



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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 San Diego, CA 92123
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

May 19, 2022

Rick Vasilopoulos
 Santa Clarita Valley Water Agency
 26501 Summit Circle
 Santa Clarita, CA 91350
RVasilopoulos@scvwa.org



Subject: Well 205 Groundwater Treatment Project, Mitigated Negative Declaration, SCH No. 2022040340, Santa Clarita Valley Water Agency, Los Angeles County

Dear Mr. Vasilopoulos:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND) and Biological Resources Assessment (BRA) from the Santa Clarita Valley Water Agency (SCV Water) for the Well 205 Groundwater Treatment (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. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. 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). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (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, including 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.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The Project proposes construction and operation of a new groundwater treatment facility for treatment of perchlorate and additional groundwater contaminants. The existing water facility will remain on site. The new water treatment facility will enclose a chemical building, water tanks, pumps, and treatment equipment. The chemical building will contain a liquid ammonium sulfate room and a sodium hypochlorite room. Chemicals used in the treatment process will be stored in a recessed concrete double-containment and double-walled chemical tanks. The new facility will encompass approximately 612 square feet and will be constructed using concrete masonry unit material. In addition to a treatment facility, an upgraded pump head will be installed inside the existing Well 205 building. The production capacity of Well 205 will not be increased with approval of the proposed Project. To enclose the entire facility footprint, an eight-foot-tall retaining wall will be constructed. A paved truck access road will also be installed to facilitate truck access and deliveries. Furthermore, the Project proposes to plant approximately 50 native mature trees along the western portion of the Project site. Construction is anticipated to commence in 2023 and be completed in 2024. Upon completion of Project activities, groundwater will be pumped from Well 205 and proceed through pre-filters, various vessels, and chemical injection. The water will then connect to an existing water distribution pipeline within the Project site. Lastly, maintenance of the proposed Project would involve regular backwashing, replacement of filtration media, and routine monitoring and sampling. Regular and routine maintenance activities would not involve any ground-disturbing activities.

Location: The Project site is located along Valencia Boulevard near McBean Parkway, in the City of Santa Clarita, Los Angeles County. The Project site is approximately 1.75 acres and bounded by open space to the north, a residential development to the west, the McBean Regional Transit Center parking lot to the east, and Valencia Boulevard to the south. The Project site includes Assessor's Parcel Number 2861-066-002.

Comments and Recommendations

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

Specific Comments

Comment #1: Impacts to California Species of Special Concern

Issue: Mitigation Measure BIO-1 as presented may not provide sufficient avoidance and mitigation measures for the California legless lizard (*Anniella* spp.), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*), which are designated as California Species of Special Concern (SSC).

Specific Impacts: Direct impacts to these SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation

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clearing; trampling or crushing from construction equipment, vehicles, and foot traffic. Project ground disturbing activities such as vegetation removal will also result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings.

Why Impacts would occur: The Project site contains California buckwheat scrub and purple sage scrub communities, which provide moderately suitable habitat for these SSC. Grading activities and vegetation removal of these plant communities would result in the loss or disturbance of foraging and breeding habitat. The BRA further states that the “Project activities could potentially directly or indirectly impact individuals of these species with moderate potential to occur”. Although MM- BIO-1 proposes general best management practices, the mitigation measure does not include pre-construction surveys. In addition, the mitigation measure does not include obtaining a qualified designated biologist monitor to move SSC species out of harm’s way during Project activities. Without pre-construction surveys and a designated biological monitor, these SSC may become trapped and die while hiding under refugia and burrows.

Evidence impact would be significant: 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 Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

These impacts would continue to be significant because the mitigation measure detailed in the Project document may not result in adequate avoidance or successful mitigation for the unavoidable direct, indirect, and temporal losses for special status reptile species.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history should conduct specialized pre-construction surveys to determine the presence/absence of SSC. Surveys should be conducted prior to Project activities and during the active season when these SSC are most likely to be detected.

Mitigation Measure #2: To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm’s way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #3 below.

Mitigation Measure #3: 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](#)

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webpage for information (CDFW 2022b). Pursuant to the California Code of Regulations, title 14, section 650, SCV Water/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

Additional Recommendations

Nesting Birds. CDFW recommends modifying Mitigation Measure BIO-2 by including the underlined language and excluding the ~~strikethrough~~ as follows:

Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15 ~~August 31~~) to the extent practicable. If construction must occur within the bird breeding season, a nesting bird pre-construction survey shall be conducted by a qualified biologist. Surveys shall include all potential nesting areas within a 500-foot radius of the Project site within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible, no more than three days prior to initiation of ground-disturbing activities (including, but not limited to site preparation, vegetation clearance, grading, excavation, and trenching) within the project site. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required prior to the start of each phase of ground disturbing activities during bird breeding season.

Pre-construction nesting bird surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.

If nests are found, their locations shall be flagged, and all work shall cease until a qualified biologist determines the young birds have fledged or an appropriate buffer has been demarcated. An appropriate avoidance buffer ranging in size from 300 25 to 50 feet for active passerines (perching birds) nests, and up to 500 300-feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species. ~~(depending upon the species and the proposed work activity)~~ shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. These buffers shall be maintained, and active-nests shall be monitored at a minimum of once per week until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. ~~it has been determined the nest is no longer being used by either the young or adults.~~ No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms the breeding/nesting is over and all the young have fledged. ~~If project activities must occur within the buffer, they shall be conducted at the discretion of the qualified biologist.~~ If no nesting birds are observed during pre-construction surveys, no further action would be necessary.

Landscaping. The Project proposes the planting of 50 mature trees within the Project site. CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent

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to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Online Field Survey Form](#) (SCVCDFW 2022c). SCV Water should ensure that the Project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the SCV Water in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the SCV Water with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

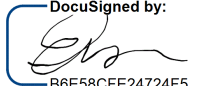
The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by SCV Water and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the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

Conclusion

We appreciate the opportunity to comment on the Project to assist SCV Water in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that SCV Water 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 Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

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Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
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South Coast Region

ec: CDFW

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State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

- [CDFWa] California Department of Fish and Wildlife. 2022. Species of Special Concern.
Available at: <https://wildlife.ca.gov/Conservation/SSC>
- [CDFWb] California Department of Fish and Wildlife. 2022. Scientific Collecting Permits.
Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>
- [CDFWc] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB.
Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1 – SSC Pre-construction Survey	Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history shall conduct specialized pre-construction surveys to determine the presence/absence of SSC. Surveys shall be conducted prior to Project activities and during the active season when these SSC are most likely to be detected.	Prior to commencing Project Activities	SCV Water/ Project Applicant
MM-BIO-2 – Move Out of Harm's Way	To further avoid direct mortality, a qualified biological monitor shall be on site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities.	During Project Activities	SCV Water/ Qualified Biological Monitor
MM-BIO-3 – Scientific Collecting Permits	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. Pursuant to the California Code of Regulations, title 14, section 650, the SCV Water/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to	Prior to and during Project Activities	SCV Water/ Qualified Biological Monitor

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	<p>avoid harm or mortality in connection with Project construction and activities</p>		
<p>MM-BIO-4 – Nesting Bird Survey</p>	<p>Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15) to the extent practicable. If construction must occur within the bird breeding season, a nesting bird pre-construction survey shall be conducted by a qualified biologist. Surveys shall include all potential nesting areas within a 500-foot radius of the Project site where feasible, no more than three days prior to initiation of ground-disturbing activities (including, but not limited to site preparation, vegetation clearance, grading, excavation, and trenching) within the project site. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required prior to the start of each phase of ground disturbing activities during bird breeding season.</p> <p>Pre-construction nesting bird surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.</p> <p>If nests are found, their locations shall be flagged, and all work shall cease until a qualified biologist determines the young birds have fledged or an appropriate buffer has been demarcated. An appropriate avoidance buffer ranging in size from 300 feet for active passerines (perching birds) nests, up to 500 feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species. These buffers shall be maintained, and active nests shall be monitored at a minimum of once per week until breeding season</p>	<p>Prior to finalizing CEQA document and Project Activities</p>	<p>SCV Water/ Project Applicant</p>

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	has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms the breeding/nesting is over and all the young have fledged. If no nesting birds are observed during pre-construction surveys, no further action would be necessary.		
REC 3 – Landscaping	CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly ‘Moderate’ or ‘High’ listed by the California Invasive Plant Council . These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to and during Project activities	Project Applicant
REC 4 – Data	Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form . SCV Water should ensure that the Project Applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant should provide CDFW with confirmation of data submittal.	Prior to finalizing CEQA document	SCV Water/ Project Applicant
REC 5 – MMRP	The MND’s proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or	Prior to finalizing CEQA document	SCV Water

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	other legally binding instruments. SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.		
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