



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
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October 11, 2022

Taryn Kjolsing
Engineering Manager
South Coast Water District
31592 West Street
Laguna Beach, CA 92651
TKjolsing@scwd.org

Subject: Mission Hospital Pipeline Improvements Project (Project), Mitigated Negative Declaration (MND), SCH #2022090173

Dear Ms. Kjolsing:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the South Coast Water District (SCWD) for the Project pursuant 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, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the MND identifies two potentially jurisdictional features, and as such, the Project may be subject to CDFW’s lake and streambed alteration (LSA) 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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CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The South Coast Water District is not a participating landowner in the Orange County Central-Coastal NCCP, nor are the Cities of Laguna Beach or Laguna Niguel signatory jurisdictions; however, Central-Coastal NCCP/Habitat Conservation Planning (HCP) Reserve lands are in proximity to the Project area (see below).

PROJECT DESCRIPTION SUMMARY

Proponent: South Coast Water District (SCWD)

Objective: The Project is part of the SCWD's modified Capital Improvement Plan to replace aging infrastructure and meet fire flow requirements to support wildfire mitigation efforts and increase fire water supply. Primary Project activities include excavation, backfill, pipeline installation, and repaving. Pipeline installation will be at a range of 24 to 40 inches below ground level.

Location: The Project site is in Orange County in the City of Laguna Beach, south of 3rd Avenue, north of 8th Avenue, and east of the existing Mission Hospital. The pipeline alignment is generally from the intersection of 3rd Avenue and Mar Vista Avenue, south along Mar Vista Avenue to Sunset Avenue, and along Sunset Avenue to just north of the intersection of Sunset Avenue and 8th Avenue. A potential equipment and materials staging area falls within undeveloped land directly adjacent and to the east of the intersection of Mar Vista Avenue and Sunset Avenue.

Biological Setting: The Project site is characterized primarily by a paved road consisting of Sunset Avenue and Mar Vista Avenue with adjacent landscaped areas and housing development to the north, west, and south. Central Coastal NCCP/HCP Reserve lands are immediately adjacent to the eastern boundary of the Project. The northern section of the Project site is surrounded by an existing housing development and residential areas that have ornamental landscaping, including mature trees. Common species observed within the landscaped areas include red gum (*Eucalyptus camaldulensis*), blue gum (*Eucalyptus globulus*), Canary Island pine (*Pinus canariensis*), Aleppo pine (*Pinus halepensis*), and coastal wattle (*Acacia cyclops*). The western and southern sections of the Project Area are surrounded by commercial development and landscaped areas, including mature trees and native habitat and disturbed areas are located to the northeast. Native habitat types present include coastal sage scrub (CSS) and chaparral. Due to most of the site being surrounded by residential and commercial development, the Project area is not considered to be within a wildlife corridor; however, it is directly adjacent to a wildlife movement corridor through the Central-Coastal NCCP/HCP Reserve lands.

The biological survey area (BSA) includes a 100-foot buffer outside Project boundaries and consists mostly of developed, residential, landscaped, and disturbed areas; however, vegetation characteristic of CSS habitats occurs within the margins of the Project site, staging area, and 100-foot buffer. The CSS is dominated by California sagebrush (*Artemisia californica*) and lemonade berry (*Rhus integrifolia*) with California buckwheat (*Eriogonum fasciculatum*), California brittlebush (*Encelia californica*), and coastal prickly pear (*Opuntia littoralis*). Vegetation characteristic of chaparral habitats is present in two sections within the BSA. A total of 0.007 acre of California sagebrush and 0.086 acre of disturbed California sagebrush (0.093-acre total) were mapped within the Project site, while 1.329 acres of California sagebrush and 0.129 acre of disturbed California sagebrush was mapped within a 100-foot buffer of the expected Project footprint. Disturbed vegetation, as referenced in the Project's Biological Technical Report, is described as heavily influenced by human actions and mostly devoid of vegetation; however, a few native shrubs are still present. Moderate to high levels of disturbance are identified within the BSA to include vehicular traffic, and pedestrian recreational activities such as cycling, dog walking, jogging, and hiking. The soil in the disturbed vegetation is compacted and mainly limited to low growing

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herbaceous species. The disturbed CSS is directly adjacent to the roadway and residential land and is present within the Project's staging area.

Reconnaissance and focused survey results identify no sensitive wildlife species with a high to moderate potential to occur in the Project area, due to the lack of suitable habitat within the Project site. Although CSS habitat exists within the staging area, coastal California gnatcatcher (gnatcatcher; *Polioptila californica californica*; Endangered Species Act (ESA) listed-threatened, CDFW Species of Special Concern (SSC)) was not observed during focused surveys between March and May 2022.

Two potentially jurisdictional features are located within the site. JD1 is a concrete apron and standpipe next to the paved road that collects road runoff and residential runoff, plus some minimal storm flow from the hills to the east. It is surrounded by residential development. However, the feature upstream aligns with a natural canyon and is likely a continuation of an associated natural drainage feature. JD3 is a natural drainage that runs down a hillside to the east of the delineation area, entering a sandy sheet flow area and crossing into a large concrete apron that contains a standpipe. Signs of ordinary high-water mark include bed and bank topography, scouring, changes in vegetation types and sediment deposits. Due to the features' characteristics, they are potentially jurisdictional to CDFW, the Regional Water Quality Control Board (RWQCB), and the United States Army Corps of Engineers (USACE).

The Project site is not located within any United States Fish and Wildlife (USFWS)-designated critical habitat; however, USFWS-designated critical habitat for gnatcatcher is approximately 0.5 mile east and 0.7-mile northwest of the Project site, within the Central-Coastal Reserve.

Timeframe: The proposed Project would be constructed over the course of approximately 3.5 months starting in February 2023.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist SCWD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Comments are also provided to aid compliance with requirements of the Fish and Game Code. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

I. Mitigation Measure Shortcoming

COMMENT #1: Mitigation for Impacts to Native Vegetation

Appendix B, Page 15

Issue: The MND does not adequately mitigate for impacts to CSS.

Specific Impact: The MND does not include mitigation for Project impacts to CSS within the Project site.

Why impact would occur: Figure 3 of the Biological Technical Report depicts the staging area to overlap with disturbed CSS. Figure 3 appears to show native vegetation including CSS (both

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disturbed and undisturbed) within the yellow lines depicting the boundary of the Project site buffer along margins of the Project site.

Evidence impact would be significant: CSS is a sensitive habitat type that has been a focus of conservation efforts throughout coastal southern California, and supports a great diversity of wildlife and is covered in the County of Orange Central and Coastal Subregion NCCP/HCP. SCWD is not a participating landowner, nor are the Cities of Laguna Beach or Laguna Niguel signatory jurisdictions, in the Central-Coastal NCCP/HCP and thus has no programmatic involvement in the conservation of CSS. However, the loss of this habitat is considered significant by CDFW and warrants mitigation.

Recommended Mitigation Measure

Mitigation Measure BIO-4: Native Vegetation Impacts and Mitigation

To reduce impacts to less than significant: CDFW recommends including a mitigation measure specifying avoidance of, and mitigation for, CSS (including disturbed CSS) incorporating the following:

Project activities including, but not limited to, road construction, repaving, and equipment staging, have the potential to impact CSS within the staging area and along Project margins. Therefore, SCWD shall mitigate the loss of 0.093 acre of CSS in kind at a 2:1 ratio on site, resulting in 0.186 acre of required CSS restoration. Restoration on site shall be completed by a firm qualified in CSS restoration, with a plant palette emphasizing shrub species in the immediate vicinity that are favored by gnatcatchers (e.g., California sagebrush, buckwheat, etc.). A Habitat, Mitigation, and Monitoring Plan (HMMP) shall establish success criteria of a minimum of 60% cover by shrubs and less than 10% cover by non-natives, as well as no presence of highly invasive shrubs such as pampas grass, artichoke thistle, etc. The HMMP shall include a 5-year monitoring period, with annual reporting provisions, to establish the mitigation which shall require review and sign-off by CDFW and the USFWS at the conclusion of the 5-year establishment period.

If on-site compensatory mitigation is not feasible, off-site compensatory mitigation shall occur at ratio of at least 3:1, or 0.279 acre of required restoration by the purchase of CSS credits from an authorized conservation bank. Alternatively, because the site is adjacent to the Central-Coastal Reserve, an in-lieu fee paid to the Natural Communities Coalition at their current rate for CSS impacts may be considered commensurate for CSS impacts. NCC uses this in-lieu fee program to perform restoration and management of CSS habitat within the Central-Coastal Reserve system.

COMMENT #2: Hydrological Impacts

Section 4.4, Page 4-24

Issue: The MND does not include a mitigation measure regarding wetland permitting obligations pursuant to section 1600 of the Fish and Game Code.

Specific Issue: Although the MND includes analysis of wetland impacts and jurisdictional delineations, it does not include a measure stating that written notification to CDFW will be provided regarding the potentially jurisdictional features.

Why impact would occur: According to the MND, two potentially jurisdictional features are located within the Project site—JD1 and JD3. JD1 aligns with a natural canyon and is likely a continuation of an associated natural drainage feature. JD3 is a natural drainage that includes bed,

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bank, and channel features. Both features are potentially jurisdictional to CDFW, RWQCB, and USACE; therefore, a Lake and Streambed Alteration Agreement (LSAA) Notification may be appropriate. CDFW encourages SCWD to consult further with CDFW regarding the possible submittal of an LSAA Notification package.

Evidence impact would be significant: CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. Project activities described in the MND may impact these jurisdictional resources. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSAA with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. Whether an LSAA is required to satisfy requirements of Fish and Game Code section 1600 *et seq.* can only be determined at the time a formal notification package is submitted to CDFW. A Notification package for an LSAA may be obtained by accessing CDFW's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.

Recommended Mitigation Measure

Mitigation Measure BIO-5: Wetland Permitting Obligations

To reduce impacts to less than significant: If Project activities are predicted to affect hydrological features including those identified and labeled as JD1 and JD3, SCWD will consult with CDFW regarding an LSAA notification will submit appropriate notification(s) to CDFW.

COMMENT #3: Nesting Bird Surveys and Avoidance

Section 4.4, Page 4-26

Issue: Mitigation Measures BIO-1 and BIO-2 (BIO-1 and BIO-2) do not adequately avoid or minimize impacts to nesting migratory birds.

Specific impact: BIO-1 and BIO-2 indicate that pre-activity clearance surveys for nesting migratory birds and raptors will be conducted prior to the onset of Project activities if work needs to take place during a nesting season defined as February 1 through August 31 for raptors, and March 15 through August 31 for migratory bird species. The MND also states that a qualified biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking activity.

However, typical nesting season for raptors could start as early as January 1, and migratory birds may start nesting as early as February 1 in the Project's region. Additionally, BIO-1 does not specify the buffer sizes for nest avoidance.

Why impact would occur: If avian surveys occur in the windows as they are currently defined, impacts to avian species may be in violation of California Fish and Game Code sections 3503, 3503.5, and 3513 by causing the incidental loss of fertile eggs or nestlings, or activities that lead to nest abandonment. Although the Biological Technical Report does not identify occurrences of nesting birds during the March-May focused surveys, habitat and suitable trees for nesting occur within the Project site for nesting birds.

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Recommended Potentially Feasible Mitigation Measures (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measures BIO-1 and BIO-2: Preconstruction Nesting Bird Surveys and Biological Monitoring

To avoid or reduce potential impacts to nesting birds: CDFW recommends the following changes (**in bold** and ~~striketrough~~) to Mitigation Measures BIO-1 and BIO-2 regarding nesting bird surveys and avoidance:

BIO-1: If construction or other Project activities are scheduled to occur during the bird breeding season (typically ~~February~~ **January** 1 through August 31 for raptors and ~~March~~ **February** 15 through ~~August 31~~ **September 15** for most migratory bird species), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed on the Project site, or adjacent sites. The survey shall be completed no more than three days prior to initial ground disturbance. **If construction or related ground disturbance activities halt for a period of 7 or more days, a nesting bird survey shall be conducted within 3 days before construction resumes.** The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. CDFW generally recommends a **buffer of 100 feet for passerines, 300 feet for listed bird species, and 500 feet for raptors, be established by the qualified biologist.** Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.

BIO-2: A qualified biologist shall be present to monitor all ground disturbing and vegetation-clearing activities (including but not limited to trimming, mowing, grubbing) conducted for the Project. During each monitoring day, the biological monitor shall perform clearance survey "sweeps" at the start of each workday that vegetation clearing takes place to avoid impacts to Environmentally Sensitive Areas and minimize impacts on special-status species with potential to occur (including, but not limited to, special-status and/or nesting bird species). The monitor will be responsible for ensuring that impacts to special-status species, nesting birds, and active nests will be avoided to the greatest extent possible. Biological monitoring shall take place until the Project site has been completely cleared of any vegetation. The biological monitor will have the authority (and appropriate handling permits if required) to temporarily halt activities to move wildlife out of harm's way by means of hazing or short-distance capture and release. If an active nest is identified, then the biological monitor shall establish an appropriate disturbance limit buffer (**as detailed in BIO-1**) around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist.

General Comments

COMMENT #4: Gnatcatcher Mitigation, Monitoring, and Reporting

Appendix B, Page 12

While no gnatcatchers were observed on site during focused surveys, habitat suitable for gnatcatchers is present within the Project area. Given the regional significance of this species in the Central-Coastal NCCP/HCP, and its ESA listing, CDFW recommends that the on-site biological monitor provide education to workers during the breeding and nesting season for gnatcatchers (March 15 to June 30) and have the authority to stop work if gnatcatchers are detected. If nesting

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or foraging gnatcatchers are detected, the SCWD should stop work, report the presence immediately to CDFW and the USFWS, and resume work only after additional avoidance and mitigation measures are in place that reduce impacts to gnatcatchers such that they are no longer significant.

COMMENT #5: Biological Monitoring and Scientific Collecting Permit

Section 4.4, Page 4-26

Mitigation Measure BIO-2 addresses biological monitoring and acquiring appropriate permits for the relocation of wildlife found in the Project area. CDFW currently implements its authority to issue permits for the take or possession of wildlife, including mammals, birds, and the nests and eggs thereof, reptiles, and amphibians, fish, certain plants, and invertebrates for scientific, educational, and propagation purposes through Section 650, Title 14, California Code of Regulations, by issuing Scientific Collecting Permits. More information regarding the permit process can be found through CDFW's website at <https://wildlife.ca.gov/Licensing/Scientific-Collecting>. Additionally, take or possession of wildlife via relocation can be obtained in jurisdictional areas by obtaining an LSAA (see comment 4); however, please note that such take can only be conferred for the limits of the 'project' as defined in the LSAA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Training-Survey>. 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: <https://wildlife.ca.gov/Data/CNDDDB>.

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 MND to assist the SCWD in identifying and mitigating Project impacts on biological resources.

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

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Sincerely,

DocuSigned by:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

cc: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
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OPR

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USFWS

Jonathan Snyder – Jonathan_d_Snyder@fws.gov

REFERENCES

California Department of Fish and Wildlife. 2022. California Natural Diversity Database (CNDDB) – Plants and Animals. Available from: <https://wildlife.ca.gov/Data/CNDDB>.

California Department of Fish and Wildlife. 2021. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.

South Coast Water District. 2022. Mission Hospital Pipeline Improvement Project – Mitigated Negative Declaration. Available from: https://files.ceganet.opr.ca.gov/281507-1/attachment/kd8byou5PZcunL1agkdbhEW_hdV8F75W9xGIZJzyqBIIJujMJ1MzIQaJ1gEa1koGZfBVwl6NF3khxNN50.

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Attachment A
Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>Mitigation Measure BIO-4: Project activities including, but not limited to, road construction, repaving, and equipment staging, have the potential to impact CSS within the staging area and along Project margins. Therefore, SCWD shall mitigate the loss in kind at a 2:1 ratio on site. Restoration of on-site CSS shall be completed by a firm qualified in CSS restoration, with a plant palette emphasizing shrub species in the immediate vicinity that are favored by gnatcatchers (e.g., California sagebrush, buckwheat, etc.). A Habitat, Mitigation, and Monitoring Plan (HMMP) shall establish success criteria of a minimum of 60% cover by shrubs and less than 10% cover by non-natives, as well as no presence of highly invasive shrubs such as pampas grass, artichoke thistle, etc. The HMMP shall include a 5-year monitoring period, with annual reporting provisions, to establish the mitigation which shall require review and sign-off by CDFW and the USFWS at the conclusion of the 5-year establishment period.</p> <p>If on-site compensatory mitigation is not feasible, off-site compensatory mitigation shall occur at ratio of at least 3:1. Because the site is adjacent to the Central-Coastal Reserve, an in-lieu fee to the Natural Communities Coalition may be considered commensurate for CSS impacts.</p>	<p>Prior to and during Project construction; after Project completion</p>	<p>South Coast Water District</p>
<p>Mitigation Measure BIO-5: If Project activities are predicted to affect hydrological features including those identified and labeled as JD1 and JD3,</p>	<p>Prior to and during Project construction</p>	<p>South Coast Water District</p>

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<p>SCWD will consult with CDFW regarding an LSAA notification will submit appropriate notification(s) to CDFW.</p>		
<p>Mitigation Measure BIO-1: If construction or other Project activities are scheduled to occur during the bird breeding season (typically February January 1 through August 31 for raptors and March February 15 through August 31 September 15 for most migratory bird species), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed on the Project site, or adjacent sites. The survey shall be completed no more than three days prior to initial ground disturbance. If construction or related ground disturbance activities halt for a period of 7 or more days, a nesting bird survey shall be conducted within 3 days before construction resumes. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. CDFW generally recommends a buffer of 100 feet for passerines, 300 feet for listed bird species, and 500 feet for raptors, be established by the qualified biologist. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.</p> <p>Mitigation Measure BIO-2: A qualified biologist shall be present to monitor all ground disturbing and vegetation-clearing activities (including but not limited to trimming, mowing, grubbing) conducted for the Project. During each monitoring day, the biological monitor shall perform clearance survey “sweeps” at the start of each workday that vegetation clearing takes place to avoid impacts to Environmentally Sensitive Areas and minimize impacts on special-status species with potential to</p>	<p>Prior to construction activities and throughout Project construction</p>	<p>South Coast Water District</p>

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<p>occur (including, but not limited to, special-status and/or nesting bird species). The monitor will be responsible for ensuring that impacts to special-status species, nesting birds, and active nests will be avoided to the greatest extent possible. Biological monitoring shall take place until the Project site has been completely cleared of any vegetation. The biological monitor will have the authority (and appropriate handling permits if required) to temporarily halt activities to move wildlife out of harm's way by means of hazing or short-distance capture and release. If an active nest is identified, then the biological monitor shall establish an appropriate disturbance limit buffer (as detailed in BIO-1) around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist.</p>		
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