



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

December 16, 2022

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
26521 Summit Circle  
Santa Clarita, CA 91350  
[RVasilopoulos@scvwa.org](mailto:RVasilopoulos@scvwa.org)



**Subject: S Wells PFAS Groundwater Treatment and Disinfection Facility Project, Mitigated Negative Declaration, SCH No. 2022110376, 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 S Wells PFAS Groundwater Treatment and Disinfection Facility 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, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA);

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 2 of 16

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 Project proposes construction and operation of a per- and polyfluoroalkyl (PFAS) groundwater treatment and disinfection facility. The facility will comprise of a new groundwater well (S9) and a chloramine disinfection building constructed on a 3.26-acre parcel south of Bridgeport Park. During construction, several components that will be installed within the facility include eight ion-exchange vessels, a new S9 groundwater well head, control panels, a pre-filter station, a one-story chloramine disinfection building, piping, and appurtenances. Moreover, the facility will be enclosed with a 15-foot-high decorative wall and paneling to screen the treatment vessels. For vehicular access to the site, two 30-foot-wide driveways with motorized gates will be installed along Bridgeport Lane. An underground 12-inch drainage pipeline will also be installed to connect the proposed treatment and disinfection facility to the existing 30-inch drainage outlet pipeline located in the eastern portion of the facility. The drainage pipeline will collect and convey on-site stormwater runoff and groundwater during periodic installation and water quality testing to the existing storm drain pipeline, which outlets to the Santa Clara River. Well S9 is anticipated to produce an additional 1,000 gallons per minute of potable water, which will be filtered through the proposed PFAS treatment system prior to distribution. Well S9 will serve as a replacement of the existing Mitchell 5A well.

In addition to the construction and operation of the facility, existing Well S6, S7, and S8 will be reactivated with improvements. Improvements to the three existing wells include a submersible pump replacement and electrical panel upgrade. In addition, minor piping improvements will be conducted in landscaped areas immediately north of Well S6. Upon completion of the Project, these existing wells will become operational along with new Well S9. Additionally, the Project proposes roundabout street and curb improvements at two locations. Improvements will occur at the intersection of Parkwood Lane and Bridgeport Lane as well as Bayside Lane and Bridgeport Lane. Specifically, the improvements at the two intersections will involve reducing the radius of the center circle and the median bulbs at each roundabout. Improvements to the existing wells and both roundabouts will result in surficial ground disturbance.

Furthermore, the Project proposed the installation of three pipelines. The first interconnection pipeline will be approximately 850 linear feet and run in a north/south direction. The pipeline will run from the proposed facility through Bridgeport Lane and Bridgeport Park and end at an interconnection with SCV Water's existing distribution system in Newhall Ranch Road. The second influent water pipeline will be approximately 400 linear feet and run in an east/west direction immediately north of the existing Santa Clara River Trail. The second water pipeline would run from the western boundary of the facility to Well S8. Raw water flows from Wells S6, S7, and S8 will be conveyed through the second water pipeline to the facility for treatment. The third storm drain pipeline will be approximately 840 linear feet and run in an east/west direction. The pipeline will run along the southern half of the Santa Clara River Trail from the intersection of Bridgeport Lane and Bayside Lane to Well S7. Stormwater flows and pumped groundwater will be conveyed through the pipeline to an existing 30-inch stormwater drain pipeline that outlets to the Santa Clara River. All pipelines will be installed with a maximum excavation depth of 5.5 feet.

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 3 of 16

Construction is anticipated to occur between April 2024 and October 2025. The proposed staging and laydown area is located directly east of the proposed facility on disturbed land. During construction of the pipelines near the Santa Clara River Trail, one lane may be temporarily closed and will be reopened upon construction completion. Construction fencing and signage will be around the work area at Bridgeport Park and along the southern edge of the Santa Clara River Trail. Upon Project buildout, Wells S6, S7, and S8 would be reactivated and the new Well S9 will be operational. The wells and treatment facility will be operational 24 hours per day for 365 days per year.

**Location:** The Project site is located along Newhall Ranch Road, Bridgeport Park, Bridgeport Lane, and the Santa Clara River Trail, in the City of Santa Clarita, Los Angeles County. The Project site encompasses three existing well locations (Wells S6, S7, and S8), the proposed Well S9 location, the groundwater treatment and disinfection facility location, locations of pipeline alignments, and two intersections for roundabout improvements. The Project site is bounded by Marketplace Park to the north, McBean Parkway to the west, Bouquet Canyon Road to the east, and Santa Clara River to the south. The Project site includes Assessor's Parcel Numbers 2811-073-001, 2811-065-014, 2811-065-015, 2811-065-912, 2811-071-901, 2811-001-284, 2811-066-902.

## 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: Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*)

**Issue:** The Project may have a significant impact on unarmored threespine stickleback (UTS) during operational activities of the Project. UTS is designated as a State Fully Protected Species, CESA-listed species, and Endangered Species Act (ESA)-listed species.

**Specific Impacts:** Groundwater extraction and operation of Wells S6, S7, S8, and S9 may result in excessive groundwater extraction and low water levels. Low water levels within the Santa Clara River could lead to modifications or loss of suitable habitat for UTS.

**Why Impacts would occur:** UTS is an endangered species with an extremely limited range of suitable habitat. It is well known that presence of UTS has been documented in several reaches of the Santa Clara River. Moreover, the BRA notes that "Suitable aquatic habitat is present within the active channel of the Santa Clara River." The MND also mentions that during operational activities, "...potentially significant indirect impacts to special status wildlife species may occur as a result of groundwater extraction via the existing Wells S6, S7, and S8 and the new Well S9". Groundwater is strongly interconnected to surface water and plays a key role in providing water to streams. Excessive localized groundwater extraction of the Santa Clara River may significantly reduce amount of surface water necessary for the survival of UTS. If surface

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 4 of 16

water is significantly reduced, there may not be enough water within the stream to allow for UTS movement and/or survivorship.

Furthermore, the amount of riparian vegetation may also become significantly reduced, which can have a negative effect on the UTS population within the river. UTS require habitats that have adequate aquatic plant cover. Having an abundance of plant cover allows UTS to protect themselves from predators and find food among aquatic vegetation (UCANR 2022). Plant diversity and amount of riparian vegetation within the stream may be lost as a result of significant plant stress. Plant stress may be induced by changes in the soil moisture, soil salinity, and groundwater depth. Riparian vegetation that are considered groundwater dependent are also at a high risk of being lost if groundwater is not sufficient.

In addition to impacts to riparian vegetation and surface water, groundwater extraction may also lead to changes in the water quality (i.e., turbidity, oxygen, and water temperature) of the Santa Clara River, which may cause significant impacts to UTS. No discussion was provided in the MND regarding UTS or the specific impacts that may occur to UTS as a result of operational activities. The MND does not elaborate on specific changes (i.e., hydrology, water quality) that may occur to the Santa Clara River as a result of excessive groundwater extraction.

**Evidence impact would be significant:** UTS is a State Fully Protected Species, CESA and ESA-listed species. Fully Protected Species are those animals that are rare or faced with possible extinction. Pursuant to Fish and Game Code, Fully Protected Species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan.

The Project has the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §§ 15065, 15380). As a result, the Project may have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by CDFW or U.S Fish and Wildlife Service (USFWS).

**Recommended Potentially Feasible Mitigation Measure(s):**

**Recommendation #1:** CDFW cannot authorize take for UTS. CDFW recommend SCV Water completely avoids impacts on UTS during the Project's operational activities. If SCV Water cannot completely avoid impacts on UTS, SCV Water should consult with CDFW to discuss the Project and a path moving forward.

**Mitigation Measure #1:** CDFW recommends SCV Water revise and recirculate the MND to elaborate on the operational phase of the Project. The MND should discuss the type of surface water monitoring technique that will be utilized during operations to ensure that surface water is not depleted. The MND should also discuss how impacts to surface water will be addressed within the groundwater pumping regime management plan. Additionally, the MND should discuss the presence of UTS within the Santa Clara River, all impacts that may occur to UTS, and provide any measures to avoid impacts to UTS. Lastly, the MND should provide additional

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 5 of 16

information to demonstrate how the groundwater pumping regime management plan will bring impacts on aquatic and semi-aquatic species to a level less than significant.

### **Comment #2: Impacts to Least Bell's Vireo (*Vireo bellii pusillus*)**

**Issue:** The Project may impact least Bell's vireo, an ESA and CESA-listed species, during Project construction and operational activities.

**Specific Impacts:** Project construction activities occurring during the least Bell's vireo nesting season could adversely affect breeding behavior of least Bell's vireo. Elevated noise from construction activities could result in least Bell's vireo abandoning nesting territory. In addition, the potential to deplete localized groundwater during operation activities may result in reduced suitable habitat.

**Why Impacts would occur:** Least Bell's vireo often utilize woodlands and riparian areas as suitable nesting habitat and breeding territory. Within 100 feet of the Project site, along the northern bank of the Santa Clara River is the Fremont cottonwood forest and woodland vegetation community. The BRA states that there is a high potential for least Bell's vireo to occur within this native community. Although the Fremont cottonwood forest and woodland is not being removed or graded during Project construction, the MND states that "...depleted local groundwater levels could negatively impact suitable habitat for least Bell's vireo within the Fremont cottonwood forest and woodland community..."

Additionally, least Bell's vireo within the Project site or in close proximity to Project site may be impacted through the Project construction activities. As an CESA listed species, "take" includes activities that may disrupt or alter behaviors necessary for species survival. Construction noise, dust, and human disturbance are all factors that may induce stress to the species, disrupt breeding behavior, and potentially cause a nest to fail. Project activities such as excavation and drilling may require heavy machinery that emits excessive noise and vibrations. Substantial noise and vibration from heavy machinery may lead to disruption in breeding behavior and reduced breeding activity.

**Evidence impact would be significant:** There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings, or riparian habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; or substantially reduce the number of restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Accordingly, impacts on least Bell's vireo may require a mandatory finding of significance (CEQA Guidelines, § 15065).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the least Bell's vireo will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS.

As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 6 of 16

habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Recommendation #2:** Take under the ESA includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends consultation with the USFWS, in order to comply with ESA, prior to Project construction and operational activities that may impact least Bell's vireo.

**Mitigation Measure #2:** Mitigation Measure BIO-4 shall be modified by including the underlined language and excluding the ~~striketrough~~ as follows:

Prior to the initiation of project construction activities within or adjacent to suitable nesting habitat during least Bell's vireo breeding season (March 15 through September 15), a qualified biologist with experience surveying for least Bell's vireo shall conduct at least eight ~~three~~ focused surveys following USFWS-established protocols to determine whether breeding least Bell's vireos are present. Focused surveys shall be completed within the project site and a 500-foot buffer. Per protocol guidelines, a final survey report (including negative findings) shall be provided to USFWS and CDFW within 45 calendar days following the completion of the survey effort. The biologist shall determine and delineate its breeding territory with high visibility flagging, and no construction shall take place within 500 feet of the breeding territory from March 15 through September 15. Construction activities should not continue within the buffer until the young have fledged or the nest is no longer active. If "take or adverse impacts to least Bell's vireo cannot be avoided either during Project construction and over the life of the Project, SCV Water shall consult CDFW and may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances. [Fish & Game Code §§ 2080.1, 2081, subs. (b) and (c)].

**Comment #2: Impacts to Santa Clara River**

**Issue:** The Project may result in impacts the Santa Clara River and associated riparian vegetation during the operational phase of the Project.

**Specific Impacts:** During the operational phase of Wells S6, S7, S8, and S9, localized groundwater extraction may result in loss or degradation of riparian vegetation within the Santa Clara River. Loss of groundwater may also impact the wildlife that utilize the Santa Clara River as a water source and its riparian vegetation as suitable habitat.

**Why Impacts would occur:** The Santa Clara River supports a variety of sensitive species and sensitive plant communities. Within this specific portion of the river, the Fremont cottonwood forest and woodland is present along the northern bank of the river and adjacent to the active channel. According to the Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan (GSP), this vegetation community has been designated as a potential groundwater dependent ecosystem. The Project intends to avoid impacts the Santa Clara River during construction activities. However, it has been noted on page 29 of the MND that "...reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 could deplete local groundwater levels beyond the minimum thresholds for

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
 December 16, 2022  
 Page 7 of 16

depletion of interconnection surface waters...” Operational activities may contribute to direct loss of suitable habitat for wildlife that utilize Fremont cottonwood and woodland for nesting. Additionally, aquatic and semi-aquatic species will be significantly impacted with a reduced water source. Moreover, SCV Water acknowledges that “During operation, the project has the potential to indirectly impact the hydrology of the Santa Clara River as a result of groundwater extraction...”. Impacting the hydrology of the Santa Clara River may also lead to adverse impacts towards the segments of the river and biological resources downstream.

The MND proposes a groundwater pumping regime management mitigation measure. The mitigation measure discusses monitoring the wells and evaluating low water levels that may exceed a trigger level. The trigger level is derived from the Santa Clara River Valley East Groundwater Subbasin GSP. The MND does not elaborate on how the trigger level was selected, what the trigger level is, or how the trigger level applies to the Project. The type of changes to the hydrology of the Santa Clara River and the impact operational activities may have on the river downstream is also not disclosed in the MND.

**Evidence impact would be significant:** The Project may impact streams and associated natural communities. 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. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a LSA Agreement when a Project activity may substantially adversely affect fish and wildlife resources. The operational activities of the Project could result in reasonably foreseeable impacts on streams. Accordingly, the Project may have a significant impact on streams.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Recommendation #3:** CDFW’s issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, a project’s CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #3:** SCV Water should notify CDFW pursuant to Fish and Game Code section 1602 for operational activities impacting streams and associated natural communities.

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 8 of 16

SCV Water should notify CDFW prior to any operational activities that may impact the Santa Clara River. Following notification, CDFW will determine if a Lake and Streambed Alteration Agreement is required. The notification to CDFW should provide the following information:

- 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW5 (Cowardin et al. 1979);
- 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#) (CNPS 2022);
- 3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
- 4) A groundwater analysis to provide information on how much localized groundwater is being depleted throughout the operational phase of the Project. The groundwater analysis should also provide the level or amount of groundwater that needs to be depleted in order to result in negative impacts to riparian vegetation and dewatering of surface water.

Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022a).

**Mitigation Measure #4:** CDFW recommends SCV Water revise the MND to disclose how the hydrology of the Santa Clara River south of the Project and downstream will be impacted during Project operation. The MND should also disclose what the trigger level is, how trigger level was selected, and how the trigger level applies to the Project. The MND should explain how compliance with this trigger level means that the Project's impacts are less than significant [CEQA Guidelines, § 15064(b)(2)]. Additionally, the MND should disclose whether the trigger level has been previously adopted or recommended by other public agencies or recommended by experts (CEQA Guidelines, § 15064.7).

#### **Additional Recommendations**

**Nesting Birds.** CDFW recommends modifying Mitigation Measure BIO-5 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, then no more than three days prior to the initiation of ground-disturbing activities (including, but not limited to vegetation removal, site preparation, grading, excavation, and trenching) within the project site, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible. 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 within three days prior to each phase of construction.



Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 9 of 16

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.

If no nesting birds are observed during pre-construction surveys, no further actions are necessary. If nests are found, all work shall cease and an appropriate avoidance buffer ranging in size from 300 25 to 50 feet for passerines nests, and up to 300 500 feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species 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 material. Active nests shall be monitored at a minimum of once per week until it has been determined the young have fledged the nest 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 breeding/nesting has ended, and all the young have fledged.

**Landscaping.** The Project proposes new planting within the Project site upon completion of construction activities. 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](#) (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](#) (CDFW 2022c). Information on special-status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022b).

**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

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 10 of 16

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](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW  
Erinn Wilson-Olgin, Seal Beach – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
Victoria Tang, Seal Beach – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Ruby Kwan-Davis, Seal Beach – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva, Seal Beach – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

OPR  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References:

[CDFWa] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available at: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>  
[CDFWb] California Department of Fish and Wildlife. 2022. Combined Rapid Assessment and Releve Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Rick Vasilopoulos  
Santa Clarita Valley Water Agency  
December 16, 2022  
Page 11 of 16

[CDFWc] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB.  
Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

[Cal IPC] California Invasive Plant Council. 2022. Available at: <https://www.cal-ipc.org/>

[CNPS] California Native Plant Society. 2022. A Manual of California Vegetation Online.  
Available at: <https://vegetation.cnps.org/>

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service. FWS/OBS-79/31. Washington, D.C.

[UCANR] University of California Agriculture and Natural Resources. 2022. Fish Species Unarmored Threespine Stickleback. Available at:  
<https://calfish.ucdavis.edu/species/?uid=171&ds=698>



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



### Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1 – Revise and Recirculate</b>	SCV Water shall revise and recirculate the MND to elaborate on the operational phase of the Project. The MND shall discuss the type of surface water monitoring technique that will be utilized during operations to ensure that surface water is not depleted. The MND shall discuss how impacts to surface water will be addressed within the groundwater pumping regime management plan. Additionally, the MND shall discuss the presence of UTS within the Santa Clara River, all impacts that may occur to UTS, and provide any measures to avoid impacts to UTS. Lastly, the MND shall provide additional information to demonstrate how the groundwater pumping regime management plan will bring impacts on aquatic and semi-aquatic species to a level less than significant.	Prior to finalizing the CEQA document and Project activities	SCV Water
<b>MM-BIO-2 – LBV Surveys</b>	Prior to the initiation of project construction activities within or adjacent to suitable nesting habitat during least Bell's vireo breeding season (March 15 through September 15), a qualified biologist with experience surveying for least Bell's vireo shall conduct at least eight focused surveys following USFWS-established protocols to determine whether breeding least Bell's vireos are present. Focused surveys shall be completed within the project site and a 500-foot buffer. Per protocol guidelines, a final survey report (including negative findings) shall be provided to USFWS and CDFW within 45 calendar days following the completion of the survey effort. The biologist shall determine and delineate its breeding territory with high visibility	Prior to Project Activities	SCV Water/ Qualified Biologist

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
 December 16, 2022  
 Page 13 of 16

	<p>flagging, and no construction shall take place within 500 feet of the breeding territory from March 15 through September 15. Construction activities should not continue within the buffer until the young have fledged or the nest is no longer active. If “take or adverse impacts to least Bell’s vireo cannot be avoided either during Project construction and over the life of the Project, SCV Water shall consult CDFW and may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances.</p>		
<p><b>MM-BIO-3 – LSA</b></p>	<p>SCV Water shall notify CDFW pursuant to Fish and Game Code section 1602 for operational activities impacting streams and associated natural communities. SCV Water shall notify CDFW prior to any operational activities that may impact the Santa Clara River. Following notification, CDFW will determine if a Lake and Streambed Alteration Agreement is necessary. The notification to CDFW shall provide the following information:</p> <ol style="list-style-type: none"> <li>1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW5 (Cowardin et al. 1979);</li> <li>2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance. Plant community names should be provided based on vegetation association and/or alliance per the <a href="#">Manual of California Vegetation</a> (CNPS 2022);</li> <li>3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and</li> <li>4) A groundwater analysis to provide information on how</li> </ol>	<p>Prior to Project Activities</p>	<p>SCV Water</p>

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
 December 16, 2022  
 Page 14 of 16

	<p>much localized groundwater is being depleted throughout the operational phase of the Project. The groundwater analysis should also provide the level or amount of groundwater that needs to be depleted in order to result in negative impacts to riparian vegetation and dewatering of surface water.</p>		
<p><b>MM-BIO-4 – MND          Revise and          Recirculate</b></p>	<p>SCV Water shall revise the MND to disclose how the hydrology of the Santa Clara River south of the Project and downstream will be impacted during Project operation. The MND shall also disclose what the trigger level is, how trigger level was selected, and how the trigger level applies to the Project. The MND shall explain how compliance with this trigger level means that the Project's impacts are less than significant. Additionally, the MND shall disclose whether the trigger level has been previously adopted or recommended by other public agencies or recommended by experts.</p>	<p>Prior to finalizing          CEQA document          and Project          Activities</p>	<p>SCV Water</p>
<p><b>MM-BIO-5 –          Nesting Birds</b></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, then no more than three days prior to the initiation of ground-disturbing activities (including, but not limited to vegetation removal, site preparation, grading, excavation, and trenching) within the project site, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible. 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 within three days prior to each phase of construction. 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</p>	<p>Prior to finalizing          CEQA document          and Project          Activities</p>	<p>SCV Water</p>

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
 December 16, 2022  
 Page 15 of 16

	<p>applicable, shall be submitted to SCV Water for review and approval.</p> <p>If no nesting birds are observed during pre-construction surveys, no further actions are necessary. If nests are found, all work shall cease and an appropriate avoidance buffer ranging in size from 300 feet for passerines nests, 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 shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable material. Active nests shall be monitored at a minimum of once per week until it has been determined the young have fledged the nest 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 breeding/nesting has ended, and all the young have fledged.</p>		
<b>REC 3 - Landscaping</b>	<p>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 <a href="#">California Invasive Plant Council</a>. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.</p>	Prior to and during Project activities	SCV Water
<b>REC 4 – Data</b>	<p>Please report any special status species detected by completing and submitting <a href="#">CNDDB Online Field Survey Form</a>. Information on special-status native plant populations and sensitive natural communities, the <a href="#">Combined Rapid Assessment and Relevé</a></p>	Prior to finalizing CEQA document	SCV Water

Rick Vasilopoulos  
 Santa Clarita Valley Water Agency  
 December 16, 2022  
 Page 16 of 16

	<a href="#">Form</a> should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.		
<b>REC 5 - MMRP</b>	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 other legally binding instruments. SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing CEQA document	SCV Water