



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 82123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 11, 2020

Governor's Office of Planning & Research

Ayda Forouzan
City of Thousand Oaks
2100 Thousand Oaks Blvd.
Thousand Oaks, CA 91362
aforouzan@toaks.org

Sep 14 2020

STATE CLEARINGHOUSE

Subject: Mitigated Negative Declaration for the Thousand Oaks Groundwater Utilization Project, City of Thousand Oaks, Ventura County

Dear Ayda Forouzan:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Thousand Oaks Groundwater Utilization Project (Project) provided by the City of Thousand Oaks (City). 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.

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Project Description and Summary

Objective: The proposed Project would provide groundwater treatment at an existing well site, located at the Los Robles Golf Course (LRGC), to develop a local potable water resource for the City and a source of irrigation for the golf course itself. The Project consists of equipping the existing well and constructing a new groundwater treatment plant (WTP) in an existing parking lot. Treated water produced from the WTP would be conveyed to the golf course for irrigation and to the City's potable water distribution system.

Components of the proposed Project are described, as follows:

Reconfiguring the existing wellhead,

- The existing wellhead will be replaced with new piping, valves, a flow meter, and blow off.
- The well's discharge will be 8-inches in diameter and will include a pump to waste system. The pump to waste pipeline will be directed to a nearby blow off pond, which will be connected by an air-gap discharge pipe to provide positive control of potential cross-connections between the blow off pond and groundwater.
- A flow meter will be connected to the well discharge pipeline for flow monitoring.
- The well will be protected by an existing perimeter fence, of which the north side of the fence requires replacement.
- A flow meter will be installed on the discharge of the well pump.

At the existing LRGC parking lot,

- The parking lot will be demolished and the site will be graded.
- A 6,000 square feet WTP will be built.
- Two separate pump stations will be built.

Extending out from the WTP and pump stations,

- Two pipelines will be built.
 - o Using an open trench method, an irrigation and raw water pipeline will run west along the northern boundary of the golf course, adjacent to State Route 101 (SR-101).
 - o A potable water transmission pipeline will extend out from the golf course and will be routed north along Moorpark Road until it connects with an existing municipal water pipeline at East Hillcrest Drive.

Location: The majority of the Project will be constructed within the boundary of the Los Robles Golf Course, located at 299 S. Moorpark Road. It is generally bound by SR-101 to the north, the Los Robles Mountains to the south, and residential neighborhoods to the east and west. One pipeline will extend west along the northern boundary of the golf course and the other pipeline will travel north along Moorpark Road until it reaches East Hillcrest Drive.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City 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

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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 Sensitive Vegetation Communities

Issue: According to page 15 of the *Oak and Landmark Tree Report*, "[o]f the 30 protected trees, three trees are recommended for removal because more than 30% of the trees' [tree protection zone] TPZs would be impacted, five trees could have up to 20% of their TPZs impacted, 16 trees are anticipated to have less than 5% of their TPZs impacted, and six trees are not anticipated to be impacted, as shown in Appendix B." This indicates that not only are three trees expected to be removed, but 24 of the 30 protected trees are anticipated to be impacted by Project related activities.

Appendix A – Protected Tree Matrix gives a breakdown of the anticipated impacts to sensitive trees. It states that the following trees are expected to be impacted by Project related activities:

Species of Tree Impacted	# of trees	California Native Plant Society (CNPS) rarity ranking
Coast live oak (<i>Quercus agrifolia</i>)	19	S4
California sycamore (<i>Planatus racemosa</i>)	2	S3
Valley oak (<i>Quercus lobate</i>)	2	S3
Scrub oak (<i>Quercus berbidifolia</i>)	1	S4

Specific impact: CDFW considers all four of these tree species as sensitive natural communities, which can be found at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/List>. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

Why impact would occur: Project implementation includes grading, vegetation clearing or trimming for construction, trenching, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, 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 or USFWS.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends avoidance of sensitive vegetation communities as the most effective mitigation for protection and preservation for these communities.

Mitigation Measure #2: CDFW recommends conducting focused surveys for sensitive/rare plants on-site and disclosing the results in the environmental document. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>), a qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” The final CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

Mitigation Measure #3: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #4: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Mitigation Measure #5: To reduce impacts to less than significant, the final environmental document should describe an infectious tree disease management plan and how it will be implemented to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; Polyphagous Shot Hole Borer (*Euwallacea spp.*), see <http://eskalenlab.ucr.edu/avocado.html>); and goldspotted oak borer (*Agrilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

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Mitigation Measure #6: CDFW recommends that a monitoring period of a minimum of 10 years should be established for long-lived arid communities, such as oaks and sycamores, being impacted.

Comment #2: Impacts to Streams

Issue: It is unclear from the supporting documents for the Project whether Project related activities will impact a stream between LRGC and SR-101. There appear to be conflicting representations of the specific location of the proposed “Irrigation and Raw Water Pipelines” that will run along the northern boundary of the LRGC. Figure 2 – Proposed Project on Page 20 of the IS/MND appears to show the alignment of pipeline to be north of the path and within the streambed that runs adjacent to the property. Figure 2 - Project Components of the *Oak and Landmark Tree Report* appears to show the alignment of pipeline to be south of the path but running very close to the jurisdictionally delineated streambed. Due to this uncertainty in the Project layout, CDFW has concerns that the Project location may support streams subject to notification under Fish and Game Code, section 1600 *et seq.*

Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. The installation of a pipeline within or along a stream may diminish onsite and downstream water quality.

Why impacts would occur: The digging of a trench, movement of significant amounts of soils, and installation of a pipeline may result in the placement of deleterious materials into the adjacent stream. Downstream streams and associated biological resources beyond the Project development footprint may be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Debris, soil, silt, sawdust, rubbish, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: 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 shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW’s web site at <https://www.wildlife.ca.gov/conservation/lisa>.

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 of the Lead Agency for the Project. 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

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provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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 such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement 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.

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 for the underlying project approval to be operative, vested, and final (California 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 City of Thousand Oaks in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at Andrew.Valand@wildlife.ca.gov or (562) 342-2142.

Sincerely,

DocuSigned by:



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Erinn Wilson

Environmental Program Manager I

ec: CDFW

Baron Barrera – Los Alamitos
Kelly Schmoker – Los Alamitos
Andrew Valand – Los Alamitos
Malinda Santonil – Los Alamitos
CEQA HQ – Sacramento

State Clearinghouse

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References:

California Department of Fish and Wildlife [CDFW]. March 20,2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants>).

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978 0 943460 49 9.



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

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1 – Avoidance Measures	CDFW recommends avoidance of sensitive vegetation communities as the most effective mitigation for protection and preservation for these communities.	Prior to construction	City of Thousand Oaks
MM-BIO-2 – Sensitive/rare Plant Surveys	The Project proponent shall conduct focused surveys for sensitive/rare plants on site and disclose the results in the final environmental document. Based on the <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018), a qualified biologist shall “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” The final CEQA documentation shall provide a thorough discussion on the presence/absence of sensitive plants on site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.	Prior to construction	City of Thousand Oaks
MM-BIO-3 – Mapping According to Manual of California Vegetation	The Project proponent shall provide the Manual of California Vegetation alliance/association community names for mapped vegetation in the final environmental document to determine the rarity ranking of vegetation communities on the Project site.	Prior to construction	City of Thousand Oaks

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<p>MM-BIO-4 – Replacement of Sensitive Vegetation</p>	<p>The Project proponent shall avoid any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent shall mitigate at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands.</p>	<p>Prior to construction</p>	<p>City of Thousand Oaks</p>
<p>MM-BIO-5 – Tree Removal</p>	<p>To reduce impacts to less than significant, the final environmental document shall describe an infectious tree disease management plan and how it will be implemented in order to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project shall be inspected for contagious tree diseases including but not limited to: thousand canker fungus (<i>Geosmithia morbida</i>), see http://www.thousandcankers.com/; Polyphagous Shot Hole Borer (<i>Euwallacea spp.</i>), see http://eskalenlab.ucr.edu/avocado.html); and goldspotted oak borer (<i>Agrilus auroguttatus</i>), see http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html. To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.</p>	<p>Prior to construction</p>	<p>City of Thousand Oaks</p>

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MM-BIO-6 – Tree Monitoring	CDFW recommends that a monitoring period of a minimum of 10 years should be established for long-lived arid communities such as oaks and walnuts being impacted.	Prior to Project completion	City of Thousand Oaks
MM-BIO-7 – Notification for a Lake & Streambed Alteration Agreement	For activities resulting in the alteration of streams, the Project proponent must provide written notification to CDFW pursuant to Section 1600 <i>et seq.</i> of the Fish and Game Code. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document shall fully identify the potential impacts to the stream or riparian resources and shall provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.	Prior to construction	City of Thousand Oaks
MM-BIO-8 – Additional Measures in Lake & Streambed Alteration Agreements	To compensate for any on-site and off-site impacts to riparian resources, the Project proponent shall provide measures of avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.	Prior to construction	City of Thousand Oaks