



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



March 29, 2021

Ms. Taryn Kjolsing
 Principal Engineer
 South Coast Water District
 31592 West Street
 Laguna Beach, CA 92651
TKjolsing@scwd.org

Governor's Office of Planning & Research

Mar 29 2021

STATE CLEARINGHOUSE

Subject: Comments on the Initial Study/Mitigated Negative Declaration for the South Coast Water District Lift Station No. 2 Replacement Project (SCH #2021020470)

Dear Ms. Kjolsing:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the South Coast Water District (SCWD) Lift Station No. 2 Replacement Project (Project) in the City of Laguna Beach (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 ROLE

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Objective: The proposed Project includes the construction of a new lift station, demolition of the existing lift station, the permanent realignment of approximately 1,000 linear feet of Country Club Drive south towards Aliso Creek, replacement of existing drainage pipelines and construction of a concrete apron and new outlet structure, replacement of existing sewer infrastructure, and the installation of an intertie to connect the SCWD and City sewer pipelines. The outlet structure will be constructed on the northern bank of Aliso Creek and includes concrete wing walls and shelf, and a cut-off wall that extends into the existing slope for erosion protection with rip-rap on all sides. Approximately 1.2 acres will be disturbed and graded during Project construction activities with excavation depths up to 44 feet below existing grade. Excess excavated material will be hauled off site to a separate SCWD property. Given the proximity of Aliso Creek, dewatering of excavated areas is expected to be needed.

Biological Setting: Several special status wildlife species have a moderate potential to occur on site and to be impacted by the Project. These include the federally threatened coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher), as well as three California Species of Special Concern (SSC), the coast horned lizard (*Phrynosoma blainvillii*), southwestern pond turtle (*Emys marmorata*), and two-striped garter snake (*Thamnophis hammondi*). In addition, the Project could impact several sensitive plant species that have a moderate potential to occur and are listed under the California Endangered Species Act (CESA), the federal Endangered Species Act (ESA),

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or have a California Rare Plant Rank (CRPR) as determined by the California Native Plant Society (CNPS). These sensitive plant species include the state and federally threatened big-leaved crownbeard (*Verbesina dissita*, CRPR 1B.1), the state and federally threatened Laguna Beach dudleya (*Dudleya stolonifera*, CRPR 1B.1), cliff spurge (*Euphorbia misera*, CRPR 2B.2), intermediate mariposa lily (*Calochortus weedii* var. *intermedius*, CRPR 1B.2), and vernal barley (*Hordeum intercedens*, CRPR 3.2). Native vegetation alliances identified within the Project area include California sagebrush alliance, mulefat alliance, and laurel sumac alliance; however, impacts to these communities are not quantified in the IS/MND.

Location: The Project is located on Country Club Drive north of Aliso Creek approximately 750 feet east of the coastal shoreline, in the City of Laguna Beach.

Timeframe: Construction is anticipated to occur from August 2021 through March 2024.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist SCWD in adequately identifying 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).

COMMENT #1: Potential for Unmitigated Impacts to Sensitive Plant Species

Issue: The Project could impact several sensitive plant species that have a moderate potential to occur within the Project area. These include big-leaved crownbeard, Laguna Beach dudleya, cliff spurge, intermediate mariposa lily, and vernal barley.

Specific impact: Project implementation would require the clearing of vegetation along the existing alignment of Country Club Drive, in the areas bordering the new lift station, and along the northern bank of Aliso Creek. This could potentially result in the direct removal of the above listed plant species if they are present within the Project area.

Why impact would occur: The biological field assessment for the Project was completed in October 2020, when some of the species with the potential to occur may be difficult to detect due to seasonal dieback of above-ground biomass and lack of flowers. Absent the completion of seasonally appropriate surveys, SCWD is unable to determine whether impacts to these species would result from Project implementation.

Evidence impact would be significant: Under CEQA, impacts to sensitive or special status species should be considered significant unless they can be mitigated below a level of significance. Unavoidable impacts to rare, threatened, or endangered species may also require further analysis in an Environmental Impact Report (EIR; CEQA Guidelines, § 15064).

Mitigation measure BIO-1 requires appropriately timed surveys to be performed prior to the commencement of construction, and in the event Laguna Beach dudleya or big-leaved crownbeard are detected, the Project will be redesigned to avoid direct impacts. However, the IS/MND fails to address the possibility of indirect impacts to the species due to the Project's proposed changes to stormwater drainage from the adjacent slopes, introduction of invasive species, potential shading, or impacts to potential nurse plants (i.e., plants that are adjacent to the sensitive plant and provide indirect benefits such as shading). For non-listed species, BIO-1 requires the transplanting of impacted intermediate mariposa lily within the Project study area and the harvesting of seed if vernal barley or cliff spurge are detected within the Project footprint during surveys. Given the uncertainty of translocation, CDFW does not typically recommend it as a primary mitigation strategy since it may fail to reduce impacts to less than significant in the event the plants do not establish. For vernal barley and cliff spurge, CDFW does not consider the collection and propagation of seed at an off-site nursery adequate for mitigating impacts to sensitive plant species to below a level of significance.

Recommended Potentially Feasible Mitigation Measures

Following completion of the seasonally appropriate surveys as required by BIO-1, CDFW recommends updating the IS/MND with the results and recirculating an appropriate document for review if big-leaved crownbeard or Laguna Beach dudleya are detected and the individuals cannot be avoided. The recirculated document should include a thorough analysis of potential direct and indirect impacts to the species. If take of CESA listed species may occur, then CDFW recommends SCWD apply for an Incidental Take Permit pursuant to Fish & Game Code section 2080 *et seq.*

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If transplanting is proposed to mitigate Project impacts to non-listed species, the IS/MND should include a discussion, complete with a soil analysis, explaining why the transplanting is expected to be successful. In addition, mitigation BIO-1 should be updated to include funding for long-term management and monitoring of any transplanted individuals in accordance with a CDFW approved relocation plan, in order to ensure impacts are mitigated to below a level of significance. The relocation plan should include specific success metrics (i.e., number of plants established, non-native cover, absence of plant species listed on California Invasive Plant Council's [Cal-IPC's] California Invasive Plant Inventory with a High rating) and adaptive management actions that would be implemented if success metrics are not being met. Finally, mitigation measure BIO-1 should identify an off-site location for acquisition and conservation that supports the impacted species in the event the translocation efforts fail. CDFW is not aware of any comprehensive genetic analyses that have been completed for the potentially present species; therefore, translocation of seed material to an off-site location is not currently recommended.

Mitigation Measure # CDFW BIO-1a:

To reduce impacts to less than significant: If, following the completion of seasonally appropriate surveys, "take"¹ of big-leaved crownbeard or Laguna Beach dudleya cannot be avoided by Project redesign, then an Incidental Take Permit shall be obtained pursuant to Fish & Game Code section 2080 *et seq.*

Mitigation Measure CDFW BIO-1b:

To reduce impacts to less than significant: For any sensitive non-listed plant species detected on site that may be directly or indirectly impacted by Project activities, a relocation plan will be developed for approval by CDFW. The relocation plan will include a proposal to collect seed and/or bulbs of any impacted plant species for relocation to a suitable location within 500 feet of the Project area based on soil and suitability analyses. At a minimum, the relocation plan will include specific success metrics (i.e., number of plants established, non-native cover, absence of plant species listed on California Invasive Plant Council's [Cal-IPC's] California Invasive Plant Inventory with a High rating) and adaptive management actions that would be implemented if success metrics are not being met. Funding for monitoring and management of the transplanted individuals for five years will be provided to confirm successful establishment. If following five years (with at least one year of average rainfall), the relocated plants have failed to establish, SCWD will acquire and permanently protect an off-site location that supports the impacted species.

COMMENT # 2: Quantification of Habitat Impacts and Potential Impacts to Gnatcatcher-Supporting Sagebrush Scrub

Section: 4.4, and Sections 4.3.3 and 5.2.1 of Appendix B (Biological Technical Report)

Issue: The IS/MND does not quantify the impacts to the vegetation communities on site nor does it require protocol surveys for gnatcatcher if construction activities occur outside of the avian nesting season; thus, it is unclear if impacts to sagebrush vegetation supporting gnatcatcher may occur.

Specific impact: The Project is expected to require grading and disturbance to 1.2 acres with excavation depths varying throughout the site. Native vegetation alliances identified within the Project area include California sagebrush alliance, mulefat alliance, and laurel sumac alliance.

Why impact would occur: Vegetation along the existing alignment of Country Club Drive, in the areas bordering the new lift station, and along the northern bank of Aliso Creek will be removed during construction of the Project.

Evidence impact would be significant: The habitat assessment concluded that the California sagebrush vegetation present on site is suitable habitat for gnatcatcher and that the species has a moderate potential to occur on site (Section 4.3.3 Appendix B); however, protocol level surveys are only proposed if construction activities cannot avoid the nesting season (Mitigation Measure BIO-5). Any impacts to habitat that has the potential to support a federally listed species and state SSC should be considered significant under CEQA and would require appropriate mitigation in the form of conservation and/or restoration with adequate funding provided for long-term management. Such impacts may also require further analysis in an EIR (see Comment #1). Although Section 5.2.1 of Appendix B suggests that the current Project design will avoid direct impacts to California sagebrush, mitigation measure BIO-5 states that SCWD will try to avoid clearing of California sagebrush during the breeding season, suggesting that impacts may occur.

¹ As defined by section 86 of the Fish and Game code.

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Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends the IS/MND include impact estimations to vegetation communities present on site as well as off site where excess excavated material will be placed. In addition, mitigation measure BIO-5 should be updated to require protocol level surveys for gnatcatcher prior to any construction activity occurring. If gnatcatcher is detected during protocol surveys and impacts to California sagebrush vegetation would occur, then mitigation measure BIO-7 should identify a proposed off-site area for acquisition that supports gnatcatcher and that would compensate for Project impacts. Any acquisition should include long-term funding for in perpetuity management by a qualified entity in accordance with a long-term management plan. It is CDFW's understanding that the Natural Communities Coalition (NCC) does not currently own or manage habitat within the Orange County Central and Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) Reserve and instead serves in a coordination role to implement the NCCP/HCP. Therefore, a different entity should be proposed unless SCWD has received confirmation from NCC that they would be willing to accept such a role as currently proposed in mitigation measure BIO-7.

Mitigation Measure # CDFW-BIO-2a:

To reduce impacts to less than significant: Revise existing mitigation measure BIO-5 to require protocol level surveys be conducted prior to any construction activity occurring. The survey area shall include the Project footprint as well as all suitable habitat within 500 feet of the Project boundaries.

Mitigation Measure # CDFW-BIO-2b:

To reduce impacts to less than significant: Revise existing mitigation measure BIO-7 to identify a proposed off-site area that supports gnatcatcher and that would be acquired to compensate for Project impacts to California sagebrush vegetation at a minimum 3:1 ratio, should impacts occur and gnatcatcher be detected during protocol surveys. Long-term funding for in perpetuity management will be provided and a qualified entity capable of managing the site for the benefit of gnatcatcher and in accordance with a CDFW approved long-term management plan will be identified. Finally, consultation with the U.S. Fish and Wildlife will be initiated to determine if removal of California sagebrush habitat qualifies as take under the federal Endangered Species Act and any required permits secured.

COMMENT #3: Lake and Streambed Alteration

Section 3.3, 3.4, 4.4

Issue: The Project has the potential to impact Aliso Creek.

Specific impact: The Project proposes to construct an outlet structure on the northern bank of Aliso Creek. The outlet structure would convey stormwater that is captured from the Project site and that drains from the adjacent northern slopes, into the creek. Additionally, any groundwater that is encountered during excavations will be discharged into the creek (IS/MND Section 3.4 pg. 18).

Why impact would occur: Construction of the outlet structure would require excavation and grading of the northern bank of Aliso Creek and permanent impacts to 0.030 acre of riparian habitat and 0.003 acre of streambed. Given the proximity of Aliso Creek, dewatering of groundwater is expected to be necessary in open excavations. Groundwater will be treated, then discharged into Aliso Creek.

Evidence impact would be significant: Appendix G of the CEQA guidelines (b) states impacts that "[h]ave a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service[.]" are considered significant.

Recommended Potentially Feasible Mitigation Measure(s)

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

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The Project applicant (or “entity”) should provide notification² to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* The notification should identify all Project activities that have the potential to impact any river, stream, or lake, and include, at a minimum, the outlet structure construction as well as the dewatering activities. Based on this notification and other information, CDFW will determine whether a Lake or Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an LSA Agreement for a Project is subject to CEQA and will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from SCWD 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 provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation measure BIO-8 suggests compensatory mitigation can be provided through the purchase of credits at the San Luis Rey Mitigation Bank; however, the Project impact area is located outside of the primary service area recognized by CDFW. The use of credits to compensate for impacts outside of the CDFW-approved service area may be allowed on a case-by-case basis and would be determined after the submittal of a complete notification package and upon issuance of a draft Streambed Agreement (see Mitigation Measure CDFW BIO-3a below). CDFW recommends updating existing measure BIO-8 to include an alternative mitigation proposal for impacts to riparian and streambed habitats in the event purchase of credits at San Luis Rey is not approved.

Mitigation Measure CDFW BIO-3a:

To reduce impacts to less than significant: The Project applicant (or “entity”) shall provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* Based on this notification and other information, CDFW will determine whether a Lake or Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities.

Mitigation Measure CDFW BIO-3b:

To reduce impacts to less than significant: Revise mitigation measure BIO-8 to include an alternative mitigation proposal for impacts to riparian and streambed habitats in the event purchase of credits at the San Luis Rey Mitigation Bank is not approved. This will include a minimum of 0.1 acre of creation of riparian habitat in an area that is permanently protected by an existing Conservation Easement or within the NCCP/HCP Reserve or the permanent conservation of 0.1 acre of riparian habitat.

COMMENT #4: Potential Impacts to Species of Special Concern

Section 3.3, 4.4

Issue: Several SSC have a moderate potential to occur within the Project survey area and be directly or indirectly impacted by project activities. These species include gnatcatcher (addressed in Comment 2 above), coast horned lizard, southwestern pond turtle, and two-striped garter snake.

Specific impact: Project grading, excavation, and vegetation clearing activities may result in impacts to SSC through direct injury or mortality or through habitat loss and modification.

Why impact would occur: Small mammals and reptiles, including the SSC identified above, have the potential to be directly impacted by excavation and grading activities and indirectly impacted by habitat loss. In addition, the SSC listed above may become trapped in any steeped walled open trenches or pits, if appropriate measures are not included in the construction design to allow for their escape. Currently, mitigation measure BIO-3 requires pre-construction surveys be completed within the Project disturbance footprint and for any detected species to be relocated to suitable habitat outside the Project construction area. If southwestern pond turtle or two-striped garter snake are present, a biological monitor will be required to be on site for construction activities within or adjacent to open water or riparian vegetation.

Unless drift fencing or some other impassable barrier is installed, pre-construction surveys will only be successful in relocating individuals found during the actual survey and will not prevent other individuals from entering the construction site during the time period between the survey and the

² 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. <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

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start of construction. The Project also lacks measures necessary to prevent potential entrapment and subsequent mortality associated with open pits and trenches.

Evidence impact would be significant: SSC species meet the definition of rare, threatened, or endangered under the CEQA Guidelines (§ 15380) and take of these species would be considered a significant impact. Similar to Comments #1 and #2 above, impacts to these species may require further analysis in an EIR.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW BIO-4a:

To reduce impacts to less than significant: Revise mitigation measure BIO-3 to require a biological monitor be present during any ground and habitat disturbing activities in order to relocate any wildlife, including SSC species, that may be directly injured or killed by construction activities. The biological monitor shall have any necessary permits (e.g., a California Scientific Collection Permit (SCP)) required for handling and relocating wildlife.

Mitigation Measure # CDFW BIO-4b:

To reduce impacts to less than significant: If any SSC are detected during pre-construction surveys, impacts to suitable habitat for those species will be offset through conservation or restoration of similar habitat with long-term funding for management provided. Any restoration will occur in a location that is permanently protected either through a site protection instrument (i.e., conservation easement or deed restriction) or through its inclusion in the NCCP/HCP Reserve.

Mitigation Measure #CDFW BIO-4c:

To reduce impacts to less than significant: All open trenches and pits will be covered whenever active construction is not occurring and the end of each workday. Open trenches and pits will be inspected twice daily for any trapped wildlife by a biologist with the necessary permits required for relocation of wildlife to suitable habitat, should any be detected.

COMMENT #5: Road Realignment and Potential for Future Erosion

Issue: The Project proposes to permanently realign approximately 1,000 feet of the existing Country Club Drive south towards Aliso Creek. Figures 5 and 6 of the IS/MND indicate the new alignment includes a 25-foot setback from the top of the creek bank.

Specific impact: Future erosion of the creek bank may threaten the safe operation of the realigned portion of the road and require additional impacts to the bank for the installation of slope protection measures.

Why impact would occur: High flow storm events have eroded significant portions of the banks upstream. Similar erosion near the realigned portion of Country Club Drive may jeopardize the safe operation of the roadway, requiring future slope stabilization activities that would potentially result in addition riparian and streambed impacts.

Evidence impact would be significant: Appendix G of the CEQA guidelines (b) states impacts that “[h]ave a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service[.]” are considered significant (see Comment 3 above).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW REC-5:

The IS/MND should include an evaluation of the proposed 25-foot setback and provide evidence that the distance will be sufficient to avoid the need for future slope stabilization measures. At a minimum, the evaluation should consider the current composition of the underlying bank soils and the erosive potential of 10-year and 100-year flow events.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).)

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Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Data can be submitted using the Online Field Survey Form through the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND and to assist SCWD in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kyle Rice, Environmental Scientist, at Kyle.Rice@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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David A. Mayer
Environmental Program Manager
South Coast Region

Attachments

Attachment A: Recommended Mitigation Measures

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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Attachment A: Recommendations and Mitigation Measures

Biological Resources			
Measure Number	Mitigation Measure	Timing	Responsible Party
CDFW-BIO-1a	If, following the completion of seasonally appropriate surveys, “take” of big-leaved crownbeard or Laguna Beach dudleya cannot be avoided by Project redesign, then a permit under CESA shall be obtained pursuant to Fish & Game Code section 2080 <i>et seq.</i>	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-1b	For any sensitive non-listed plant species detected on site that may be directly or indirectly impacted by Project activities, a relocation plan will be developed for approval by CDFW. The relocation plan will include a proposal to collect seed and/or bulbs of any impacted plant species for relocation to a suitable location within 500-feet of the Project area based on soil and suitability analyses. At a minimum, the relocation plan will include specific success metrics (i.e., number of plants established, non-native cover, absence of plant species listed on California Invasive Plant Council’s [Cal-IPC’s] California Invasive Plant Inventory with a High rating) and adaptive management actions that would be implemented if success metrics are not being met. Funding for monitoring and management of the transplanted individuals for five years will be provided to confirm successful establishment. If following five years (with at least one year of average rainfall), the relocated plants have failed to establish, SCWD will acquire and permanently protect an off-site location that supports the impacted species.	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-2a	Revise existing mitigation measure BIO-5 to require protocol level surveys be conducted prior to <u>any</u> construction activity occurring. The survey area shall include the Project footprint as well as all suitable habitat within 500 feet of the Project boundaries.	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-2b	Revise existing mitigation measure BIO-7 to identify a proposed off-site area that supports gnatcatcher and that would be acquired to compensate for Project impacts to California sagebrush vegetation at minimum 3:1 ratio, should impacts occur and gnatcatcher be detected during protocol surveys. Long-term funding for in perpetuity management will be provided and a qualified entity capable of managing the site for the benefit of gnatcatcher and in accordance with a CDFW approved long-term management plan will be identified. Finally, consultation with the U.S. Fish and Wildlife will be initiated to determine if removal of California sagebrush habitat qualifies as take under the federal Endangered Species Act and any required permits secured.	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-3a	The Project applicant (or “entity”) shall provide notification to CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> Based on this notification and other information,	Prior to Construction	SCWD / Project Proponent

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	CDFW will determine whether a Lake or Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities.		
CDFW-BIO-3b	Revise mitigation measure BIO-8 to include an alternative mitigation proposal for impacts to riparian and streambed habitats in the event purchase of credits at San Luis Rey Mitigation Bank is not approved. This will include a minimum of 0.1 acre of creation of riparian habitat in an area that is permanently protected by an existing Conservation Easement or within the NCCP/HCP Reserve or the permanent conservation of 0.1 acre of riparian habitat.	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-4a	Revise mitigation measure BIO-3 to require a biological monitor be present during any ground and habitat disturbing activities in order to relocate any wildlife, including SSC species, that may be directly injured or killed by construction activities. The biological monitor shall have any necessary permits required for handling and relocating wildlife.	Prior to and During Construction	SCWD / Project Proponent
CDFW-BIO-4b	If any SSC are detected during pre-construction surveys, impacts to suitable habitat for those species will be offset through conservation or restoration of similar habitat with long-term funding for management provided. Any restoration will occur in a location that is permanently protected either through a site protection instrument (i.e., conservation easement or deed restriction) or through its inclusion in the NCCP/HCP Reserve.	Prior to Construction	SCWD / Project Proponent
CDFW-BIO-4c	All open trenches and pits will be covered whenever active construction is not occurring and the end of each workday. Open trenches and pits will be inspected twice daily for any trapped wildlife by a biologist with the necessary permits required for relocation of wildlife to suitable habitat, should any be detected.	Prior to and During Construction	SCWD / Project Proponent
Measure Number	Recommendation	Timing	Responsible Party
CDFW REC-5	The IS/MND should include an evaluation of the proposed 25-foot setback and provide evidence that the distance will be sufficient to avoid the need for future slope stabilization measures. At a minimum, the evaluation should consider the current composition of the underlying bank soils and the erosive potential of 10-year and 100-year flow events.	Prior to Construction	SCWD / Project Proponent