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Governor's Office of Planning & Research

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STATE CLEARING HOUSE

November 14, 2022

Ana Reyes
The Metropolitan Water District of Southern California
Environmental Planning Section
P.O. Box 54153
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Subject: Notice of Preparation of a Draft Environmental Impact Report for the Pure Water Southern California Project, SCH #2022090654, The Metropolitan Water District of Southern California, Los Angeles County

Dear Ms. Reyes:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the Metropolitan Water District of Southern California (MWD) for the Pure Water Southern California Project (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,

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§ 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.

Project Description and Summary

Objective: The proposed Project is a multi-agency partnership between MWD and Los Angeles County Sanitation Districts to develop and implement a regional recycled water program. The Project intends to create and redistribute water supply by harvesting cleaned wastewater. The Project includes the construction of treatment facilities on undeveloped lots, the installation of 54 miles of pipeline under existing roadways and rights-of-ways along the San Gabriel River, and other service systems connecting pipelines to existing groundwater recharge systems.

Specifically, the Project proposes purifying cleaned wastewater from the Joint Water Pollution Control Plant (JWPCP) at a new Advanced Water Purification (AWP) facility to produce approximately 150 million gallons per day of water for indirect and direct potable reuse (IPR and DPR). IPR introduces the purified water into an environmental buffer, such as groundwater basins via spreading facilities and injection wells. DPR introduces the purified water into an existing water supply system via water treatment plants or directly into the potable water system. The proposed Project activities include the following:

Treatment Facilities

- Modify and upgrade existing JWPCP treatment facilities.
- Construct new AWP facility and potentially an additional purification facility.
- Demolish existing Sanitation District's warehouse and maintenance basin.

Conveyance Systems

- Install approximately 42 miles of 7-foot diameter pipe and at least five new pump stations from the new AWP facility to the existing San Gabriel Canyon Spreading Grounds.
- Install approximately 12 miles of 7-foot diameter pipe and two new pump stations to convey water from the San Gabriel Spreading Grounds to the Weymouth Water Treatment Plant.

Groundwater Recharge and Service Connections

- Install smaller diameter lateral pipelines to connect meters to new or existing facilities.
- Upgrade and install spreading facilities.
- Install and relocate injection wells.

Location: The proposed Project facilities will potentially extend from the City of Carson in Los Angeles County to as far north as the City of Azusa and as far east as the City of Upland in western San Bernardino County. The proposed AWP facility will be located at 24501 S Figueroa Street, Carson, CA 90745 adjacent to the existing JWPCP. The proposed conveyance systems will potentially pass through the cities of Carson, Long Beach, Lakewood, Cerritos, Bellflower, Norwalk, Downey, Santa Fe Springs, Duarte, Pico Rivera, Industry, El Monte, Baldwin Park, Irwindale, Azusa, Glendora, Covina, West Covina, San Dimas, and La Verne. The Project provides program-level planning for the remaining components and does not include site-specific locations.

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Comments and Recommendations

CDFW offers the comments and recommendations below to assist the MWD in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

Specific Comments

- 1) Impacts on Flow and Biological Resources. The Project intends to redistribute wastewater that is currently being discharged into tributaries to the Pacific Ocean. The Project could reduce discharge from the JWPCP by approximately 150 million gallons per day and affect water availability and flows downstream. As such, CDFW recommends the DEIR disclose how the Project may modify the current flow regime and potentially impact fish and wildlife resources downstream of the JWPCP. The DEIR should include:
 - a) An analysis of the existing flow regime during the winter and summer seasons, and how that may change under Project conditions;
 - b) An analysis of potential Project-related effects on river hydraulics. This includes water depth (Percent change), wetter perimeter (acres gained/lost), and velocity (percent change);
 - c) A comprehensive list of sensitive and special status plant and wildlife species and sensitive plant communities occurring in downstream [habitat/communities]; and
 - d) A discussion as to how each species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity).
- 2) Stream Delineation and Impact Assessment. Project activities intend to install and maintain new pipelines and associated facilities to convey cleaned wastewater. Project activities may impact streams and associated natural communities as a result of grading, trenching, and development along the San Gabriel River. Moreover, the Project could modify the bed, channel, or bank habitat downstream of the JWPCP by potentially modifying the current flow regime.
 - a) Analysis and Disclosure. In preparation of the DEIR, CDFW recommends the DEIR include a stream delineation and evaluation of impacts on any river, stream, or lake. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (*Cowardin et al.* 1979). The DEIR should discuss the Project's impact on streams, rivers, or lakes, including impacts on associated natural communities. Impacts may include channelizing or diverting streams, impairing a watercourse, and removing or degrading vegetation through habitat modification (e.g., loss of water source, loss of substrate, encroachment, and edge effects leading to introduction of non-native plants).
 - b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts on streams and associated natural communities by avoiding or minimizing Project-related construction adjacent to the San Gabriel River. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. The Project should be designed with effective setbacks from

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streams and associated natural communities. Where the Project would occur near streams, but would avoid impacts on streams, the DEIR should provide a justification as to why a proposed setback distance would be effective to avoid impacts on the stream and associated vegetation.

- c) Mitigation. If avoidance is not feasible, the DEIR should include measures to fully compensate for impacts on streams and loss of associated natural communities, Higher mitigation should be provided to compensate for impacts on streams supporting rare, sensitive, or special status fish, wildlife, and natural communities.
- d) Fish and Game Code Section 1602. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW. Accordingly, if the Project would impact streams, the DEIR should include measures to notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWa 2022).
- 3) Sensitive Natural Communities. A qualified biologist should map all natural communities with the Project site as well as areas subject to off-site impacts with established protocol (as described in General Comment 1). The qualified biologist should identify and map natural communities including, but not limited to, the following: California walnut groves (*Juglans californica* Alliance); California sycamore woodlands (*Platanus racemosa* Alliance); Fremont cottonwood forest and woodland (*Populus fremontii* Alliance); oak forest and woodland (*Quercus* genus Alliance); and willow riparian woodland and forest (*Salix* genus Alliance).
- The DEIR should fully disclose where impacts would occur and how many acres of natural communities would be impacted. The DEIR should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities. Due to the local/regional rarity and significance, compensatory mitigation should be higher for impacts on Sensitive Natural Communities with a State Rarity Ranking of S1 or S2 and/or a Sensitive Natural Community with an additional ranking of 0.1 or 0.2.
- 4) Impacts to Sensitive Species. The proposed Project activities may take place within the floodplain and active channel of the San Gabriel River. CDFW is concerned the Project may affect sensitive species that occur within this watershed and areas adjacent to the Project. Areas of particular concern include reaches near the Santa Fe Dam, Whittier Narrows Natural Area, and the San Jose Creek confluence with the San Gabriel River. Least Bell's vireo (*Vireo bellii pusillus*; CDFWb 2022), southwestern willow flycatcher (*Empidonax traillii extimus*), and coastal California gnatcatcher (*Polioptila californica californica*) have been documented as occurring in these areas. Least Bell's vireo and southwestern willow flycatcher are protected as endangered species under both CESA and the federal Endangered Species Act (ESA). Coastal California gnatcatcher is protected by ESA and listed as a California Species of Special Concern. Other California Species of Special concern that may occur within or near the Project location include but are not limited to burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), big free-tailed bat

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(*Nyctinomops macrotis*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), coast range newt (*Taricha torosa*), western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), coast horned lizard (*Phrynosoma blainvilli*), and southern California legless lizard (*Anniella stebbinsi*). Rare plants that may occur within or near the Project location include but are not limited to Parry's spineflower (*Chorizanthe parryi* var. *parryi*), mesa horkelia (*Horkelia cuneata* var. *puberula*), and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*). Grading, trenching, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by creating loud noises, lighting, increased human presence and activity, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species. CDFW recommends the following:

- a) California Endangered Species Act. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity 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 take authorization under CESA may include an Incidental Take Permit (ITP) among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. To obtain appropriate take authorization under CESA, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required 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's CEQA document addresses all Project impacts on 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.
 - b) Avoidance, Minimization, and Mitigation for Sensitive Plants. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide 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 querying the California Natural Diversity Database (CNDDDB) and can be obtained by visiting the [Vegetation Classification and Mapping Program – Natural Communities](#) webpage (CDFWc 2022).
- 5) Impacts to Bats. Bats have the potential to forage and roost in structures, trees, and natural areas throughout the Project site. Bats and roost may be impacted by removal of trees, vegetation, and/or structures supporting roosting bats. Bats and roosts may also be adversely impacted by increased noise, human activity, dust, and ground vibration.
- a) Protection Status. Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). In addition, some bats are considered a California Species of Special Concern

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- (SSC). CEQA provides protection not only for CESA-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 endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
- b) Analysis and Disclosure. CDFW recommends the DEIR should discuss the Project's potential impact on bats and habitat supporting roosting bats. A discussion of potential impacts should include impacts that may occur during building demolition, ground-disturbing activities, and vegetation removal.
- c) Surveys. In preparation of the DEIR, CDFW recommends MWD retain a qualified bat specialist identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. Positive detections of bats and roost locations should be mapped, and a summary report should be disclosed in the DEIR.
- 6) Impacts to Nesting Birds. The Project proposes to develop within or adjacent to riparian habitat and other natural areas that likely support nesting birds and raptors. The proposed Project may impact nesting birds through grading activities and the removal of vegetation and trees. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.
- a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
- b) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The DEIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat. Edge effects and temporal loss should also be analyzed and discussed. The DEIR should also disclose the acreage of bird and raptor nesting and breeding habitat that could be impacted and lost as a result of the proposed Project.
- c) Avoidance. CDFW recommends the DEIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.

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If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

- 7) Landscaping. The proposed Project involves landscaping activities that entail removal and replacement of vegetation and trees. CDFW recommends MWD only use native species found in naturally occurring vegetation communities within or adjacent to the Project site. The proposed Project 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 MWD 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.

General Comments

- 1) Biological Baseline Assessment. The DEIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:
 - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. 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, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFWc 2022);

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- b) 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 Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) 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 a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFWd 2022). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and
 - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 2) Biological Direct, Indirect, and Cumulative Impacts. The Project proposes to divert CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:

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- a) A discussion regarding Project-related indirect 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 a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and
 - f) A cumulative effects analysis, 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 their impacts on similar plant and wildlife species, habitat, and vegetation communities. If MWD determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. MWD's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 3) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 4) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."

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- a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends MWD provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 5) Data. CEQA requires that information developed in environmental impact reports 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 by completing and submitting [CNDDDB Field Survey Forms](#) (CDFWe 2022). MWD should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 6) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related 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 habitat creation and/or acquisition and preservation in perpetuity should be addressed. 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 Lead Agency 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.
- 7) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, a 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

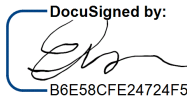
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human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Conclusion

We appreciate the opportunity to comment on the NOP for the Pure Water Southern California Project to assist the MWD in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Nicole Leatherman, Environmental Scientist, at Nicole.Leamer@wildlife.ca.gov or (858) 761-8020.

Sincerely,

DocuSigned by:

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OPR

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References:

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- [CDFWa] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
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