment asks about additional projects that District 29 is considering that are not included in the proposed project, with concerns about piecemealing.

District 29 identified five additional projects to be completed within the next 6 years, which were analyzed for cumulative impacts in the Draft EIR (Chapter 5, *Cumulative Impacts*). These include Malibu Branch Feeder 30-inch Realignment, Civic Center Improvements, Lower Busch Tank Improvement, Owen Tank Improvement, and Encinal Canyon Pressure Zones 525 and 825 Improvements. These projects have gone through their own independent CEQA processes or will do so once the appropriate information is available.

Each of these projects has independent utility meaning that any of them could be implemented independently. None of them compel another project or depend on the completion of another. Therefore, separate environmental documents are appropriate, and District 29 is not engaging in piecemealing as defined by CEQA, which defines piecemealing as a project divided into smaller projects, each of which might have individually minimal environmental consequences.

District 29 continues to evaluate its system to make other critical improvements in the future. As additional projects are proposed and prioritized, additional environmental analyses will be required.

No change to the Draft EIR are necessary in response to this comment.

3.2.11 Commenter P-11—Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (2)

3.2.11.1 COMMENT P-11-1

On behalf of the Las Virgenes Homeowners Federation, Inc., and our mountain and coastal communities with thousands of stakeholders, we generally support the priority improvement projects as outlined in the EIR.

We applauded the use of objective criteria which identify the highest needs of the system as a whole for the benefit of the entire city of Malibu and Topanga as opposed to prioritizing the feeder line projects which benefit land speculators and developers.

The Federation is the largest umbrella of homeowner organizations in the SMMs and SMMNRA and has been representing homeowners' interests for more than 52 years.

We know only too well how special interests, particularly real estate investors and expediters/facilitators, pro-development attorneys, etc., have long sought to confuse the public by manipulating "new water resource infrastructure" versus "existing need" that is NOT to the actual benefit of communities, but to the extraordinary benefit of themselves and their clients.

We are gratified that the neediest, oldest infrastructure with the highest maintenance needs is prioritized in this plan. We know our own VHFHSZ turf. The Federation has an unequivocal successful track record of advocating for critical homeowner mountain/coastal necessities versus the real estate voices that fearmonger and under the guise of community interest, particularly post Woolsey, seek to make profit for themselves.

We strongly support the District 29 priority projects that ensure that EXISTING residents and neighborhoods of the city of Malibu and of unincorporated Topanga have the resilient sustainable water system they need to ensure safety and system reliability – including infrastructure upgrades, repair, and replacements to lines and tanks. And, this includes Woolsey fire rebuild water needs in District 29 and in the LVMWD. Based on the District's criteria and project priority list this appears to be adequately addressed.

RESPONSE P-11-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project and opposition to expanding District 29 infrastructure beyond addressing existing needs. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.11.2 COMMENT P-11-2

The Federation does not, however, support growth inducing NEW water infrastructure where none exists or where upgrades serve no current resident need/purpose except to open up new areas for development (projects put forth by pro-growth opportunists) subsidized on the public's dime. This would be a misappropriation of public money or funding for the private gain of a few -- namely real estate interests. Those property owners should bear the burden of the cost for such improvements, not the public.

Consequently, the Federation opposes changing or adding any other projects to the current Waterworks priority list.

The District has determined what priority needs it has and what must be met first with its precious and scarce "public funding".

Special interest pressure should be exposed for what it is -- just that -- an effort to change the project priority list -- to get the public to pay for new water infrastructure where there are vacant parcels with no water access. A simple map review reveals the true intent.

By challenging Waterworks priority list, these pro-growth advocates, hurt our vulnerable residents and communities who need District 29 water upgrades now. It is an affront to our neighborhoods. Further, using Woolsey to fearmonger is reprehensible, and propagating false claims about an old, defunct committee, not representative of the residents of Malibu or Topanga, with no public hearings, is just further evidence of the degree they will go to try and profit off the public dollar.

Moreover, new growth inducing impacts further endanger communities -- urban sprawl is identified as the single biggest contributor of new fire risk as is the expansion of the Wildland Urban Interface (WUI).

We do not need to create any new fire risks including those that would manipulate Waterworks District 29 priority list into new growth.

Instead, please stay the course, use "our money", public money, wisely, to upgrade, fix, and focus on water supply and safety for all.

RESPONSE P-11-2

This comment opposes expanding District 29 infrastructure beyond addressing existing needs. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.12 Commenter P-12—Gina Odian

3.2.12.1 COMMENT P-12-1

I would like to see the very highest tiers of water usage increase exponentially. Rather than trying to public shame huge water wasters, let's simply let them pay for repairs needed to the system. It's hard for customers to work so hard to constantly save water when there are frequent water main leaks.

RESPONSE P-12-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment addresses water rates and funding repairs, but does not address significant environmental issues related to the project. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.13 Commenter P-13—Patt Healy, Malibu Coalition for Slow Growth

3.2.13.1 COMMENT P-13-1

On behalf of the Malibu Coalition for Slow Growth, a 29 year old organization and our many supporters, we support the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

We urge you not to add any new projects to the current priority list.

RESPONSE P-13-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project and opposition to expanding District 29 infrastructure beyond those currently in the District 29 Priority Capital Deficiencies Improvements. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.14 Commenter P-14—Georgia Goldfarb, Malibu Monarch Project

3.2.14.1 COMMENT P-14-1

The Malibu Monarch Project supports the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

The western monarchs are bordering on extinction, their historical numbers of 10 million only a few decades ago have dropped to less than 2,000 this year. In fact, today, the USFWS found that the monarch butterfly is warranted for listing under the Endangered Species Act.

The monarch population has plummeted as a result of human development encroaching on habitat and pesticide use. The Santa Monica Mountains have hosted monarchs for millennia. This year only a few were counted in Malibu compared with 1,000 just a few years ago and, of course, many thousands a few decades ago. Development has destroyed both overwintering sites in Malibu and pollinator habitat. Allowing more housing and other development will only further shrink the available habitat.

In addition, adding new development will increase the risk of wildfire by allowing invasive grasses, structures which will burn for hours vs native habitat, and will introduce other causes of human ignition. Human ignition is about the only cause of wildfires in Southern California.

Thus, restricting development in native habitat areas helps prevent the destruction of habitat and is protective against further decimation of the monarch.

Please do not add more development to your project list.

RESPONSE P-14-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project because it would not create additional development that would lead to the destruction of monarch butterfly habitat. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.15 Commenter P-15—Virtual Public Meeting Attendee No. 1 (Anonymous)

3.2.15.1 COMMENT P-15-1

I do not see the Sweetwater tank upgrade, is it included?

RESPONSE P-15-1

At the virtual public meeting, a response was provided for this comment. (See page 14 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks if upgrades to the Sweetwater Tank project are included in the District 29 Priority Capital Deficiencies Improvements project. Waterworks responded at the meeting that the Sweetwater Tank upgrades were included as part of the cumulative impact analysis (Chapter 5, *Cumulative Impacts*, of the Draft EIR). The Civic Center Improvement projects identified in Chapter 5 include the Sweetwater Tank improvements. If approved, these improvements are proposed to be implemented between October 2022 and October 2023. They are being addressed in a separate CEQA process that will be recommended for consideration by the Board of Supervisors.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16 Commenter P-16—Virtual Public Meeting Attendee No. 2 (Jo Drummond)

3.2.16.1 COMMENT P-16-1

I'm a member of the dewatering committee in Big Rock, and have I some questions regarding the Big Rock bypass. I understand that this is happening along PCH between Big Rock Drive and Tuna Canyon. This is not actually below Big Rock, so we're a little confused.· We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of the Big Rock bypass the following: "The bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." Does this mean that you have studied the landslide and does it confirm movement in the Big Rock Mesa Landslide District? Has this movement been affecting the pipes and Waterworks equipment, so that this effort must be mitigated? How did you confirm this movement? Let me know what we can do to get these answers. It is, obviously, important that we report these findings to Public Works and to our dewatering equipment and assessment district management company. Extensive projects -- some extensive studies must have been completed in your EIR to propose this work. Also we do wonder at the condition of the pipes directly below Big Rock given that we are -- we have high (Inaudible) balancing on duct tape PC piping down there. That could be our Big Rock assessment equipment, which is a separate thing, of course. But all the damage that is caused from PCH, continuing movement, etcetera, how are the pipes directly below Big Rock being effected and why are they not in the scope of work or have the current configuration of the main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna? And if no upgrades are proposed or have been (Audio interruption) below Big Rock, then why or how would Waterworks be confident of the soil stability there? So here are my questions again: One, has Waterworks found movement from the Big Rock Mesa landslide that is causing issues with the pipelines on PCH where studies have been completed? Two, do you already have redundant triplicate piping for the water main where it runs along PCH below Big Rock?· If not, on what basis did you decide the upgrade is necessary along Las Tunas Beach, but not along PCH below Big Rock? Three, do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines or has this been mitigated already?

RESPONSE P-16-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks about the Big Rock Bypass Improvements included in the District 29 Priority Capital Deficiencies Improvements. The comment expresses confusion about this improvement and its relationship to the Big Rock Mesa landslide and asks if studies of the Big Rock Mesa landslide were included in the Draft EIR.

The Big Rock Bypass Improvements site is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. The existing 30-inch transmission main was installed in 1963, and three 10-inch bypass lines were

installed in 1984. The Big Rock Bypass Improvements would involve replacement of the 30-inch transmission main and the three 10-inch bypass lines under PCH and would extend from east of the intersection of Big Rock Drive to Pena Road. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

Because the District 29 Priority Capital Deficiencies Improvements are not located near the Big Rock Mesa landslide and would not affect the landslide, no analysis of the that landslide was included in the Draft EIR.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.2 COMMENT P-16-2

So the movement -- it says in the scope: "The bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." So what movement is it addressing? That's what I want to know. · Is it a different landslide? That's what I'm trying to figure out.

RESPONSE P-16-2

A response was provided for this comment at the virtual public meeting. (See page 27 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the following wording: "The bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area," which may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: "The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock" (see Chapter 2, *Project Description*).

As discussed in the response to Comment P-16-1, the Big Rock Bypass Improvements included in the District 29 Priority Capital Deficiencies Improvements is located in the vicinity of the Las Tunas Beach slides, as discussed in Section 3.7, *Geology and Soils*, of the Draft EIR. The project is intended to address leaks in the 30-inch transmission main within the limits of the improvement and not to remediate the Las Tunas Beach slides.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.3 COMMENT P-16-3

I wondered. It say[s], "To accommodate continuing movement of a major landslide in the Big Rock area," so I wondered what it was.

RESPONSE P-16-3

A response was provided for this comment at the virtual public meeting. (See page 28 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

See response to Comment P-16-2. The wording quoted does not appear in the Draft EIR and is not the purpose of the Big Rock Bypass Improvements.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.4 COMMENT P-16-4

Sorry I keep going back to Las Tunas landslide. I just want to know has there been movement in the Las Tunas landslide that's causing the leaks that caused this project to come up?

RESPONSE P-16-4

A response was provided for this comment at the virtual public meeting. (See page 35 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks if the Las Tunas Beach slides is causing the leaks that have necessitated the Big Rock Bypass Improvements. Landslides are common throughout the Malibu area, and the Draft EIR identified landslides in the vicinity of the proposed project improvements, including the Las Tunas Beach slides near the Big Rock Bypass Improvements site. The cause of the leaks has not been identified. The 30-inch main is over 50 years old and the three parallel bypass lines are over 30 years old. As discussed in the response to Comment P-16-1, geotechnical studies during the project final design phase will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design. Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.5 COMMENT P-16-5

So when it says "accommodating continuous movement of a major landslide," it's just the design? That's all? It's not because it's actually moving?

RESPONSE P-16-5

This comment refers to language that does not appear in the Draft EIR, as discussed in the response to Comment P-16-2. The final design phase of the Big Rock Bypass Improvements will include geotechnical studies within the project limits and will incorporate any necessary geotechnical requirements into the project design.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.6 COMMENT P-16-6

I just wondered if we put our comments in writing by December 15th, when would we hear an answer or when will the Final EIR be completed?

RESPONSE P-16-6

A response was provided for this comment at the virtual public meeting. (See page 40 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks about the process for responding to comments. CEQA requires that the lead agency respond to all comments received during the public review period for the Draft EIR if they raise "significant environmental issues." Responses to all comments received during the public review process, both in writing and orally at the virtual public meeting, are included in this Final EIR. Waterworks District 29 intends to seek certification of the Final EIR and approval of the District 29 Priority Capital Deficiencies Improvements project in early 2021.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.7 COMMENT P-16-7

We just got a notice that our water bill rates are being raised, is that just for -- does this have anything to do with these projects or no?· Or is that just our water usage?

RESPONSE P-16-7

A response was provided for this comment at the virtual public meeting. (See page 42 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about increases in water bill rates and whether this increase is due to the proposed project. Waterworks responded that this increase is likely the annual pass-through increase related to cost increases from the wholesale water agency, the West Basin Municipal Water District, and the cost of inflation.

Because this comment does not address significant environmental issues or the Draft EIR, no additional response is necessary. No changes to the Draft EIR are necessary in response to this comment.

3.2.16.8 COMMENT P-16-8

I just wondered, yeah, how are these projects funded?

RESPONSE P-16-8

A response was provided for this comment at the virtual public meeting. (See page 43 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about funding for the District 29 Priority Capital Deficiencies Improvements. Waterworks responded that the funding for the projects comes from the rate payers of the districts, through either their water bills or their property taxes.

Because this comment does not address significant environmental issues or the Draft EIR, no additional response is necessary. No changes to the Draft EIR are necessary in response to this comment.

3.2.17 Commenter P-17—Virtual Public Meeting Attendee No. 3 (Don Schmitz)

3.2.17.1 COMMENT P-17-1

I do have some questions in regards to the scope of the EIR, asked and answered is the water improvement system within the Civic Center, which is the aforementioned Sweetwater Mesa tank.· I know a lot of funds have been contributed to that by property owners within the Civic Center and that's a separate CEQA document.

But what concerns me is that this EIR does not seem to address many of the priority projects of several years of work from the Citizen Committee and the Professionals Group which is hosted by Water District 29 and the City of Malibu.· I do sit on that, identified four of the communities of Malibu and it seems like perhaps they were not included out of a budgeting constraint, but I would point out that the EIR pursuant to CEQA is an informational document -- what concerns me greatly is that when Water District 29 is able to approve the funds and move up, again, on improving some of those tanks, again, I'll give you the two examples, we will be put into another very lengthy CEQA review process.

So the two that jump out at me, which were both identified, as I recall correctly, as priority number one projects from the task force group that worked on this was in the Las Flores Mesa area, which has a deficient water main and water tanks size, and I believe Carbon Canyon Mesa, same story. These are both built up neighborhoods. · They both have existing tanks, which are very substandard. They both have substandard water main lines, three- or four-inch lines. And so those were identified as, as prior projects by the Water District in the City of Malibu, in the Citizen Task Force. It seems that somehow that those have dropped out, and it does concern me greatly.· And I know also that Water District 29 in Las Flores Mesa has done a lot of analysis to ascertain definitively the geologic stability of the water tank site in that location where the existing water tank is.

So I know the Water District did take some input in regards to how to prioritize these different projects. But the two that I just addressed meet all the criteria and that they're completely built out neighborhoods which are at risk with very substandard infrastructure, which is the reason why they were priority one projects.

So I sure hope that we can continue to include those priority one projects in this review cycle for this EIR, so that we don't have to go through another CEQA review process when the Water District is able to financially budget the improvements to those two neighborhoods and any others that they deem appropriate.

We could certainly review everything through the CEQA process now with this EIR that does not obligate Water District 29 to immediately make those improvements.

RESPONSE P-17-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 20 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks that two additional improvements be included in the District 29 Priority Capital Deficiencies Improvements project addressed in this EIR: the Las Flores Mesa and the Carbon Canyon Mesa tanks and water mains.

The District 29 Priority Capital Deficiencies Improvements project included nine improvements that meet the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years (see Section 2.3, *Project Objectives*, of the Draft EIR). Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next 6 years. Those projects became the list of improvements in the project analyzed in the Draft EIR. While the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements were included in the current project, the Las Flores waterline and the Las Flores and Carbon Canyon Mesa tanks were not included. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

The comment also states that if the additional tank improvements were included in this EIR, then it would save time and money by not having to go through another CEQA review process. However, the improvements did not qualify as the most critical projects that could be constructed with the available funds over the next 6 years. At this point, the plans for the Las Flores Mesa and the Carbon Canyon Mesa tanks are not sufficient for environmental review. Therefore, Waterworks will include the improvements for the additional tanks in future environmental review process or processes when plans are sufficient for review and funding has been identified.

The comment does not address significant environmental issues. No changes to the Draft EIR are necessary in response to this comment.

3.2.17.2 COMMENT P-17-2

I appreciate you responding back to my query in regards to Carbon Mesa.· And that was my read of the EIR document was that Carbon Canyon and Carbon Mesa line, which is essentially one and the same, it's just the line and not the tank.· And the tank, as I recall in there, is a very substandard 50,000 gallon tank.· It's great to get an adequate sized water main to serve that neighborhood up there in Carbon Mesa, but that being said, the majority of that neighborhood is above the pressure zone and standards being what Water District 29 has applied historically in the fire department, they want to see gravity flow for the 1,250 gallons per minute for one hour that was modified from two hours pursuant to the Woolsey Fire.

So I find it extremely curious why it is that when we have a tank, when there is an established easement in the area up there at the top the Mesa to the benefit of the water district to accommodate a larger tank in that seeing the tank is so substandard, why is it that we would be putting in just the water main in that area without improving the size of the tank so that neighborhood is adequately served.

Again, this was a priority 1 project as established by the assistant task force, Water District 29 and the City of Malibu. · So I would appreciate if you could address that one specifically and if at all possible, Dave, if you could shed some light on why Las Flores Mesa was also dropped back seeing as it's an established neighborhood and such a substandard system.

RESPONSE P-17-2

A response was provided for this comment at the virtual public meeting. (See page 32 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks why the Las Flores Mesa tank was not included in the District 29 Priority Capital Deficiencies Improvements project. See response to Comment P-17-1. Waterworks stated at the virtual public meeting that different issues were considered when developing the list of improvements to be included in the proposed project. In addition to the size of tanks and fire flow, Waterworks looked at areas with significant number of leaks, structural deficiencies, and interconnections to address emergencies. Only the most urgent of all the projects were included in the currently proposed project. Waterworks acknowledges that there is more work to be done in the future to address existing system deficiencies and that it will continue to have stakeholder engagement moving forward.

The comment does not address significant environmental issues. No changes to the Draft EIR are necessary in response to this comment.

3.2.18 Commenter P-18—Virtual Public Meeting Attendee No. 4 (Craig Hill)

3.2.18.1 COMMENT P-18-1

I'm just curious if you can say offhand how long has it been since the piping directly beneath Big Rock has been studied or evaluated, you know, how do we know that it was not worthy of inclusion in this project?· Was it last assessed last year or has it been 20 years?· Or just any sort of indication of what the status of our knowledge is of that piping because, you know, as you're aware, we're going to be going ahead with a lot of talk about the assessment district and so forth.· And any further clue you could give us about what is known about the condition of those – the current piping of Big Rock might be helpful.·

RESPONSE P-18-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 25 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment is addressing the Big Rock Mesa landslide, which is not located in the vicinity of the project. The Big Rock Bypass Improvements site is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. The existing 30-inch transmission main was installed in 1963. In addition, three 10-inch bypass lines were installed in 1984. The Big Rock Bypass Improvements would involve replacement of the 30-inch transmission main and the three 10-inch bypass lines under PCH and would extend from east of the intersection of Big Rock Drive to Pena Road. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design (see Section 3.7, *Geology and Soils*, of the Draft EIR). Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

Related to the selection of improvements for the District 29 Priority Capital Deficiencies Improvements project, the project includes nine improvements meeting the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years (see Section 2.3, *Project Objectives*, of the Draft EIR). Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next 6 years. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.19 Commenter P-19—Virtual Public Meeting Attendee No. 5 (Nyhar Desai)

3.2.19.1 COMMENT P-19-1

[J]ust following up on Don's comments here. The list that was given of the 9 projects, is there any ·order of urgency on that list. I believe it looks like 1 or 2 on your presentation here and if there is no urgency we request -- we're trying to get all the homeowners together but, again, following up on what Don said. We really are hoping that the Public Works District will take care of Carbon Mesa and Carbon Canyon first just because it is a built out neighborhood and it is posing a great life safety risk because of the very, very low water flow in the lines that are currently existing. Is there any type of priority that will be given to that project?

RESPONSE P-19-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 29 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

A construction schedule was provided in Chapter 2, *Project Description*, of the Draft EIR. Table 2-3 lists the approximate beginning and end dates for construction of each improvement in the District 29 Priority Capital Deficiencies Improvements project. Construction of the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements is currently scheduled for October 2022 to May 2023.

The order of the improvements is not necessarily aligned with the urgency of each improvement. Several factors are considered, including which improvements are the furthest along in the final design process, which can be accomplished the quickest to keep the schedule moving, and which improvements will require more complicated permitting, which can occur while other improvements are under construction.

No changes to the Draft EIR are necessary in response to this comment.

3.2.19.2 COMMENT P-19-2

If that's all the information we have right now, I just want to emphasize that we do feel it is a life safety More information provided issue on Carbon Mesa and Carbon Canyon. So any expediency is greatly appreciated.

RESPONSE P-19-3

This comment expresses a desire that the Carbon Canyon Road and Carbon Mesa Road Improvements be completed as quickly as possible. The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.19.3 COMMENT P-19-3

I was just browsing the Draft EIR and I thought somebody reference a timeline in Chapter 2. Is there a particular section I should be looking at where the timeline is?

RESPONSE P-19-3

A response was provided for this comment at the virtual public meeting. (See page 37 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

As discussed in the response to Comment P-19-1, a construction schedule was provided in Chapter 2, *Project Description*, of the Draft EIR. Table 2-3 lists the approximate beginning and end dates for construction of each improvement in the District 29 Priority Capital Deficiencies Improvements project.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20 Commenter P-20—Virtual Public Meeting Attendee No. 6 (Paul Grisanti)

3.2.20.1 COMMENT P-20-1

I love the fact that this is finally coming to the surface over two years later from when it was supposed to come out first. I'm rather disappointed to see that Las Flores Mesa improvements have been taken off the project. Does anybody have any comments about that?

RESPONSE P-20-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment expresses a desire to have the Las Flores Mesa improvements included in the project.

The District 29 Priority Capital Deficiencies Improvements project included nine improvements meeting the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years. (see Section 2.3, *Project Objectives*, of the Draft EIR.) Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next six years. Those became the list of improvements in the project analyzed in the Draft EIR. While the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements were included in the current project, the Las Flores waterline and the Las Flores and Carbon Canyon Mesa tanks were not included. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these additional improvements. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.2 COMMENT P-20-2

It isn't the same project list, because the things that were on the project list in 2017 included Las Flores Mesa tank and pipes and also going over into Bonsall Canyon and things like that.· This is a different project list.

RESPONSE P-20-2

This comment that the Las Flores Mesa tank and pipeline improvements were included in the previous list of improvements by Waterworks in 2017.

The Las Flores Mesa tank and pipeline improvements were not part of the improvement list included in Notice of Preparation for the District 29 Priority Capital Deficiencies Improvements on the November 9, 2017.

Based on a later comment, it appears the comment is referring to a list of projects that was included in the Los Angeles County District 29 Water System Master Plan (WSMP) Draft Program EIR, published in March 2016 (SCH No. 2014111057), which was a separately proposed project. The draft WSMP identified anticipated water system improvements through the year 2035. During the public review period, numerous public comments were received, and Waterworks chose not to pursue finalization of the Program EIR or approval of that project. The project currently proposed by District 29 identifies improvements to correct the most critical system deficiencies. These deficiencies were prioritized based on operational imperatives, importance to the overall system, and capacity. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these other improvements considered in the draft WSMP.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.3 COMMENT P-20-3

Are you planning on doing any of this with outside contractors or is it all in-house?

RESPONSE P-20-3

A response was provided for this comment at the virtual public meeting. (See page 47 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the methods for constructing the project improvements. The implementation of the District 29 Priority Capital Deficiencies Improvements will go through the County's standard outside contracting process.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.4 COMMENT P-20-4

I'm just going to write out the fact that I have copies of the EIR that was not approved or it wasn't even heard back in 2017, and the project list and the attachments for it that showed each project and the -- on the map, so and I made copies. So I'll be glad to give you copies. I can hand deliver them to Dave Rydman if he's going to be out in Malibu tomorrow.

RESPONSE P-20-4

The comment appears to describe a project list from the 2016 Draft Program EIR for the WSMP, which was a separately proposed project (see response to Comment P-20-2). Waterworks chose not to pursue finalization of the Program EIR or approval of that project. No changes to this Draft EIR are necessary in response to this comment.

3.2.20.5 COMMENT P-20-5

That is more proof that the 2017 project was larger than this project, because the budget at that time was $100 million for that project.

RESPONSE P-20-5

A response was provided for this comment at the virtual public meeting. (See page 50 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment states that the "2017 project" was a larger project with a larger budget than the current District 29 Priority Capital Deficiencies Improvements project.

Waterworks undertook a thorough needs assessment for District 29 in 2012. That effort identified that there were over $266 million worth of needs in District 29 just to address existing deficiencies. There were different proposals identified in 2012. In 2016, an effort was begun to pursue a larger project list, the WSMP. The objectives of the WSMP included developing a guideline for planning of the entire District 29 potable water system, evaluating the existing and build-out demand conditions with a 2035 planning horizon, and recommending improvements to address existing and build-out conditions. During the public review period for the Draft Program EIR for the WSMP, numerous public comments were received, and subsequently Waterworks chose not to pursue finalization of the Program EIR or approval of the project. Since then, District 29 identified improvements to correct the most critical system deficiencies. These deficiencies were prioritized based on operational imperatives, importance to the overall system, and capacity. The objectives of the proposed project are to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these other improvements considered in the draft WSMP.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.6 COMMENT P-20-6

So you started by using the --adding the two five-year plans together, because it had taken so long and now you've taken out stuff that was in that. So I don't understand why someone would be trying to tell me it's the same thing. · I mean, all of these things were in the 2017 -- 2016-2017 plan, but they're not -- there are other things that have been taken out.

RESPONSE P-20-6

A response was provided for this comment at the virtual public meeting. (See page 51 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about why the "2016–2017 plan" is not the same as the District 29 Priority Capital Deficiencies Improvements.

Waterworks prioritized the list of improvements based on existing leaks in the system, structural deficiencies, and resiliency of the system. The proposed District 29 Priority Capital Deficiencies Improvements project represents the most critical needs.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.7 COMMENT P-20-7

I would think that the four-inch water mains, the three- or four-inch water mains in Las Flores Mesa, which are decrepit and failing, are a critical part of the infrastructure.

RESPONSE P-20-7

A response was provided for this comment at the virtual public meeting. (See page 52 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment addresses the Las Flores Mesa pipelines, which are not part of the District 29 Priority Capital Deficiencies Improvements project. See responses to Comments P-20-1, P-20-2, P-20-4, P-20-5, and P-20-6 for discussions of the selection of improvements included in the District 29 Capital Deficiencies Improvements project. Waterworks recognized that there are additional concerns within District 29 and that additional improvements to correct existing deficiencies will be needed in the future.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.8 COMMENT P-20-8

What is the earliest that any part of this project will begin?

RESPONSE P-20-8

A response was provided for this comment at the virtual public meeting. (See page 53 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks when construction would begin. Table 2-3 in Chapter 2, *Project Description,* of the Draft EIR shows the proposed construction schedule for the District 29 Capital Deficiencies Improvements project. Construction would occur between January 2022 and September 2026.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.9 COMMENT P-20-9

Has the permitting process been started yet?

RESPONSE P-20-9

A response was provided for this comment at the virtual public meeting. (See page 54 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the permitting process. Some of the permitting requirements have begun, such as need for permits from Caltrans for work within their rights-of-way, and construction of the project cannot commence until recommended and approved by the Board of Supervisors along with certification of the EIR.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.10 COMMENT P-20-10

Is the District open to help from the community in the permitting process?

RESPONSE P-20-10

A response was provided for this comment at the virtual public meeting. (See page 55 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks if District 29 needs help from the community in the permitting process. Waterworks responded in the meeting that they were open to help from the community.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.21 Commenter P-21—Virtual Public Meeting Attendee No. 7 (Anonymous)

3.2.21.1 COMMENT P-21-1

How much will Las Tuna/Big Rock bypass cost of this portion? Alma, are you able to address that question on the Las Tuna/Big Rock bypass?

RESPONSE P-21-1

A response was provided for this comment at the virtual public meeting. (See page 55 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the cost of the Big Rock Bypass Improvements. The cost of this improvement is estimated to be $5.7 million.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

Chapter 4
Mitigation Monitoring and Reporting Program

To ensure that the mitigation measures identified in an EIR are implemented, CEQA requires the lead agency for a project to adopt a program for monitoring or reporting on the revisions it has required for a project and the measures it has imposed to mitigate or avoid significant environmental effects. As specifically set forth in Section 15097(c) of the CEQA Guidelines, the public agency may choose whether to monitor mitigation, report on mitigation, or both. As provided in Section 15097(c) of the CEQA Guidelines, "monitoring" is generally an ongoing or periodic process of project oversight. "Reporting" generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

An EIR has been prepared to address the proposed District 29 Priority Capital Deficiencies Improvements project's potential environmental impacts. The EIR identified mitigation measures to avoid or substantially lessen significant impacts. This MMRP is designed to monitor and report implementation of those mitigation measures. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft and Final EIR are implemented in order to reduce effects of the project.

This MMRP has been prepared in compliance with the requirements of CEQA Section 21081.6 and CEQA Guidelines Section 15097. Los Angeles County Waterworks District No. 29, as the lead agency for the project, is responsible for overseeing and enforcing implementation of the MMRP.

The MMRP in Table 4-1 lists each of the proposed mitigation measures and identifies the corresponding action(s) required for each measure, the mitigation timing, the responsible agency or party, and the monitoring agency, which in this case is District 29. This MMRP shall be enforced throughout all phases of the project, including design, construction, and operations/maintenance, with Waterworks District No. 29 having ultimate responsibility for enforcement, even if another entity is named as the responsible agency or party.

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Table 4-1. District 29 Priority Capital Deficiencies Improvements Mitigation Monitoring and Reporting Program

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Biological Resources				
MM-BIO-1: **Environmentally Sensitive Area Fencing** Prior to clearing or construction, highly visible barriers (such as orange construction fencing) will be installed around areas adjacent to the improvement limit of disturbance to designate environmentally sensitive areas (ESAs) to be protected. No construction activity of any type will be permitted within these ESAs. In addition, heavy equipment, including motor vehicles, will not be allowed to operate within the ESAs. All construction equipment will be operated in a manner so as to prevent accidental damage to ESAs. No structure of any kind, or incidental storage of equipment or supplies, will be allowed within these protected zones. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of cut or fill material in areas where vegetation is immediately adjacent to planned grading activities.	Include ESA fencing requirement on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Install and maintain ESA fencing, including highly visible barriers and silt fence barriers.	Before initiation of construction at any site, including staging, and during construction until complete; fencing to be removed as last step in construction.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-2: **Pesticides** Herbicides and insecticides that are not approved as safe to use around water will not be used, nor will rodenticides.	Include pesticide requirement on plans and/or specifications.	During improvement design and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Use appropriate pesticides during construction if needed.	Before and during construction at any time pesticides are used.	Construction contractors	Los Angeles County Waterworks District 29
	Use appropriate pesticides during operation if needed.	During maintenance at any site at any time pesticides are used.	Maintenance crews	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
MM BIO-3: **Clean Construction Area** To avoid attracting predators of special-status species, the improvement sites will be kept as clean of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the site(s).	Include clean site requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Keep construction areas clean of debris.	During construction at any site at all times.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-4: **Preconstruction Nesting Bird and Wildlife Survey** If construction commences during the bird breeding season (March 1 through June 30), a preconstruction survey for nesting birds by an experienced avian biologist will occur within 3 days prior to construction activities. The survey will occur within all suitable nesting habitat within the improvement impact area and at a buffer deemed suitable by the biologist. It is assumed that areas along Pacific Coast Highway (PCH) will receive a smaller survey buffer than areas where there is less ambient disturbance. If nesting birds are found, an avoidance area will be established as appropriate by a qualified biologist around the nest until it has determined that young have fledged or nesting activities have ceased. The improvement site will need to be resurveyed if there is a lapse in construction activities for more than 7 days during the nesting season. In areas where vegetation trimming is required during the construction phase, the avian biologist will conduct a preconstruction survey for nesting birds in the targeted vegetation within 3 days prior to trimming, and preferably	Include preconstruction survey requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	If construction occurs between March 1 through June 30, retain qualified biologist to conduct nesting bird survey, establish avoidance area (if necessary), and resurvey (if necessary).	3 days prior to the start of any construction at any site if between March 1 and June 30.	Construction contractors	Los Angeles County Waterworks District 29
	In areas where vegetation is required, retain qualified biologist to conduct nesting birds survey and direct avoidance (if necessary).	3 days prior to vegetation trimming (or up to same day) at any site during construction.	Construction contractors	Los Angeles County Waterworks District 29
	Retain a qualified biologist to perform surveys for species of special concern, including amphibians,	3 days prior to the start of any construction at any site.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
on the same day. This action is required even if there has been no lapse in construction activities in an area so as to avoid direct take of active but "acclimated" nests that may be present. Prior to and no more than 3 days before construction commencement, a qualified biologist will perform a survey for species of special concern including birds, amphibians, reptiles, turtles, and mammals including bats. Surveys for Southwestern pond turtles and potential habitat shall follow the Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Should any non-listed sensitive species be present, then the biologist will be present at the onset of ground-disturbing activities to ensure the work area is clear of any sensitive species. The biologist will encourage the species to move out of the disturbance area of its own volition. If relocation is required, then the biologist will possess a scientific collecting permit and relocate the species to an adjacent suitable habitat. If any special-status species is harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist will be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report will include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	reptiles, turtles, and mammals; monitor ground-disturbing activities (if necessary); encourage species to move out (if necessary) or relocate (with scientific collecting permit) (if necessary).			
	Notify qualified biologist to remove injured or dead wildlife, if found; provide report; stop work in immediate area.	At all times during construction, if injured or dead animal is discovered, and until cleared to continue work by biologist.	Construction contractors	Los Angeles County Waterworks District 29
	For improvements requiring tree, vegetation, or structure removal, retain qualified biologist to conduct bat surveys, direct tree removal (if necessary), and consult with CDFW (if necessary).	Prior to start of any construction at any site where tree, vegetation, or structure removal will be necessary.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats shall be surveyed for bat roosts prior to ground-disturbing activities. The survey will include the work area and 100-foot buffer as access permits. If roosting bats may be present, trees should be pushed down (removed) using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each push to allow bats to become active. If maternity roosts are found and the County determines that impacts are unavoidable, a qualified bat specialist will consult with the California Department of Fish and Wildlife (CDFW) to determine an exclusion and relocation plan.				
MM BIO-5: **Noise Control** So as to reduce unnecessary sound or disturbance to wildlife, vehicles or equipment that are not actively being used will not be left to idle unnecessarily.	Include noise control requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Shut off equipment or vehicles when not in use.	At all times during construction at any site where vehicles or motorized equipment are used.	Construction contractors	Los Angeles County Waterworks District 29
	Shut off equipment or vehicles when not in use.	At all times during maintenance at any site where vehicles or motorized equipment are used.	Maintenance crews	Los Angeles County Waterworks District 29
MM BIO-6: **Nighttime Construction**	Include light control requirements on plans and/or specifications.	During improvement design for any site and	Improvement designers	Los Angeles County

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
To the extent feasible, nighttime construction will not occur. When nighttime construction cannot be avoided, any required external light sources must be directed at the ground or directly at active construction and must have baffles or other mechanisms to reduce the amount of visible light that may disturb nearby nesting, foraging, or migrating wildlife.		before final design is approved.		Waterworks District 29
	Employ controls to reduce external light sources when conducting construction at night.	At all times during construction at any site when nighttime work is necessary.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-7: **Pets** No pets will be allowed in, or adjacent to, the improvement site.	Include prohibition of pets on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Prohibit pets near improvements.	At all times during construction at any site.	Construction contractors	Los Angeles County Waterworks District 29
	Prohibit pets near improvements.	At all times during maintenance at any site.	Maintenance crews	Los Angeles County Waterworks District 29
MM BIO-8: **Plant Surveys** To ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species by a qualified botanist with experience surveying for southern California plants will occur within suitable habitat during the most recent blooming season prior to the start of construction in accordance with appropriate CDFW protocols. Surveys for Lyon's pentachaeta, Santa Monica dudleya, Braunton's milk vetch, Agoura Hills dudleya, San Fernando Valley spineflower, Coulter's saltbush, Malibu baccharis, Brewer's calandrinia, Catalina mariposa-lily, Plummer's mariposa-lily, Lewis' evening primrose, western	Include plant survey requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Retain qualified biologist to conduct focused rare plant surveys and prepare a report for CDFW and USFWS, if applicable.	Prior to the start of any construction at any site.	Construction contractors	Los Angeles County Waterworks District 29
	If necessary, implement avoidance measures, and/or relocate or mitigate	Prior to the start of any construction at any site if focused surveys identify need for	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
dichondra, mesa horkelia, decumbent goldenbush, southern California black walnut, fragrant pitcher sage, ocellated Humboldt lily, white-veined monardella, chaparral ragwort, and California screw moss will be conducted within areas of coastal scrub, chaparral, and woodland and non-native grassland habitat within the project's limits of disturbance. Surveys for Ventura marsh milk-vetch, salt marsh bird's-beak, coastal dunes milk-vetch, red sand verbena, Lewis' evening primrose, southwestern spiny rush, south coast branching phacelia, and woolly seablite will be conducted within areas of coastal dunes and coastal lagoons within limits of disturbance. The qualified biologist will prepare a report to CDFW and USFWS (if applicable) documenting the results of the surveys including a description and map of the survey areas, field survey conditions, whether or not rare plants were detected with mapping of locations, descriptions of the conditions where rare plants were found, and species-specific measures to avoid or mitigate impacts to the rare plants. Special-status plants found during focused surveys will be avoided to the extent feasible. Where avoidance is not possible, and as feasible depending upon the species and population, non-listed special-status plants will be relocated to the nearest suitable habitat by a qualified biologist prior to construction. State or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency. Habitat loss for plants with a California Rare Plant Rank (CRPR) of 1 or 2, or those that otherwise are locally rare and for which loss of individual plants or	rare plant species at a 1:1 ratio.	avoidance and/or mitigation.		

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through mitigation bank or in-lieu fee program credit purchase or other approved method.				
MM BIO-9: **Invasive Weed Avoidance** Prior to site mobilization, all construction equipment and any vehicles that will be driven or parked off of pavement in areas containing invasive weeds will be thoroughly washed, to the extent possible, to remove invasive weed seeds from the tire tracks, undercarriages, and elsewhere that seeds may accumulate. In addition, any invasive plants that are removed from any of the project sites must be properly contained and disposed of so as to avoid their additional spread.	Include invasive weed avoidance requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement controls to avoid invasive weed removal.	During any construction at any site where vehicles will be driven off pavement.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-10: **Dust Control** A water truck will be kept onsite and will be used as needed for dust containment. To the extent possible, the spread of fugitive dust will be avoided.	Include dust control requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement controls to avoid the spread of fugitive dust.	During any construction at any site.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-11: **Certified Arborist** Prior to construction, a certified arborist will investigate and determine whether any trees that may be trimmed, removed, or otherwise affected on any site qualify as protected under the Malibu Local Coastal Program (LCP), the Santa Monica Mountains (SMM) LCP, or the Los Angeles County Code of Ordinances.	Include arborist requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	For improvements requiring tree trimming, removal or other effects, retain certified arborist to	Prior to the start of construction at any site where tree trimming, removal, or other effects will occur.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
	determine protection requirements.			
MM BIO-12: **Coastal Development Permit (CDP)** The Los Angeles County Department of Public Works (LACDPW) requires compliance with the permit conditions stated within the CDP. The Los Angeles County Department of Public Works must seek a CDP under the Malibu LCP for the removal of or adverse impacts to any native oaks, southern California black walnut, California sycamore, white alder, or toyon, as protected under the Native Tree Protection Ordinance, that have at least one trunk measuring at least 6 inches in diameter, or a combination of any two trunks measuring a total of at least 8 inches in diameter, measured at 4.5 feet above natural grade. Under this ordinance, removed trees or trees left in a worse state than prior to construction must be replaced at a ratio of at least 10:1, either onsite or offsite, and the applicant must submit a native tree replacement planting program outlining planting locations and tree sizes, as well as details for monitoring success, including annual monitoring and reporting for at least 10 years. All planted trees must be less than 1 year old, and oaks must be grown from local acorns collected from the site vicinity. If the 10:1 replacement ratio cannot be met, an in-lieu fee commensurate to the type, size, and age of the affected tree(s) will be required instead. Additional requisite measures and postconstruction requirements would be included as permit conditions of approval and would include 1) protective fencing around root zones (no construction, grading, staging, or storage allowed); 2) any approved development	Include CDP requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	If protected trees need to be removed, obtain a CDP	Prior to the start of construction at any site where removal of protected trees will be necessary.	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29
	If a CDP is obtained, implement requirements as specified in permit	During and after construction at any site where removal of protected trees will be necessary and in accordance with the CDP.	Construction contractors	Los Angeles County Waterworks District 29
	If a CDP is obtained, implement monitoring requirements as specified in permit.	During operation at any site where removal of protected trees will be necessary and in accordance with the CDP.	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
inside the fenced areas can only use hand-held tools and must not damage root systems; 3) a qualified biologist or arborist must monitor protected trees in or adjacent to construction; and 4) if the protective fence is compromised, work must be suspended until the fence is repaired or replaced. The only exemptions to the permit requirement include native trees that have been destroyed or damaged beyond recovery by a natural disaster, native trees that are at risk of falling and cannot be stabilized and that pose an imminent public health and safety risk, and native trees that were planted for ornamental reasons and not as part of a LCP or Coastal Act requirement. The LACDPW will seek an Oak Tree Permit under the Los Angeles County Code of Ordinances before cutting, destroying, removing, relocating, damaging, or encroaching within the protected zone (defined as the dripline plus 5 feet, or 15 feet from the trunk, whichever is greater) of all oak trees in unincorporated Los Angeles County that are at least 8 inches in diameter or that have a combination of any two trunks measuring a total of at least 12 inches in diameter at 4.5 feet above natural grade, as well as any tree that has been planted as a replacement tree pursuant to this ordinance. The permit application must contain a detailed oak tree report evaluating structure, health, impacts, and mitigation for every potentially affected oak tree onsite. Under this ordinance, removed trees must be replaced at a ratio of at least 2:1, and all trees must be at least a 15-gallon specimen and measure at least 1 inch in diameter measured 1 foot above the base. Replacement trees must be maintained, monitored, and replaced for a minimum of 2				

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
years after planting, and a plan must be put in place to protect the tree(s) once planted. Exemptions to the permit include construction of subdivisions approved prior to the effective date of the ordinance; oaks that are considered a public health or safety hazard; oaks that have been irretrievably damaged or destroyed by a natural disaster; maintenance necessary to protect or maintain electricity, communications, or other public utilities; tree maintenance limited to medium pruning of branches 2 inches in diameter or smaller; trees planted, grown, and/or held for sale by a licensed nursery; and trees in an existing road ROW for which pruning, removal, or relocation is necessary for safety reasons or road damage. The LACDPW will seek a Coastal Development Permit – Oak Tree (CDP-OT) before cutting, destroying, removing, relocating, damaging, or encroaching within the protected zone (defined as the dripline plus 5 feet, or 15 feet from the trunk, whichever is greater) all oak trees within the SMM LCP that are at least 6 inches in diameter or that have a combination of any two trunks measuring a total of at least 8 inches in diameter at 4.5 feet above natural grade, or that are replacement trees planted under this ordinance. General application requirements are virtually identical to the Los Angeles County Oak Tree Ordinance. However, under the CDP-OT, mitigation for every affected oak tree must be as follows: the removal of oak trees must be replaced at a ratio of 10:1, an encroachment of more than 30 percent into the protected zone of an oak must be mitigated at a 10:1 ratio, encroachment that extends within 3 feet of the trunk must be mitigated at a 10:1 ratio, trimming				

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
branches over 11 inches in diameter must be mitigated at a 5:1 ratio, a 10–30-percent encroachment into the protected zone must be mitigated at a 5:1 ratio, and less than 10-percent encroachment into the protected zone requires only monitoring. Each replacement tree must be the same species as that it is intended to replace, it must be at least a 1-gallon size specimen, it must measure at least 1 inch in diameter 1 foot above the base, and it must have an acorn taken from the SMM planted within its watering zone. Replacement trees must be maintained, monitored, and replaced for a minimum of 7 years after planting. Where feasible, replacement trees must be grown from acorns collected in Los Angeles or Ventura Counties and must be planted in the same general area of the subject property as the tree they are replacing. If not feasible to plant onsite, trees must be planted in a protected area within the SMM and, where feasible, must be in the same watershed as the affected trees; if it is not possible to plant in the same watershed, an additional two trees will be added to the mitigation ratio for each affected tree. Trees with less than a 30-percent encroachment into the protected zone must be monitored and reported on annually for a minimum of 10 years, during which time if the subject trees die or deteriorate in health as a result of the project, they must be replaced at a 10:1 ratio under the same conditions as those described above. Finally, a plan must be submitted and implemented for the protection of all oak trees on the subject property, both during and after development. Exemptions to the permit include where there is an existing and unexpired CDP and oak tree permit approved prior to the				

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
effective date of the LCP; oaks that are considered a public health or safety hazard within 200 feet of an existing structure or on open land threatening public property or utilities; oaks that have been irretrievably damaged or destroyed by a natural disaster; maintenance necessary to protect or maintain electricity, communications, or other public utilities; tree maintenance limited to medium pruning of branches 2 inches in diameter or smaller; trees planted, grown, and/or held for sale by a licensed nursery; and trees in an existing road right-of-way (ROW) for which pruning, removal, or relocation is necessary for safety reasons or for road damage.				
MM BIO-13: **Spoils and Rubble** Spoils and rubble will not be deposited outside the identified limits of construction and material waste generated by the project will be disposed of offsite.	Include spoils and rubble prohibitions on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Dispose of/deposit spoils and rubble appropriately as required.	At all times during any construction at any site where spoils or rubble will be deposited.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-14: **Equipment Maintenance** All equipment will be adequately maintained to prevent the leaking of oil, fuel, or other hydraulic fluids into nearby creek crossings or into other areas where it could accidentally contaminate waterways. Heavy equipment will be examined for leaks each day before work begins and, in the case of a leak, their use will not be allowed until any leak-related issues are fixed. All equipment maintenance, staging, and dispensing of fuel, oil,	Include equipment maintenance requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Maintain equipment to prevent releases to nearby waterways.	At all times during any construction at any site near creek crossings or waterways where equipment using oil, fuel, or other hydraulic fluids will be used.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
coolant, or any other toxic substances will occur in designated staging areas.	Maintain equipment to prevent releases to nearby waterways.	During maintenance at any site near creek crossings or waterways where equipment using oil, fuel, or other hydraulic fluids will be used.	Maintenance crews	Los Angeles County Waterworks District 29
MM BIO-15: **Stormwater Pollution Prevention Plan** A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential to affect water quality. The SWPPP will identify the sources of pollutants that may affect the quality of stormwater and include relevant BMPs to control pollutants, such as sediment control, catch basin inlet protection, construction materials management, and non-stormwater BMPs.	Obtain SWPPP.	Prior to the start of any construction at any site.	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29
	Implement requirements of SWPPP.	During all construction at any site covered by a SWPPP, in accordance with the requirements of the plan.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-16: **Slope Protection** The areas of disturbance and constructed slopes will be protected with temporary and/or permanent erosion controls, including fiber rolls, silt fencing, soil binders, rock slope protection, and/or revegetation with an erosion control seed mix.	Include slope protection requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement slope protection requirements.	During any construction at any site where ground is disturbed and/or slopes are constructed.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-17: Preconstruction Training When in or near natural habitat areas, all personnel involved in the onsite project construction will be required to participate in a	Include preconstruction training requirements on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
preconstruction training program to understand the mitigation obligations on the project.	Implement preconstruction training program.	Prior to the start of any construction and during construction at any site in or near natural habitat areas.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-18: Jurisdictional Waters and Riparian Vegetation No equipment or vehicles must be operated or placed within the limits of jurisdictional waters or associated riparian vegetation. In areas where a foot crew is required to be present within jurisdictional waters for pipeline repairs, removals, or replacements, all tools, materials, and associated mechanical equipment must be packed out and removed on a daily basis when the crew leaves the site. No construction-related materials must be left within jurisdictional limits or associated riparian vegetation overnight	Include jurisdictional waters and riparian vegetation restrictions on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Avoid jurisdictional waters and riparian vegetation.	During any construction at any site in or near jurisdictional waters and/or riparian vegetation.	Construction contractors	Los Angeles County Waterworks District 29
MM BIO-19: Wildlife Movement Equipment maintenance, lighting, and staging will occur only in designated areas, and will not block or impede movement through wildlife corridors.	Include wildlife corridor restrictions on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Avoid wildlife corridors.	During any construction at any site in or near wildlife corridors.	Construction contractors	Los Angeles County Waterworks District 29
Cultural Resources				
MM CUL-1: Cultural Resources Monitoring Program *This mitigation measure is applicable to the following District 29 improvements only: PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach*	Retain a qualified archaeologist to prepare a CRMP in consultation with the Fernandeño Tataviam Band of Mission Indians.	Prior to the start of any construction of PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3)	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Drive Waterlines Improvements (Segments 1, 2, and 3) and Big Rock Bypass Improvements.		and Big Rock Bypass Improvements.		
A Cultural Resources Monitoring Program (CRMP) must be developed once final designs are available and implemented during construction activities that have the potential to disturb native soils in archaeologically sensitive areas. The CRMP shall be prepared by a qualified archaeologist in consultation with the Fernandeño Tataviam Band of Mission Indians, which is the Assembly Bill (AB) 52 consulting tribe on the project. The CRMP will provide details regarding the process for in-field treatment of discoveries and the disposition of discovered non-funerary resources. The CRMP must be completed prior to commencement of ground-disturbing activities, including any archaeological testing (if applicable), and include the following provisions: • A qualified archaeologist must implement a monitoring and recovery program. The archaeologist must meet the U.S. Secretary of the Interior's Professional Qualification Standards for Archaeology. • The project shall retain a professional Native American monitor procured by the Fernandeño Tataviam Band of Mission Indians or consulting tribe under AB 52. The Native American monitors must be afforded an opportunity to be present with the qualified archaeologist during earthwork and excavations associated with the District 29 project. • The qualified archaeologist(s) must provide cultural resources awareness training for all construction personnel prior to the start of construction. Construction personnel must be	Implement CRMP, including retaining qualified archaeologists and professional Native American monitor to monitor ground-disturbing activities, provide training, maintain monitoring logs and site records, and provide copies to the Fernandeño Tataviam Band of Mission Indians.	During any construction involving ground disturbance of PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3) and Big Rock Bypass Improvements, as specified in the CRMP.	Los Angeles County Waterworks District 29 and construction contractors.	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
briefed on procedures to be followed in the event that a unique archaeological resource, historic-era building or structure, or human remains are encountered during construction. A training log must be maintained. • The qualified archaeologist(s)/monitor(s) must be present during initial earthwork and excavations that have the potential to disturb native soils. Based on initial monitoring, the qualified archaeologist must determine the frequency and length of construction monitoring at each location. Monitoring at each specific project location would cease once excavation is completed. Monitoring of equipment installation, backfilling, or shallow excavations in areas of fill soils only will not be required. The monitor(s) must maintain a daily monitoring log that describes monitoring activities and results. After construction is complete, a final report will be prepared by the qualified archaeologist that describes the monitoring program, any resources discovered, and the treatment completed for each resource, if applicable. The monitoring report will include monitoring logs and site records as attachments. A copy of all archaeological documents prepared as a result of the project will be provided to the Fernandeño Tataviam Band of Mission Indians.				
MM CUL-2: **Discovery of Unknown Cultural Resources** If cultural resources or tribal cultural resources are discovered in the course of excavation for project construction, the Construction	Include requirements for discovery of cultural resources in CRMP.	Prior to the start of any construction of PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3)	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Contractor must halt work in the immediate area of the find until a qualified archaeologist can evaluate the significance and distribution of the materials and identify future activities needed. The Fernandeño Tataviam Band of Mission Indians, the consulting tribe under AB 52, will be notified of the discovery and given the opportunity to consult on the disposition and treatment of resources through the entire duration of the project. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities must be conducted in consultation with relevant Native American tribes as determined by the NAHC.		and Big Rock Bypass Improvements.		
	Implement requirements of CRMP in case of discovery of cultural resources, including evaluation of materials and future activities, consultation with the Fernandeño Tataviam Band of Mission Indians, and disposition as required.	During any construction involving ground disturbance of PCH and Topanga Beach Drive Waterlines Improvements (Segments 1, 2, and 3) and Big Rock Bypass Improvements, as specified in the CRMP.	Los Angeles County Waterworks District 29 and construction contractors	Los Angeles County Waterworks District 29
MM CUL-3: **Discovery of Human Remains** In accordance with California Health and Safety Code Section 7050.5 and Public Resources Code (PRC) 5097.98, if human remains are found, the County Coroner must be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains must occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with PRC 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American(s). The MLD must complete their	Include requirements for discovery of human remains on plans and/or specifications.	During improvement design for any site and before final design is approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement requirements of California Health and Safety Code in case of discovery of human remains.	During ground disturbance at any construction site.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
inspection within 48 hours of being granted access to the site and would then make recommendations as to the final disposition of the remains and associated grave goods.				
Geology, Soils, and Paleontological Resources				
MM GEO-1: **Site-Specific Expansive Soil Testing and Design** *This mitigation measure is applicable only to the Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement.* During facility design for the Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement, an engineering geologist will conduct an evaluation of soils to determine if there are highly expansive soils at the site (i.e., with an expansion index greater than 20). If expansive soils are present, the engineering geologist must recommend remediation measures to address the soil condition or engineer the pipeline and tank to withstand the pressure of highly expansive soils.	Conduct soil testing to determine potential expansive soils and prescribe remediation.	During improvement design of Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement and before final design is approved.	Engineering geologist	Los Angeles County Waterworks District 29
	Implement remediation of expansive soils if necessary.	During construction of Emergency Source of Water Supply Connection (Las Virgenes Connection) and the Upper Encinal Tank Improvement in accordance with remediation prescribed (if any).	Construction contractors	Los Angeles County Waterworks District 29
MM GEO-2: **Paleontological Monitoring** *This mitigation measure is applicable to the following seven improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply*	Retain qualified paleontologists or archaeologist to assess soils for paleontological resources and determine where monitoring will be required, if necessary.	Prior to construction of Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement. Prior to construction of the improvements listed above, a qualified paleontologist(s) or cross-trained archaeologist(s) will assess the site with the construction contractor to identify the portions of the site, if any, that, based upon the potential to disturb sedimentary rock formations, will require paleontological monitoring. In these areas, paleontological monitoring will occur by a qualified paleontologist or cross-trained archaeologist. The monitor(s) will have the authority to stop work or divert heavy equipment away from the fossil site until they have had an opportunity to examine and salvage the remains. The monitor(s) will be required to immediately notify the County of the work stoppage or diversion. The monitor(s) must be equipped with tools and collection materials to rapidly remove fossil remains and/or matrix (i.e., earth), and thus reduce the potential for any construction delays. If necessary, the monitor(s) will be authorized to bring in further resources or equipment for large discoveries.		Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement and before final designs are approved.		
	Retain qualified paleontologist or archaeologist to monitor, stop work if necessary, and evaluate and collect resources, as necessary.	Prior to and during any ground disturbance required for construction of Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection),	Los Angeles County Waterworks District 29	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		and Upper Encinal Tank Improvement until paleontologist or archaeologist determines monitoring is no longer necessary.		
MM GEO-3: Paleontological Documentation and Recovery *This mitigation measure is applicable to the following seven improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement, if any fossils are recovered during implementation of Mitigation Measures GEO-2.* Fossils identified during construction must be documented by a qualified paleontologist(s) or cross-trained archaeologist(s) in a detailed Paleontological Mitigation Report. Fossils recovered from the field or by processing must be prepared, identified, and, along with accompanying field notes, maps and photographs, accessioned into the collections of a designated, accredited museum, such as the Natural History Museum of Los Angeles County.	Include requirements for discovery of paleontological resources on plans and/or specifications.	During improvement design of Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Retain paleontologist or archaeologist to document fossils if identified during	Prior to and during any ground disturbance required for construction of Carbon	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
	construction, recover and process, and accession into accredited museum.	Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, Fernwood Tank Improvement, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements (all three segments), Emergency Source of Water Supply Connection (Las Virgenes Connection), and Upper Encinal Tank Improvement until paleontologist or archaeologist determines monitoring is no longer necessary.		
Hazards and Hazardous Materials				
MM HAZ-1: **Soil Screening and Soil Management Plan** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they would not involve ground disturbance.* As proposed improvements are to occur at several locations, there is a possibility of	Include requirements for soil screening and soil management plans on plans and/or specifications.	During design of all improvements except District 29 Creek Crossing Repairs and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Conduct visual and olfactory observations.	During all construction activities of any improvements except	Construction contractors	Los Angeles County

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
construction personnel encountering previously unknown or undocumented contamination while conducting earth-moving activities. Visual and olfactory observations are commonly used for screening purposes to identify potentially contaminated soils during construction. Uncontaminated native soils typically have distinct color and bedding, as well as other physical attributes (e.g., organic or peaty odors). Chemically impacted soils can exhibit a coloration that is distinctly different from surrounding uncontaminated soil. Often when construction equipment first encounters contaminated soils, a change in color is first noted, and, soon afterward, a distinct odor is detected. These odors can range from smells that are characteristic of oils or lubricants to sweeter smells, often associated with solvents. If suspected affected soils are encountered, construction should seek the professional recommendation of a consultant specializing in the identification of hazardous materials. Suspect soil should be isolated, covered, and bypassed by construction personnel until analytical results are reviewed by the qualified consultant. If contaminated soil is confirmed to exist by the qualified consultant, a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer will be retained to prepare a Soil Management Plan. The Soil Management Plan will include the following: • Site characterization, including testing, to determine the full extent of potential areas of concern and all potential contaminants of concern.		District 29 Creek Crossing Repairs.		Waterworks District 29
	If suspected affected soils are encountered, retain qualified professional geologist, engineering geologist, or engineer to identify/confirm presence of hazardous materials; prepare a Soil Management Plan, if necessary; implement Soil Management Plan.	Prior to continuing with any construction activities of any improvements except District 29 Creek Crossing Repairs if suspected affected soils are encountered.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
• Procedures for profiling and disposal of contaminated soil. The plan will describe the process for excavation, stockpiling, dewatering, treating, and/or loading and hauling of soil from the site, if necessary. • Site worker safety procedures to ensure compliance with 29 Code of Federal Regulations (CFR) Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. • The Los Angeles County Fire Department, the local CUPA, will be notified of the discovery. The impacted soil will be handled and disposed of in accordance with the requirements of the Certified Unified Program Agency (CUPA). The County and their contractors will implement all requirements of the Soil Management Plan.				
MM HAZ-2: **Contaminated Groundwater Management** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance.* If contaminated groundwater is encountered during construction, a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer will be retained to prepare a Groundwater Management Plan. The Groundwater Management Plan will include the following: • Site characterization documenting the extent and the type of the contamination present.	Include requirements for encountering contaminated groundwater on plans and/or specifications.	During design of all improvements except District 29 Creek Crossing Repairs and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Retain a qualified professional geologist, engineering geologist, or engineer to prepare a Groundwater Management Plan, if necessary; implement Groundwater Management Plan.	Prior to continuing with any construction of all improvements except District 29 Creek Crossing Repairs if contaminated groundwater is encountered.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
• Procedures for profiling and disposal of contaminated groundwater. The plan will describe the process for dewatering, treating, and/or disposing of groundwater from the site, if necessary. • Site worker safety procedures to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response, regulations for site workers at uncontrolled hazardous waste sites. • The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), and/or the CUPA will be notified of the discovery. Any impacted dewatering fluid will be treated and disposed of in accordance with the requirements of the Regional Board and/or the CUPA. The County and their contractors will implement all requirements of the Soil Management Plan.				
MM HAZ-3: **Trench Slurry** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance.* If contaminated groundwater is encountered during construction, replacement improvements, or new pipeline construction, a preferential migration pathway for groundwater may be reduced or eliminated by backfilling the pipeline trench with a slurry that would be sufficient to seal off the trench from the impacted groundwater. A plan for such an installation will be prepared and submitted to the Regional	Include requirements for trench slurry if contaminated groundwater is encountered on plans and/or specifications.	During design of all improvements except District 29 Creek Crossing Repairs and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Retain a qualified professional geologist, engineering geologist, or engineer to prepare a plan for installation of trench slurry if contaminated groundwater is encountered; submit the plan to the Regional Board/CUPA	Prior to continuing with any construction of all improvements except District 29 Creek Crossing Repairs if contaminated groundwater is encountered.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
Board and/or the CUPA for review and approval as required.	for approval; implement the approved trench slurry plan.			
MM HAZ-4: **Contaminated Soil Disposal** *This mitigation measure applies to construction of all the District 29 improvements included in this project, except for the District 29 Creek Crossing Repairs because they do not involve ground disturbance.* Contaminated soil encountered during construction activities would be removed and tested for level of contamination. If the soil is not considered to be hazardous, it may be disposed of at a Class III landfill. If the soil is deemed hazardous, it would be transported in accordance with hazardous waste regulations to a Class I landfill (Buttonwillow or Westmorland, both of which have adequate daily and total capacity) for final disposal.	Include requirements for disposal of contaminated soil if encountered on plans and/or specifications.	During design of all improvements except District 29 Creek Crossing Repairs and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Retain a qualified professional geologist, engineering geologist, or engineer to remove and test contamination of soils, if encountered, and recommend disposal methods; implement disposal in accordance with hazardous waste regulations.	During construction of all improvements except District 29 Creek Crossing Repairs if contaminated groundwater is encountered.	Construction contractors	Los Angeles County Waterworks District 29
Noise				
MM NOI-1: **Construction Noise Reduction** The construction contractor will use appropriate noise-control measures to reduce short-term noise levels associated with project construction to the extent feasible. Noise controls could include any of the following, as appropriate: • Construction hours will be in compliance with City of Malibu and County of Los Angeles noise ordinances during construction within each respective jurisdictional boundary, to the extent feasible. Where construction is required outside of permissible hours or days of the	Include requirements for noise-control measures on plans and/or specifications.	During improvement design for any site and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement noise controls and construction scheduling as required.	During any construction for any site.	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
week, written permission from the City Manager in accordance with Section 8.24.060(D) of the City Noise Ordinance or a variance from the County Health Officer in accordance with Section 12.08.580 of the County Noise Ordinance will be obtained. • For construction of the Coastline Drive 12-Inch Waterline Improvements, which is restricted to off-peak hours (see 3.17, Transportation), construction will only occur during the daytime, off-peak hours. • Best available noise-control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) will be used for all equipment and trucks to minimize construction noise impacts. • If impact equipment (e.g., jackhammers and pavement breakers) is used during project construction, hydraulically or electrically powered equipment will be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where the use of pneumatically powered tools is unavoidable, an exhaust muffler, which can lower noise levels from the exhaust by up to approximately 10 A-weighted decibels (dBA), will be used on the compressed-air exhaust. External jackets on the tools themselves will be used, where feasible, which could reduce noise by 5 dBA. Quieter procedures, such as drilling rather than using impact equipment, will be used whenever feasible. • Stationary noise sources (e.g., generators, compressors, etc.) will be located as far from sensitive receptors as feasible. If they must be				

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
located near receptors, adequate muffling (with enclosures, where feasible and appropriate) will be used to ensure that local noise ordinance limits are met to the extent feasible. Enclosure openings or venting will face away from sensitive receptors. The use of any stationary equipment will comply with the daytime and nighttime noise limits specified in pertinent noise ordinances to the extent feasible. • Equipment staging and parking areas will be located as far as feasible from residential and school receptors. • Haul trucks will not be allowed to idle for periods greater than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). • Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration (OSHA) and California Occupational Safety and Health Administration's (Cal OSHA's) safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures, such as escorts and spotters, will be employed. • A designated project liaison will be responsible for responding to noise complaints during the construction activities. The name and phone number of the liaison will be posted conspicuously at construction areas and on all advance notifications. This person will take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring will be				

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
presented at regular meetings with the construction contractor, and the liaison will coordinate with the construction contractor to modify, to the extent feasible, any construction activities that generate excessive noise levels.				
MM NOI-2: Construction Vibration Reduction Construction activities associated with the proposed project will avoid the operation of large-sized mobile equipment within 10 feet of neighboring residential structures. Instead, smaller-sized mobile equipment will be used within this distance.	Include requirements for vibration reduction on plans and/or specifications.	During improvement design for any site and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Use smaller-sized equipment adjacent to residential structures.	During construction at any site if within 10 feet of neighboring residential structures.	Construction contractors	Los Angeles County Waterworks District 29
Transportation				
MM TRA-1: **All Lanes Open during Non-construction Periods** *This measure is applicable to the following improvements: all improvements except Fernwood Tank Improvement.* To reduce construction-related impacts related to roadway operations, all travel lanes will be opened during non-construction periods, with lanes maintained in a safe condition.	Include requirements for keeping travel lanes open during non-construction periods on plans and/or specifications.	During design of all improvements except Fernwood Tank and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Keep traffic lanes open during periods of non-construction.	During any construction of any improvements except Fernwood Tank.	Construction contractors	Los Angeles County Waterworks District 29
MM TRA-2: **Construction Traffic Controls for Two-lane Roads** *This measure is applicable to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, and Emergency Source of Water Supply Connection (Las Virgenes Connection).*	Include requirements for construction traffic controls for two-lane roads on plans and/or specifications.	During design of Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, and Emergency Source of Water Supply Connection (Las	Improvement designers	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
To reduce construction-related impacts related to roadway operations on two-lane roadways due to closure of one of the lanes necessary to remove and replace existing pipelines, traffic controls will be used during construction. These will include, at a minimum: • Establishment of one-way traffic zones with adequate queuing areas for waiting traffic. • Use of appropriate advance warning signs such as ROAD WORK AHEAD, LANE CLOSED AHEAD, ONE-WAY TRAFFIC AHEAD, FLAGGERS AHEAD, PREPARE TO STOP, or similar warnings at sufficient distance to slow traffic before queuing location. • Flaggers positioned at either end of the one-way traffic zones at points of maximum visibility to stop traffic at a sufficient distance to prevent entrance into the work zone and to yield to opposing traffic. • Channeling devices, such as cones or other traffic barriers. • High-visibility safety apparel for flaggers in either fluorescent orange-red or fluorescent yellow-green, with reflective material, visible at a minimum distance of 1,000 feet. • Hand-signaling devises, such as STOP/SLOW paddles, lights, and red flags. • Illumination of flagger stations for nighttime work. • Communication devices for flaggers at either end of the one-way traffic zones.		Virgenes Connection) and before final designs are approved.		
	Implement traffic controls as specified.	During any construction of Carbon Canyon Road and Carbon Mesa Road Waterline Improvements, Coastline Drive 12-inch Waterline Improvements, and Emergency Source of Water Supply Connection (Las Virgenes Connection).	Construction contractors	Los Angeles County Waterworks District 29
MM TRA-3: **Limit Construction to Off-Peak Hours** *This measure is applicable to the following improvements:*	Include requirements for off-peak-hour construction on plans and/or specifications.	During design of Coastline Drive 12-inch Waterline Improvements, District 29 Creek	Improvement designers	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
• *Coastline Drive 12-inch Waterline Improvements* • *District 29 Creek Crossing Repairs* • *PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road)* • *PCH and Topanga Beach Drive Waterline Improvements* • *Big Rock Bypass Improvements* In order to reduce peak-hour LOS impacts at affected locations, lane closures will occur only during off-peak hours, from 10 a.m. to 3 p.m. or from 9 p.m. to 5 a.m., with lanes restored to a safe condition during peak hours.		Crossing Repairs, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements, and Big Rock Bypass Improvements and before final designs are approved.		
	Implement lane closures during off-peak hours only at required locations.	During any construction of Coastline Drive 12-inch Waterline Improvements, District 29 Creek Crossing Repairs, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements, and Big Rock Bypass Improvements.	Construction contractors	Los Angeles County Waterworks District 29
MM TRA-4: **Traffic Controls for Full Roadway Closure** *This measure is applicable to the Fernwood Tank Improvements.* To reduce construction-related impacts related to roadway operations on Horseshoe Drive with full roadway closure during construction when large trucks and other equipment are accessing the Fernwood Tank Improvements site, the	Include requirements for maintaining Horseshoe Drive access on plans and/or specifications.	During design of Fernwood Tank Improvement and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement required notifications, street closures, and high-	During any construction of Fernwood Tank Improvements when large trucks and other	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
following measures are required, at a minimum, before and during construction: • Notification of neighbors to the site at least 48 hours in advance if street closure will affect their access or on-street parking. Notification will be hand delivered to the affected house and will include a contact person with email and phone number. • Use of appropriate street closure signs positioned so that vehicles can make appropriate detours or U-turns. • Appropriate high-visibility barriers to prevent vehicles from entering closed areas.	visibility barriers during construction.	equipment are accessing the site.		
MM TRA-5: **Accommodate Bike Route on PCH during Construction** *This measure is applicable to the following improvements:* • *District 29 Creek Crossing Repairs* • *PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road)* • *PCH and Topanga Beach Drive Waterline Improvements* • *Big Rock Bypass Improvements* To reduce impacts on the Class III bike route on PCH from closure of outside lanes, bicycle route detours will be provided whenever possible, preferably separated from traffic, with appropriate signage. When not possible, signs indicating that the bike route will be closed will be posted at least 1 week prior to closure.	Include requirements for accommodating bike routes on plans and/or specifications.	During design of District 29 Creek Crossing Repairs, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive Waterline Improvements, and Big Rock Bypass Improvements and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Implement bicycle route detours or closure signs as required during construction.	At least 1 week prior to any construction of District 29 Creek Crossing Repairs, PCH 8-inch Waterline Improvements (Zumirez Drive to Escondido Beach Road), PCH and Topanga Beach Drive	Construction contractors	Los Angeles County Waterworks District 29

Mitigation Measure	Action Required	Mitigation Timing	Responsible Agency or Party	Monitoring Agency or Party
		Waterline Improvements, and Big Rock Bypass Improvements when lane closure (including Class III bike route) is required.		
MM TRA-6: **Accommodate Pedestrians during Construction within Roadway Rights-of-Way** *This measure is applicable to the following improvements: all improvements except Fernwood Tank Improvement.* To reduce impacts on pedestrians from closure of outside lanes, safe pedestrian detours will be provided if sidewalks are blocked or unsafe during construction or if roadway rights-of-way without sidewalks are used for walking, jogging, or running.	Include requirements for accommodating pedestrians on plans and/or specifications.	During design of all improvements except of Fernwood Tank Improvement and before final designs are approved.	Improvement designers	Los Angeles County Waterworks District 29
	Provide safe alternatives to pedestrian traffic.	Prior to any construction of all improvements except of Fernwood Tank Improvement when sidewalks will be blocked or unsafe during construction and/or where no sidewalks are available.	Construction contractors	Los Angeles County Waterworks District 29