



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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January 18, 2023

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Subject: Ventura-Santa Barbara Counties Intertie Project, Mitigated Negative Declaration, SCH No. 2021040036; Ventura and Santa Barbara Counties

Dear Ms. Aranda:

The California Department of Fish and Wildlife (CDFW) has reviewed the Casitas Municipal Water District's (District) Mitigated Negative Declaration (MND) for the Ventura-Santa Barbara Counties Intertie Project (Project). The District, as Lead Agency, prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the 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 or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game 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). CDFW is also directed to provide 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.). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 2 of 25

Project Description and Summary

Objective: The project would allow the transfer of water between Casitas and the Carpinteria Valley Water District (CVWD) through placement of an additional 7,100 linear feet of potable water infrastructure. New infrastructure would connect to existing infrastructure and improvements to the existing infrastructure and facilities would be included within the Project.

Pipelines

New infrastructure

The pipeline alignment would place 4,800 linear feet within unincorporated Ventura County and the remaining 2,300 linear feet within unincorporated Santa Barbara County. The western pipeline terminus within Santa Barbara County would be located at the southeastern corner of Lake Jocelyn. The pipeline would traverse southeast along State Route (SR) 192 and cross underneath Rincon Creek within Ventura County. The pipeline would continue east and connect to the existing Rincon Pipeline infrastructure, approximately 0.5 miles east of Rincon Creek.

Only the portion of pipeline crossing under Rincon Creek would be placed using horizontal directional drilling (HDD). Trenchless HDD construction work hours would take place from 7:00 a.m. to 7:00 p.m., however there would be a planned 48-hour period of continuous work to complete the HDD pull through operation. Drilling fluid would be used during the process. Drilling fluid will be collected via a reclaimer machine. Disturbed land and habitat would be restored at the completion of the installation. It is estimated that around 500 cubic yards of spoils would be removed during the HDD process. Potential impacts of utilizing this method include frac-outs. Portions of coast live oak woodland may be impacted along the portion of the alignment within Santa Barbara County after the proposed HDD exit point. Likewise portions of this community could be impacted within Ventura County east of the HDD entry point.

The remaining pipeline would primarily be placed using open-trench excavation. Construction activities are planned for daytime hours however, it is possible that nighttime construction may be required in certain emergency situations. Although alignment would occur largely along existing roadways, open-trench excavation could lead to impacts to wildlife and plant communities. Groves of coast live oak woodlands are present in both counties along the alignment installed through open-trenching after the HDD exit point in Santa Barbara and along proposed alignment leading to the Rincon Main Pipeline in Ventura County. Use of excavators, wheeled loaders, dump trucks, backhoes, and vibrating compactors will be used. Approximately 2,900 cubic yards of soil and pavement will be hauled off and disposed of. The remainder of excavated soil will be used as backfill and temporarily stored adjacent to trenches or stored at the identified staging areas. Trenches would be 5 feet wide at the surface but expand to 30 feet wide at its deepest location. Majority of trenches will be no more than 6 feet deep except in certain circumstances (additional utility, boring pit). In these areas trenches would be no more than 10 feet deep. Once trenches are excavated and shored (if necessary), the pipe and backfill material would be placed in the trench. Trenches would be covered at the end of each workday.

Booster Pump Stations

BPS-A

The project would include the construction and operation of two booster pump stations (BPS-A & BPS-B). BSA-A would be located in agricultural land within unincorporated Ventura County and be placed adjacent to the pipeline alignment. Construction of this booster station would

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 3 of 25

include a 2,000 square foot concrete masonry unit block wall building. Grading, staging, and ground disturbance would be necessary at the site for the placement of the booster station. Installation of concrete pads and underground and above ground piping would also occur. A temporary pump booster station may be installed during the construction of the permanent station. If necessary, the temporary pump station would operate for a maximum of 3 years. The fenced area surrounding the permanent station would be approximately 20,900 square feet. Impacts to biological resources are less likely within this area as it is currently being used as agricultural fields.

BPS-B

BPS-B would be constructed approximately 740 feet south of the SR 150 (Casitas Pass Highway) within unincorporated Ventura County. The pump station would be a 900 square foot concrete masonry unit block wall building within at 7,500 square foot site. This site also requires an access road extension which totals ~1,400 square feet. Impacts due to grading, staging, and ground disturbance may occur to several present natural communities such as wild oat grassland, California sycamore woodland, purple sage, and coast live oak woodland. Impacts could also occur to Casitas Creek and an unnamed drainage that pass though the site. At both sites construction equipment such as excavators, graders, cranes, and work trucks would be used. Like BSP-A, installation of concrete pads and underground and above ground piping would also occur.

Improvements to Existing Casitas Infrastructure

Rincon Main Pipeline

Replacement of 530 length feet of existing pipeline on the Rincon Main Pipeline. Improvements include surge protection improvements at several existing air-relief valve locations. Project activities related to replacement of pipeline may result in impacts to coast live oak woodland in the surrounding area.

Rincon Control Reservoir

Currently the reservoir is a 250,000-gallon welded steel tank that is located along SR 150. The reservoir allows water flow from Casitas system towards the CVWD system. Modification of existing facility would facilitate water flow in the reverse direction, back towards Casitas. Improvements include new bypass piping and valve configuration, as well as modifications to the electrical systems. Use of construction equipment and excavation could impact the drip line of coast live oak woodland located near the existing infrastructure.

Chlorination Station

Improvements include replacement of existing vent at the Chlorination Station site with a new combination air release valve to accommodate the proposed project. The Station is currently not in operation and the proposed improvements would not result in resuming operations. It is unclear what equipment or activities are needed for the completion on these improvements. If ground disturbance is necessary, it may result in impact to the surrounding coast live oak woodland community.

Rincon Vents

The Rincon Vents are located along the southern side of SR 150, ~4,940 feet west of Lake Casitas. The existing vents occur at the crest of several tributaries leading to Lake Casitas. Currently there are two options proposed for mechanical improvements:

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 4 of 25

- 1.) Replacement of existing vent structures with combination valves or taller standpipe vents
- 2.) A level-indicating transmitter would be added to the existing vent structure stilling well and the northern vent would be raised by 10 feet.

Several natural communities exist in close proximity to the vent structures including bigpod ceanothus chaparral, coast live oak woodland, and purple sage scrub.

Rincon Pump Plant

The existing Rincon Pump Plant is located on the southeast corner of Lake Casitas, near Coyote Creek. Project improvements include installation of a pressure sustaining reducing valve, a check valve, isolation valves, and ~130 length feet of pipeline. It is unclear what construction equipment or methods will be used. Implementation may cause impact to Coyote Creek, a historic steelhead stream.

Location: The Project is located within the southwestern portion of unincorporated Ventura County and in the southeastern portion of Santa Barbara County, near the city of Carpinteria. Pipeline alignment will traverse State Route 192, cross under Rincon Creek, and continue to the Rincon Main Pipeline. Facilities will be constructed along State route 150 and infrastructure improvements will occur at varying distances from Lake Casitas. Surrounding land uses include agricultural and open space areas.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the District in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project.

Specific Comments

Comment #1: Lake and Streambed Alteration Agreement (LSAA)

Issue: Potential impacts could occur to several jurisdictional water bodies including but not limited to: Rincon Creek, Coyote Creek, and an unnamed drainage associated with Lake Casitas. Impacts to all streams, drainages, and riparian communities depicted within Figures 6a-c should be assessed and mitigated for.

Specific Impact: HDD installation methods utilized underneath Rincon Creek could result in frac-outs. Frac-outs may lead to harmful materials or increased sediment entering the system. Improvements to the Rincon pump plant would occur near Coyote Creek, a historic steelhead stream. Staging and grading will occur near Casitas Creek and an unnamed drainage at the BSP-B pump station site, which drains into Lake Casitas. The activities could lower water quality in various freshwater systems.

Why Impact Would Occur: Entry of drilling fluids and spoils into the water system could result in degradation of on-site and downstream water quality in Rincon Creek. These materials are hazardous or deleterious to aquatic life, wildlife, and the surrounding riparian habitat. It is also unclear what methods and equipment will be used for the improvements to the Rincon pump

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 5 of 25

plant near Coyote Creek. Likewise, Casitas Creek, an unnamed drainage, and associated riparian vegetation are located within the BSP-B site where ground disturbance and grading will occur. Direct and/or indirect impacts to the bed, bank, or channel of Casitas Creek, the unnamed drainage, Coyote Creek, and any other streams within the various project areas (Figures 6a-c of the MND) may occur through Project implementation. Excavation and stockpiling of soils may result in the influx of sediment into the system which could result in changes to the streams and alter hydrologic and geomorphic processes that may impact plant and wildlife species. Project activities may also impact tributaries that occur upstream, outside of the Project boundary, where hydrologic connectivity occurs.

Evidence Impact Would Be Significant: The Project may impact streams and associated riparian habitats. CDFW exercises its regulatory authority (Fish and Game Code, section 1600 *et seq.*) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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.

CDFW requires an LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project may continue to have a substantial adverse effect on streams and associated riparian habitat through excavation, drilling, hydrological interruption, or other means.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: The Project Applicant (or “entity”) should 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 2022a).

If necessary, 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 streams or riparian resources and 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

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 6 of 25

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.

Mitigation Measure #3: A weed management plan should be developed for the Project area and implemented both during and for at least 3 years post-Project. Non-native weeds should be prevented from becoming established to control the local spread of invasive plants, both during and after construction. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.

Recommendation #1: CDFW recommends a non-toxic, water-based drilling fluid be used to reduce the risk to aquatic life.

Comment #2: Impact to Overwintering Monarch Butterfly

Issue: Project(s) activities have the potential to impact overwintering monarch butterflies (*Danaus plexippus*), which is an Endangered Species Act (ESA) candidate listed species and has been documented to occur in throughout the region (CDFWb 2023).

Specific impact: The MND does not adequately analyze Project impacts on monarch butterflies. Without appropriate avoidance and minimization measures for monarch butterflies, potential significant impacts associated with tree trimming, vegetation removal, and ground disturbance activities could occur. Potential impacts include roost destruction, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs and/or larvae, and direct mortality of individual monarchs.

Why impacts would occur: Project(s) activities have the potential to impact monarch butterflies, which have been documented to occur in areas of Carpinteria near the Project site (Element code IILEPP2012). Protocol surveys are necessary to identify the presence of monarch butterflies and supporting habitat necessary for their survival. A lack of protocol surveys will likely result in avoidable, direct and/or indirect impacts to monarch butterflies. During the last decade, overwintering monarch populations have decline by nearly 90-percent (Jepsen et al 2015). Habitat loss and fragmentation is among the primary threats to the population. Ground clearing and construction activities could exacerbate this issue and lead to the direct mortality of monarch butterflies. Habitat loss could lead to a loss of foraging potential, nesting sites, or refugia and would constitute a significant impact absent appropriate mitigation.

Evidence impact would be significant: CDFW considers impacts to rare species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Project(s) activities have the potential to significantly impact the species by reducing possible roosting habitat.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project implementation. The qualified biologist shall determine if

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 7 of 25

the Project area or its immediate vicinity contain habitat suitable to support monarchs or if monarchs have been known to historically use the Project area. The qualified biologist should assess habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (The Xerces Society 2017) or other protocols with prior approval by CDFW.

Mitigation Measure #2: If suitable habitat for monarch butterflies is present, CDFW recommends consultation with a qualified biologist and site monitors with knowledge of the history of the grove to determine primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked and avoided during project activities. CDFW recommends avoiding or minimizing the cutting or trimming of trees within core overwintering habitat except for specific grove management purposes, and/or human health and safety purposes. Management activities in groves should be conducted between March 16th and September 14th, in coordination with a qualified biologist (Marcum & Darst 2021).

Mitigation Measure #3: If suitable habitat is present, and it is the overwintering period of September 15 - March 15 (Marcum & Darst 2021), a qualified biologist shall be retained to assess habitat for presence of monarchs. The habitat should be assessed by conducting surveys following CDFW recommended protocols or protocol-equivalent surveys that have been developed by experts, such as the Xerces Society Western Monarch Count Protocol.

Mitigation Measure #4: If monarch butterflies are detected within the Project area, monarch overwintering habitat shall be avoided by delineating and observing a no-disturbance buffer of at least ½ mile from the outer edge of the habitat (Marcum & Darst 2021). If buffers cannot be maintained, then consultation with CDFW is warranted to determine how to implement ground and tree-disturbing activities and avoid take.

Comment #3: Impacts to Special Status Wildlife Species

Issue: CDFW is concerned that the Project may impact surrounding special status species.

Specific Impact: The Project has the potential to directly impact several rare, threatened, and/or endangered species through direct mortality (trampling, crushing, or burial) due to construction activities (e.g. excavation, use of heavy equipment and vehicles). Likewise, the Project could indirectly impact species through increased noise, vibration, and lighting. Impacts may disrupt or alter species behavior in the area.

The following species have high to moderate potential to occur as stated by the MND:

- Yellow warbler (*Setophaga petechia*), Species of Special Concern (SSC)
- California legless lizard (*Anniella pulchra*), SSC
- San Diego desert woodrat (*Neotoma lepida intermedia*), SSC

The following have low potential to occur as stated by the MND but warrant additional surveys based on surrounding habitat and Project activities:

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 8 of 25

- Western pond turtle (*Emys marmorata*), SSC
- California red-legged frog (*Rana draytonii*), ESA- listed and SSC

Why Impact Would Occur: The Project would require ground disturbance, excavation, and vegetation removal, using heavy equipment. These activities create elevated levels of noise, human activity, dust, and ground vibrations. The MND did not offer and focus or preconstruction surveys for California legless lizard or San Diego desert woodrat which have high probability of occurrence. Likewise, additional surveys were not provided for western pond turtle or California red-legged frog. The sole mitigation provided within the document were a Worker Environmental Awareness Program (WEAP) and Wildlife Avoidance during construction. These measures are insufficient in lowering potential impacts to special status species. Focus and/or preconstruction surveys should be conducted by a qualified biologist to ensure avoidance and to avoid injury or direct mortality. Impacts on reptiles of SSC are more likely to occur because these are cryptic species that are less mobile during certain times of the day and seek refuge and hide under structures. Western pond turtles are also at heightened risk to burial or crushing as they aestivate underground and are only reliably detected above ground from May to July (USGS 2006). Further, the MND did not provide any mitigation measures to reduce levels of noise, dust, light, or ground vibrations to less than significant for SSC in the surrounding area.

Evidence Impact Would Be Significant: Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Take under the 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.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: The District should retain a qualified biologist(s) with experience surveying for each of the following species: California legless lizard, San Diego desert woodrat, western pond turtle, and California red-legged frog. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. 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.

California legless lizard. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for the species.

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 9 of 25

Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

San Diego desert woodrat. Visual surveys should be conducted for woodrat middens in areas of suitable habitat and within a 50-foot buffer.

Western pond turtle. CDFW recommends the District conduct focus surveys for western pond turtle. Surveys should be conducted during the time of greatest pond turtle activity, typically during the breeding season (May to July), and when pond turtles have not left the water to aestivate or overwinter in the uplands. 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).

California red-legged frog. Follow U.S. Fish and Wildlife Service's (USFWS) 2005 [Revised Guidance on Site Assessments and Filed Surveys for the California Red-Legged Frog](#) (USFWS 2005a).

Mitigation Measure #2: The District should retain a qualified biologist with appropriate handling permits, or 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 2022c). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #3: The District should retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan should describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan should include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist should submit a copy of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.

Mitigation Measure #4: To avoid direct injury and mortality of SSC, the District should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where an SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 10 of 25

well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.

Mitigation Measure #5: 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 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.

Mitigation Measure #6: Noise produced by the Project should be monitored during construction to ensure noise generated from the Project does not affect wildlife within Rincon Creek or in other Project areas. The MND should set acceptable noise thresholds that are part of a daily monitoring and reporting program to ensure appropriate thresholds are maintained for wildlife. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source. CDFW recommends use of noise suppression devices such as mufflers or enclosure for applicable equipment. Stationary noise sources (e.g., generators, pumps) at staging areas should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Unnecessary construction vehicle use, and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off. CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). If nighttime activities are necessary lighting should be shielded and not spill over into adjacent riparian or wooded areas.

Recommendation #1: All trenches, including those not within the roadways should be covered precluding each workday to avoid entrapment of wildlife species.

Comment #4: Lack of Surveys for Rare and CEQA protected Plants

Issue: Neither focus surveys nor preconstruction surveys were offered as mitigation to lower potential impacts to rare plants.

Specific Impact: The following rare plants have potential to occur in the Project area(s) as stated by the MND:

- Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*), California Rare Plant Rank (CRPR) 1B.2
- Davidson's bush-mallow (*Malacothamnus davidsonii*), CRPR 1B.2
- White-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), CRPR 1B.3
- Ojai navarretia (*Navarretia ojaiensis*), CRPR 1B.1
- Nuttall's scrub oak (*Quercus dumosa*), CRPR 1B.1
- Sonoran maiden fern (*Thelypteris puberula* var. *sonorensis*), CRPR 2B.2
- Brewer's calandrinia (*Calandrinia breweri*), CRPR 4.2

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 11 of 25

- Catalina mariposa-lily (*Calochortus catalinae*), CRPR 4.2
- Monkey-flower savory (*Clinopodium mimuloides*), CRPR 4.2
- Rattan's cryptantha (*Cryptantha rattanii*), CRPR 4.3
- south coast branching phacelia (*Phacelia ramosissima var. australitoralis*), CRPR 3.2

Suitable habitat for mesa horkelia (*Horkelia cuneata*; CRPR 1B.1) was also observed in the study area, as well as multiple CNDDDB observations (BIOS reference # PDRO50W045; CDFW 2023d) within multiple Project areas.

Why Impact Would Occur: Mitigation measures included within the MND for identification of special status species only included WEAP. This mitigation is not sufficient to avoid, minimize, or mitigate potential impacts to rare plants. Direct impacts include Project activities that result in vegetation crushing, trimming or removal, burial, human intrusion, and the erosion, crushing and compaction or excavation of soil. Indirect effects include the spread of invasive, non-native weeds, which impact adjacent habitat. Preconstruction surveys were not offered, and alone may not be sufficient in identifying rare plants in the Project areas. Focus surveys are the most effective method for rare plant identification and avoidance and should be conducted by a qualified biologist. Further, mitigation methods such as flagging, and avoidance buffers were not offered in the case that rare plants were located in the Project Areas.

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 special status 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. Additionally, plants that have a California Native Plant Society (CNPS) 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. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS [Rare Plant Ranks](#) page for additional rank definitions (CNPS 2023).

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: CDFW recommends conducting focus surveys for the above rare plants in the Project area(s) and in the surrounding area. A map should be produced with any rare plants located. Vegetation surveys should be conducted following systematic field techniques outlined by CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFWe 2018).

1. The MND should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 12 of 25

2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants will enable reviewing agencies and the public to effectively assess potential impacts to special status plants and will guide the development of minimization and mitigation measures (CDFWe 2018).

Mitigation Measure #2: If rare or sensitive plants are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Mitigation Measure #3: If rare or sensitive plants/communities are impacted on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual rare plants and habitat. The Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted.

Comment #5: Impacts to Sensitive Natural Communities

Issue: Sensitive natural communities could be impacted either indirectly or directly by Project activities.

Specific Impact: Impacts could occur during excavation, grading, and staging in areas where sensitive natural communities are present. Mapped communities include:

- 7.02 acres coast live oak woodland, G5/S4
- 2.93 acres California sycamore woodland, G3/S3
- 1.31 acres wild oat grassland
- 1.68 acres bigpod ceanothus chaparral G4/S4
- 0.34 acres purple sage scrub G5/S5

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 13 of 25

Why Impact Would Occur: Segments of the proposed pipeline will be placed using open-trenching methods. This involves ground disturbance and excavation in several areas where coast live oak woodland communities are present. Although the project does not anticipate the removal of any coast live oak woodlands, indirect impacts could occur the around drip lines and cause damage or mortality. Likewise, within the MBD it states, "California sycamore woodland is found within the footprint of the proposed BPS-B site and its associated construction staging area. Up to 2.34 acres of this sensitive vegetation community could be directly impacted by removal or degradation by project construction."

Evidence Impact Would Be Significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community. Project implementation includes grading, vegetation clearing, trail construction, soil compaction, utilities construction, and other activities that may result in direct mortality.

Pursuant under CEQA Guidelines, section 15125(c), CDFW considers southern California coastal sage scrub habitats as locally significant. The absence of mitigation for many of the habitats listed above will result in significant loss of viable and valuable habitat. As a result, the Project may continue to have a significant change on the environment absent appropriate mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of native and undisturbed vegetation and habitat (CEQA Guidelines, § 15382). Collectively, Upland Scrub and Grassland habitats currently support or provide suitable habitat for plants and wildlife, including a rare plant and wildlife, including SSC. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant and wildlife species and sensitive vegetation communities 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 and USFWS.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: CDFW recommends avoiding impacts to natural vegetation communities, especially at the BSP-B site where most impacts to natural communities are anticipated. Possible reconfiguration of the staging area in BSP-B construction area could lessen impacts to California sycamore woodland communities.

Mitigation Measure #2: Tree protection signs should be erected around all tree groups with canopies that fall within 30 feet of construction activities. Fencing or flagging should be placed at a distance from the trunks of trees that is along the dripline and an additional 5 feet (protected tree zone) in areas of potential impact. For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of the tree as possible while still allowing the required construction activities to proceed.

Mitigation Measure #3: A pre-construction tree protection training should be delivered between the contractors and arborist. The arborist will instruct the contractors on tree protection

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 14 of 25

practices. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving training. This training should include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices.

Additional Recommendations

Nesting Bird Buffers. CDFW recommends the District revise Mitigation Measure BIO-3 for nesting birds in order to mitigate the Project's impact on nesting birds and raptors below a level of significance or, the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the District incorporate the following underlined language:

"To avoid disturbance of nesting and special status birds, including raptor species, protected by the MBTA and CFGC, activities related to the project including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside the bird breeding season or migratory birds (January 1 through September 15), if practicable.

If construction must begin during the breeding season, a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and/or vegetation removal activities. The preconstruction nesting bird survey shall be conducted on foot within the project footprint plus a 300-foot buffer. Inaccessible areas (e.g., private lands) shall be surveyed from afar using binoculars to the extent practicable. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If active nests are found, an minimum avoidance buffer of 300 feet for passerine birds and 500 feet for raptors shall be implemented (~~dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site~~) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground-disturbing activities shall occur inside this buffer until the avian biologist has confirmed breeding/nesting is completed, and the young have fledged the nest, or the nest has failed. Encroachment into the buffer shall occur only at the discretion of the qualified biologist."

Avoidance. Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to adjacent native vegetation should be minimized.

Filing Fees

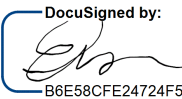
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying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

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 15 of 25

Conclusion

We appreciate the opportunity to comment on the Project to assist the District in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the District 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 Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov or (626) 513-6308.

Sincerely,

DocuSigned by:

B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

Steve Gibson, Seal Beach – Steve.Gibson@wildlife.ca.gov
Emily Galli, Fillmore – Emily.Galli@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

OPR

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 16 of 25

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP should reflect results following additional plant and wildlife surveys and 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-LSAA-Notification	<p>The Project Applicant (or "entity") shall provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> 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/lsa (CDFW 2022a).</p> <p>If necessary, 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 <i>et seq.</i> and/or under CEQA, the CEQA document shall fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	Prior to Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 18 of 25

MM-BIO-2-LSAA-Additional Measures	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.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-3-LSAA-Weed Management Plan	A weed management plan shall be developed for the Project area and implemented both during and for at least 3 years post-Project. Non-native weeds shall be prevented from becoming established to control the local spread of invasive plants, both during and after construction. The Project area shall be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring shall be included in this plan. Monitoring for spread of invasive weeds to adjacent lands shall also be included.	Prior to /During/ After Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-4-Overwintering Butterfly-Habitat Assessment	CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project implementation. The qualified biologist shall determine if the Project area or its immediate vicinity contain habitat suitable to support monarchs or if monarchs have been known to historically use the Project area. The qualified biologist shall assess habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (The Xerces Society 2017) or other protocols with prior approval by CDFW.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-5-Overwintering Monarch Butterfly-Flagging	If suitable habitat for monarch butterflies is present, CDFW recommends consultation with a qualified biologist and site monitors with knowledge of the history of the grove to determine primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked and avoided during project activities. CDFW recommends avoiding or minimizing the cutting or trimming of trees within core overwintering habitat except for specific grove	Prior to Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 19 of 25

	management purposes, and/or human health and safety purposes. Management activities in groves shall be conducted between March 16th and September 14th, in coordination with a qualified biologist (Marcum & Darst 2021).		
MM-BIO-6-Overwintering Monarch Butterfly-Overwintering Protocols	If suitable habitat is present, and it is the overwintering period of September 15 - March 15 (Marcum & Darst 2021), a qualified biologist shall be retained to assess habitat for presence of monarchs. The habitat shall be assessed by conducting surveys following CDFW recommended protocols or protocol-equivalent surveys that have been developed by experts, such as the Xerces Society Western Monarch Count Protocol.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-7-Overwintering Monarch Butterfly-Disturbance Buffers	If monarch butterflies are detected within the Project area, monarch overwintering habitat shall be avoided by delineating and observing a no-disturbance buffer of at least ½ mile from the outer edge of the habitat (Marcum & Darst 2021). If buffers cannot be maintained, then consultation with CDFW is warranted to determine how to implement ground and tree-disturbing activities and avoid take.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-8-SSC-Surveys	The District shall retain a qualified biologist(s) with experience surveying for each of the following species: California legless lizard, San Diego woodrat, western pond turtle, and California red-legged frog. The qualified biologist(s) shall conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. (See above comment in body)	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-9-SSC- Handling Permits	The District shall retain a qualified biologist with appropriate handling permits, or shall 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	Prior to Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 20 of 25

	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 2022c). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.		
MM-BIO-10-SSC-Avoidance Plan	The District shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan shall include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist shall submit a copy of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-11-SSC-Out of Harm's Way	To avoid direct injury and mortality of SSC, the District shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where an SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution. A qualified biologist shall be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the	During Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 21 of 25

	cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.		
MM-BIO-12-SSC-Notification	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. A formal report shall be sent to CDFW 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 additional mitigation measures have been identified to prevent additional injury or death.	During Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-13-SSC-Noise and Light	Noise produced by the Project shall be monitored during construction to ensure noise generated from the Project does not affect wildlife within Rincon Creek or in other Project areas. The MND shall set acceptable noise thresholds that are part of a daily monitoring and reporting program to ensure appropriate thresholds are maintained for wildlife. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source. CDFW recommends use of noise suppression devices such as mufflers or enclosure for applicable equipment. Stationary noise sources (e.g., generators, pumps) at staging areas shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Unnecessary construction vehicle use, and idling time shall be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine shall be shut off. CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). If nighttime activities are necessary lighting	Prior to /During Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 22 of 25

	<p>shall be shielded and not spill over into adjacent riparian or wooded areas.</p>		
<p>MM-BIO-14- Rare Plants- Surveys</p>	<p>CDFW recommends conducting focus surveys for the above rare plants in the Project area(s) and in the surrounding area. A map shall be produced with any rare plants located. Vegetation surveys shall be conducted following systematic field techniques outlined by CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFWe 2018).</p> <ol style="list-style-type: none"> 1. The MND shall provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species). 2. The MND shall provide species-specific measures for on-site mitigation. Each species-specific mitigation plan shall adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, 	<p>Prior to Project activities</p>	<p>Casitas Municipal Water District/ Applicant</p>

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 23 of 25

	<p>absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.</p> <p>Additionally, considerations shall be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants will enable reviewing agencies and the public to effectively assess potential impacts to special status plants and will guide the development of minimization and mitigation measures (CDFWe 2018).</p>		
MM-BIO-15- Rare Plants- Measures	<p>If rare or sensitive plants are found on or near the footprint of the Project, the MND shall provide species-specific measures to fully avoid impacts. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.</p>	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-16- Rare Plants- Mitigation Ratios	<p>If rare or sensitive plants/communities are impacted on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual rare plants and habitat. The Project proponent shall mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. This shall be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted.</p>	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-17- Natural Communities- Avoidance	<p>CDFW recommends avoiding impacts to natural vegetation communities, especially at the BSP-B site where most impacts to natural communities are anticipated. Possible reconfiguration of the staging area in BSP-B construction area could lessen impacts to California sycamore woodland communities.</p>	Prior to Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
 Casitas Municipal Water District
 January 18, 2023
 Page 24 of 25

MM-BIO-18- Natural Communities	Tree protection signs shall be erected around all tree groups with canopies that fall within 30 feet of construction activities. Fencing or flagging shall be placed at a distance from the trunks of trees that is along the dripline and an additional 5 feet (protected tree zone) in areas of potential impact. For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of the tree as possible while still allowing the required construction activities to proceed.	Prior to Project activities	Casitas Municipal Water District/ Applicant
MM-BIO-19- Natural Communities- Pre- Construction Tree Training	A pre-construction tree protection training shall be delivered between the contractors and arborist. The arborist will instruct the contractors on tree protection practices. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices.	Prior to Project activities	Casitas Municipal Water District/ Applicant
REC-1- Drilling Fluid	CDFW recommends a non-toxic, water-based drilling fluid be used to reduce the risk to aquatic life.	During Project activities	Casitas Municipal Water District/ Applicant
REC-2- Trenches	All trenches, including those not within the roadways should be covered precluding each workday to avoid entrapment of wildlife species.		
REC-3- Nesting Bird Buffers	CDFW recommends the District revise Mitigation Measure BIO-3 for nesting birds in order to mitigate the Project's impact on nesting birds and raptors below a level of significance or, the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the District incorporate the following <u>underlined</u> language. (See Comment in Body)	Prior to Project activities	Casitas Municipal Water District/ Applicant

Ms. Julia Aranda
Casitas Municipal Water District
January 18, 2023
Page 25 of 25

REC-4-Avoidance	Parking, driving, lay-down, stockpiling, and vehicle and equipment storage shall be limited to previously compacted and developed areas. No off-road vehicle use shall be permitted beyond the Project site and designated access routes. Disturbances to adjacent native vegetation shall be minimized.	During Project activities	Casitas Municipal Water District/ Applicant
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