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Governor's Office of Planning & Research

February 10, 2020

FEB 10 2020

STATE CLEARINGHOUSE

Winnie Siau
County Sanitation District No.2 of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601
winniesiau@lacsdsd.org

Subject: Joint Outfall "F" Unit 3A Trunk Sewer Rehabilitation Project, SCH # 2020019047, Los Angeles County

Dear Ms. Siau:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Joint Outfall "F" Unit 3A Trunk Sewer Rehabilitation Project (Project). The Project's supporting documentation includes an Initial Study/Mitigated Negative Declaration (Initial Study). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The purpose of the proposed Project is the rehabilitation of a portion of the Joint Outfall "F" 3A, a reinforced concrete pipe, by constructing concrete encasements around the existing siphon structure. The Joint Outfall "F" Unit 3A is a sewer pipeline that allows upstream sewer flows to bypass the Los Coyotes Water Reclamation Plant (WRP) and be directed to the Joint Water Pollution Control Plant in Carson, California, for treatment. The County Sanitation District (District) proposes to rehabilitate two locations of the Joint Outfall "F" Unit 3A located on either side of the San Gabriel River (River) due to the existing poor condition of the siphon that crosses the River.

Location: The proposed rehabilitation construction would occur approximately 300 feet west of the Los Coyotes WRP on the existing siphon structure. The locations of the Joint Outfall "F" Unit 3A are on either side of the River. The areas proposed for rehabilitation include the manhole on the west side of the River in the City of Bellflower and the manhole on the east side of the River in the City of Cerritos.

Comments and Recommendations

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

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Rivers

Issue: The Initial Study states, "The proposed Area of Disturbance for the project may encroach into the channel bottom of the River." In addition, Project activities will temporarily alter the River bank, potentially impacting fish and wildlife resources. The Project, therefore, may be subject to notification under Fish and Game code section 1600 *et seq.*

Specific impacts: The Project activities may require notification prior to conducting activities that may alter the bank, bed, or channel. In addition, the Project has potential to result in the temporary impacts to River function and biological diversity.

Why impacts would occur: Trenching, cutting out concrete, and general construction activities related to the sewer rehabilitation could potentially impact the River and be considered significant. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment or debris and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of River through alteration of the bed, bank, or channel and potential discharge of materials, which absent specific mitigation, could result in substantial siltation on site or off site of the Project. Sediment in streams can also make the water cloudy, which

decreases the ability of organisms to photosynthesize (Mallery 2010). This may substantially adversely affect downstream and associated habitats from the Project site.

Recommended Potentially Feasible Mitigation Measure(s):

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

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

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

Mitigation Measure #3: CDFW recommends the Project proponent actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into River during Project activities. BMPs should be monitored and repaired if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Comment #2: Impacts to nesting birds

Issue: The Initial Study states, "the Project site contains landscaped trees on the east and west sides of the River that may provide nesting sites for birds, which is considered a wildlife nursery site."

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees directly

adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

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

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

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction shall occur from February 15 through August 31 unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 14 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 14 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding

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this letter and further coordination on these issues should be directed to Felicia Silva,
Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Sincerely,



EW
Erinn Wilson
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos
Felicia Silva – Los Alamitos
Andrew Valand – Los Alamitos
Audrey Kelly – Los Alamitos
Malinda Santonil – Los Alamitos
Dolores Duarte – San Diego
CEQA Program Coordinator – Sacramento

State Clearinghouse

References:

Mallery, M. 2010. Marijuana National Forest: Encroachment on California public lands for cannabis cultivation. Berkeley Undergraduate Journal 23:1-17