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Governor's Office of Planning & Research

June 25, 2021

June 25 2021

STATE CLEARINGHOUSE

Malik Tamimi
 Rainbow Municipal Water District
 Engineering Department
 3707 Old Highway 395
 Fallbrook, CA 92028
MTamimi@rainbowmwd.com

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for Rainbow Municipal Water District Water and Sewer Facilities Plan (Project(s)), SCH #2021050602

Dear Mr. Tamimi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from Rainbow Municipal Water District (District) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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, CDFW appreciates 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.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: Rainbow Municipal Water District

Objective: The objectives of the Project include implementing upgrades, repairs, and replacements needed to bring existing facilities up to current design, safety, and regulatory standards; addressing system deficiencies under current demand and flow conditions; and meeting future water demand and flow conditions. The proposed improvements include increasing the capacity of existing deficient water mains and sewers, implementing fire flow improvements, installing new potable and sewer pipelines, constructing pump stations, and rehabilitating existing lift stations.

Location: The location of the Project consists of the District's Service Area, which comprises a total of 82 square miles located in northwestern San Diego County. The District shares common boundaries with Riverside County, Camp Pendleton Marine Corps Base, the unincorporated community of Fallbrook, and the City of Oceanside. The service boundaries of the District encompass several unincorporated areas including the communities of Rainbow and Bonsall as well as portions of Pala and Fallbrook.

Biological Setting: The Service Area is situated among the foothills between the Aqua Tibia Mountains and Santa Margarita Mountains in the Peninsular Mountain Range. General topography can be separated into two distinct areas, the foothills and the valley. The foothills portion consists mainly of detached and exposed worn masses of granite covered with natural chaparral where soil conditions preclude other vegetative types. The runoff from winter rains is occasionally rapid and creates a sheet flow of water across the valley floor due to the steep slope and sparse soil cover. The valley portion is characterized by sandy loam which is underlain at a shallow depth in many places with hardpan. Land use in the area is primarily composed of rural, semi-rural, rural-residential, rural commercial, residential, and recreational uses (San Diego County 2021). Preliminary biological analysis identifies the potential for the following sensitive habitats: southern cottonwood willow riparian forest, Diegan coastal sage scrub, southern mixed chaparral, and non-native grasslands.

Special status wildlife species with the potential to occur near the Project include: state and federally endangered least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), and Stephens' kangaroo rat (*Dipodomys stephensi*); federally protected and California Fully Protected golden eagle (*Aquila chrysaetos*); federally endangered and California Species of Special Concern (SSC) arroyo toad (*Anaxyrus californicus*); federally threatened and SSC coastal California gnatcatcher (*Polioptila californica californica*); federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and Quino checkerspot butterfly (*Euphydryas editha quino*); SSC coastal cactus wren (*Campylorhynchus brunneicapillus sandiegonensis*), SSC yellow-breasted chat (*Icteria virens*), International Union for the Conservation of Nature (IUCN) Watch List (WL) Cooper's hawk (*Accipiter cooperii*), SSC western spadefoot (*Spea hammondi*), SSC orange-throated whiptail (*Aspidoscelis hyperythra*), SSC coast horned lizard (*Phrynosoma blainvillii*), SSC California glossy snake (*Arizona elegans occidentalis*), SSC red-diamond rattlesnake (*Crotalus ruber*), SSC arroyo chub (*Gila orcuttii*), SSC Dulzura pocket mouse (*Chaetodipus californicus femoralis*), and hoary bat (*Lasiurus cinereus*).

Special status plant species identified with the potential to occur include: federally and state endangered and California Native Plant Society (CNPS) Rare Plant Rank 1B.1 thread-leaved

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brodiaea (*Brodiaea filifolia*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), San Diego thornmint (*Acanthomintha ilicifolia*), and federally endangered and California Native Plant Society (CNPS) Rare Plant Rank 1B.1 San Diego ambrosia (*Ambrosia pumila*), Munz's onion (*Allium munzii*), Nevin's barberry (*Berberis nevinii*), and spreading navarretia (*Navarretia fossalis*). Other sensitive plant species with the potential to occur near the Project include, CNPS 1B.1 Rainbow manzanita (*Arctostaphylos rainbowensis*), CNPS 1B.1 smooth tarplant (*Centromadia pungens* ssp. *laevis*), CNPS 1B.1 Parry's tetracoccus (*Tetracoccus dioicus*), CNPS 1B.1 bottle liverwort (*Sphaerocarpos drewei*), and CNPS 2B.2 wart-stemmed ceanothus (*Ceanothus verrucosus*).

Timeframe: Specific construction schedules are not available for the individual improvements at the program level. Proposed improvements for Capital Improvement Program (CIP) projects will be implemented in two general phases: Near Term (through 2030) and Long Term (through 2040). Phasing for individual improvements could be accelerated or deferred as required to account for changes in development schedules, availability of land or rights-of-way for construction, funding limitations, and other considerations that cannot be predicted at this time.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW agrees that a DEIR is appropriate for the Project.

Listed Species and California Species of Special Concern

1. A review of the California Natural Diversity Database (CNDDDB) identifies the potential for State and federally endangered least Bell's vireo in the vicinity of many of the CIP Projects. There is also the potential for southwestern willow flycatcher and Stephens' kangaroo rat. There is also the potential for state-listed plants thread-leaved brodiaea, San Diego button-celery, and San Diego thornmint. Project-related activities may adversely impact potential habitat for these species. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Take of any endangered, threatened, candidate species, or State listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project Proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). CDFW encourages early consultation because significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation, monitoring, and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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- a. Focused species-specific surveys, conducted at the appropriate time of year and time of day when least Bell's vireos and flycatchers are active or otherwise identifiable, are required to determine species presence under CESA and the Federal Endangered Species Act (FESA). Acceptable species-specific survey procedures are detailed in the *Least Bell's Vireo Survey Guidelines* (United States Fish and Wildlife Service (USFWS) 2001) and acceptable survey protocol for flycatcher can be found at Sogge et.al (2010). If present, the DEIR should disclose potential impacts to the species as well as proposed avoidance and mitigation measures.
 - b. CDFW also considers impacts to federally endangered species a significant direct and cumulative adverse effect without the implementation of appropriate avoidance and/or mitigation measures. If impacts are proposed to occupied or suitable habitat or adjacent habitats, CDFW recommends that the DEIR include consultation with the USFWS at the earliest opportunity as take authorization may be required.
2. Golden eagles are Fully Protected under California Fish and Game code section 3511 and are federally protected by the Bald and Golden Eagle Protection Act; therefore, impacts to the species should be avoided. Generators 26 and 93 are in the vicinity of known golden eagle occurrences. The Projects in this vicinity should include avoidance measures to protect the species in alignment with these regulations.
3. CNDDDB includes detection of SSC and federally threatened coastal California gnatcatchers and there is the potential for arroyo toad and Quino checkerspot butterflies in the vicinity of Project areas. The DEIR should include a report of recent, seasonally appropriate, focused surveys for coastal California gnatcatcher and arroyo toad in all areas with suitable habitat within and adjacent to the Project. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required to determine species presence under FESA. Acceptable species-specific survey procedures are detailed in *Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Guidelines, Survey Protocol for the Arroyo Toad, and Quino checkerspot butterfly (Euphydryas editha quino) Survey Protocol Information* (USFWS 1997, 1999, and 2002, respectively). If present, the DEIR should disclose potential impacts to the species as well as proposed avoidance and mitigation measures. CDFW considers impacts to federally threatened species a significant direct and cumulative adverse effect without the implementation of appropriate avoidance and/or mitigation measures. If impacts are proposed to occupied or suitable habitat or adjacent habitats, CDFW recommends that the DEIR include consultation with the USFWS at the earliest opportunity as take authorization may be required.
4. Preliminary biological analysis of CNDDDB identifies the potential for the presence of western spadefoot, which is a species that is generally associated with or located in the vicinity of vernal pools. Federally endangered fairy shrimp and dually listed plants also have the potential to be found in vernal pools in the areas. Vernal pools are considered a rare resource, as it is estimated over 95% of vernal pools in San Diego County have been destroyed (USFWS 1998). CDFW considers the loss of these pool complexes to be regionally and biologically significant. To the extent practicable, vernal pools and depressions, and the entire sub-watershed that supports the hydrology of the pool/depression, should be avoided and conserved. The DEIR should identify any existing vernal pool habitat, analyze potential impacts, and propose avoidance and mitigation measures should vernal pools be identified on site. Acceptable species-specific survey procedures are detailed in *Survey Guidelines for the Listed Large Branchiopods* (USFWS 2015).

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5. Preliminary biological analysis of CNDDDB identifies the potential for coastal cactus wren. CDFW recommends that cactus patches of *Cylindropuntia prolifera* and *Opuntia littoralis*, if present, are avoided to the maximum extent practicable. If cactus wren is identified on or adjacent to Project sites, the DEIR should propose avoidance and mitigation measures.
6. Sensitive mammal species have the potential to be present within Project site(s). Stephens' kangaroo rat and Dulzura pocket mouse are fossorial mammal species that may be present. In addition, tree and cavity roosting bat species also have the potential to be in the Project vicinities. Assessment of impacts to these species, including survey data, should be included in the DEIR. Additionally, black-tailed jackrabbits (*Lepus californicus*) have the potential to be present in and around Project areas; please be aware of Rabbit Hemorrhagic Disease (RHD), which can cause 70 to 100 percent mortality in affected individuals. CDFW recommends that Best Management Practices in the Projects, such as disinfecting equipment and work boots with a ten percent bleach solution, be employed to help prevent the spread of the disease.
7. Sensitive reptiles have been identified within the vicinity of the Projects; therefore, CDFW recommends that the Projects incorporate exclusion methods to prevent these species from entering construction areas.
8. CNDDDB identifies federally endangered San Diego ambrosia as proximate, and therefore it is of potential concern to CDFW. Other federally listed plants such as Munz's onion, Nevin's barberry, and spreading navarretia also have the potential to be present. CNDDDB also documents the potential presence of Rainbow manzanita, smooth tarplant, Parry's tetracoccus, bottle liverwort, and wart-stemmed ceanothus on site. The DEIR should include a report of seasonally appropriate surveys in all areas with suitable habitat for sensitive plants, conducted within the last two years. If present, the DEIR should disclose potential impacts to the species as well as proposed avoidance and mitigation measures.

Project Description and Alternatives

9. To facilitate meaningful review of the Project from the standpoint of the protection of plants, fish, and wildlife, CDFW recommends the following information be included in the DEIR:
 - a. the document should contain a complete discussion of the purpose and description of the Project, including all staging areas and access routes to the construction and staging areas; and,
 - b. the DEIR should include a range of feasible alternatives to ensure that alternatives to the Project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources.

Biological Baseline Assessment

10. CDFW has responsibility for wetland and riparian habitats. CDFW strongly discourages development in wetlands or conversion of wetlands to uplands. CDFW opposes any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided

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with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to aquatic resources must be included in the DEIR.

- a. The Project sites may include aquatic features that may have a bed, bank, or channel. As a Responsible Agency under CEQA, CDFW has authority over a) activities in streams and/or lakes that will divert or obstruct the natural flow; b) changes in the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; and, c) use of material from a streambed. For any such activities, the Project Proponent must provide written notification to CDFW pursuant to Fish and Game Code section 1600 *et seq.*
 - b. CDFW's issuance of a Lake or Streambed Alteration Agreement (LSAA) 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 Environmental Impact Report of the local jurisdiction (District) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.
 - c. A preliminary delineation of the streams and associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
 - d. In Project areas which may support ephemeral streams, herbaceous vegetation and woody vegetation also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. If these buffer areas are proposed for impact, they should be included in the sensitive habitat impact analysis.
 - e. Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
 - f. As part of the LSAA Notification process, CDFW requests a hydrological evaluation of the 100-, 50-, 25-, 10-, 5-, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
7. CDFW recommends the DEIR provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete species compendium of the entire Project site, undertaken at the appropriate time of year. The DEIR should include the following information:
- a. CEQA Guidelines, section 15125(c), specifies that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)].

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The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3, and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

- b. a complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CNDDDB should be reviewed to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- c. an inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and USFWS;
- d. a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>); floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. For assessing vegetation communities located in western San Diego County, CDFW recommends the *Vegetation Classification Manual for Western San Diego County* (Sproul et al. 2011) be used; and,
- e. adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

Biological Direct, Indirect, and Cumulative Impacts and Proposed Mitigation Measures

8. To facilitate meaningful review of the Project's potential impacts on biological resources, the DEIR should include a detailed discussion of potential impacts as well as specific measures to offset such impacts.
 - a. Indirect Impacts: a discussion of potential adverse impacts from lighting, noise, exotic species, and human activity and proposed mitigation measures to alleviate such impacts.
 - i. Adjacent Resources: the DEIR should include a discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with the proposed

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- NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
- ii. Landscaping: the Projects may include landscaped areas. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, CDFW recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.
 - iii. Pesticide: the Project may include outside pesticide use. Please be aware of a new California law, AB 1788, which bans the use of second-generation rodenticide.
- b. Mitigation Measures: the DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through purchase of credits from a CDFW approved conservation bank, or habitat creation and/or acquisition and preservation in perpetuity should be performed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the District must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- i. Long-term Management of Mitigation Lands: the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
 - ii. Sensitive Bird Species: to avoid impacts to nesting birds, the DEIR should require that, when biologically warranted, construction (especially clearing and rough grading) would occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. CDFW generally recommends the buffer be a minimum width of 100 feet for general passerine birds, 300 feet from state or federal listed bird species, and 500 feet for raptor species, including Cooper's hawks. The buffer should be demarcated by temporary fencing and remain in effect as long as construction is occurring or until the nest is no longer active. No Project construction shall occur within

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- the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- iii. Nest Exclusion: open horizontal pipe ends can be attractive to birds for nesting. Areas that will require on-going operational maintenance, such as emergency generators, should not include open horizontal pipe ends. Ends should be capped with suitable screens to prevent wildlife access.
 - iv. Translocation: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
- c. Cumulative Effects: a cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to the DEIR impacts on similar wildlife habitats.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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 NOP to assist the District in identifying and mitigating Project impacts on biological resources.

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

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Sincerely,

DocuSigned by:



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References

AB 1788, An act to amend Section 12978.7 of the Food and Agricultural Code, relating to pesticides. Ch: 250, 09/29/2020, Available from: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1788.

CALIPC. 2021. Responsible Landscaping. Available from: <https://www.calipc.org/solutions/prevention/landscaping/>.

California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Retrieved 06/07/2021. Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.

Cowardin, M.L., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. United States Fish and Wildlife Service.

San Diego County Planning and Development Services. 2021. Rainbow. Available from: <https://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/rainbow.html>.

Sogge, M., Ahlers, D., Sferra, S. 2010. A natural history summary and survey protocol for the southwestern willow flycatcher: U.S. Geological Survey Techniques and Methods 2A-IO, 38 p.

Sproul, F., T. Keeler-Wolf, P. Gordon-Reedy, J. Dunn, A. Klein, and K. Harper. 2011. Vegetation Classification Manual for Western San Diego County. First Edition. Prepared by AECOM, California Department of Fish and Game Vegetation Classification and Mapping Program and Conservation Biology Institute for San Diego Association of Governments.

United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher (*Poliioptila californica californica*) Presence/Absence Survey Guidelines February 28, 1997. https://www.fws.gov/ventura/docs/species/protocols/cagn/coastalgnatcatcher_surveyguidelines.pdf

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United States Fish and Wildlife Service. 1998. Vernal Pools of Southern California Recovery Plan. U.S. Fish and Wildlife Service, Portland, Oregon. 113 pp.

United States Fish and Wildlife Service. 1999. Survey Protocol for the Arroyo Toad. <https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/ArroyoToad.1999.protocol.pdf>.

United States Fish and Wildlife Service. 2001. Least Bell's Vireo Survey Guidelines January 19, 2001. https://www.fws.gov/ventura/docs/species/protocols/lbv/leastbellsvireo_survey_guidelines.pdf.

United States Fish and Wildlife Service. 2002. Quino checkerspot butterfly (*Euphydryas editha quino*) Survey Protocol Information. https://www.fws.gov/ventura/docs/species/protocols/qcbf/qchkrspbfly_survprotocols.pdf.

United States Fish and Wildlife Service. 2015 *Survey Guidelines for the Listed Large Branchiopods*. https://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/VernalPoolBranchiopodSurveyGuidelines_20150531.pdf.