



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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



April 27, 2023

Alex Leu
 Las Virgenes Municipal Water District
 4232 Las Virgenes Road
 Calabasas, CA 91302
ALeu@lvmwd.com

Subject: Mitigated Negative Declaration for Malibou Lake Siphon Replacement Project, SCH# 2023030553, Las Virgenes Municipal Water District, Los Angeles County

Dear Mr. Leu:

The California Department of Fish and Wildlife (CDFW) has reviewed the Malibou Lake Siphon Replacement Project (Project) Initial Study/Mitigated Negative Declaration (MND) from the Las Virgenes Municipal Water District (LVMWD). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project involves the replacement of the existing sewer siphon crossing of Medea Creek with a new siphon directly north of the existing siphon alignment. The proposed

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 2 of 16

replacement siphon crossing would consist of two high-density polyethylene pipelines (12-inch and 24-inch in diameter) encased in concrete. The existing concrete-encased sewer siphon would be completely removed from the Medea Creek channel along with the existing inlet and outlet structures and backfilled with clean earth material to match the surrounding existing grades.

Location: The Project site is located at the Lake Vista Drive crossing of Medea Creek at its confluence with Malibou Lake, Los Angeles County, California.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the LVMWD in adequately identifying, avoiding, 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 are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts to Streams

Issue: Project activities will impact Medea Creek.

Specific impacts: Development and dewatering on the Project site may result in erosion and earth movement that could impair streams up and downstream of the Project site.

Why impacts would occur: According to the MND, the Project requires the installation of cofferdams, dewatering, and riparian vegetation removal. The MND does not discuss the necessity for a Lake and Streambed Alteration Agreement or any mitigation for impacts to the stream and associated vegetation. Therefore, the Project activities from dewatering would (temporarily) remove or otherwise alter existing streams or their function and associated habitat on the Project site. Biological resources downstream and beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects.

Evidence impacts would be significant: 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.

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 3 of 16

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. The Project may result in significant impacts on streams and associated natural communities because of the upslope proximity to these resources. Without appropriate mitigation, the Project continues to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

Recommended Potentially Feasible Mitigation Measures:

Mitigation Measure #1: The Project Applicant should be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The Project applicant should comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The Project applicant should also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated vegetation community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWa 2023).

Mitigation Measure #2: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering upslope vegetation within the Project site may impact hydrologic activity downslope and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows entering and downstream of the Project site. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

Mitigation Measure #3: CDFW recommends that any Best Management Practice (BMPs) infrastructure that are installed should be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Recommendation #1: 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 the 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

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 4 of 16

and management of mitigation lands in perpetuity.

Comment #2: Impacts on Species of Special Concern – Reptiles

Issue: The Project may impact two-striped garter snake (*Thamnophis hammondi*), a species designated as California Species of Special Concern (SSC).

Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality, reduced reproductive capacity, population declines, or local extirpation of an SSC. Also, loss of foraging, breeding, or nursery habitat for an SSC may occur.

Why impacts would occur: The MND indicates, “Two-striped garter snake has been reported from both Medea Creek and Triunfo Canyon Creek upstream of Malibou Lake.” However, mitigation as currently written in MM BIO-1, may be insufficient to reduce significant impacts to two-striped garter snake below a significant level. Primarily, a biologist was not required to be present during all activities involving impacts to the stream, but only activities related to the installation of the cofferdams. In addition, the MND does not require a biologist to have appropriate handling permits, despite the mitigation involving capture and relocation of any two-striped garter snakes. Lastly, the mitigation does not detail protocols for passive relocation or proper handling techniques to prevent injury or mortality to the maximum extent feasible to any entrapped SSC. As such, there is potential for the Project and improper mitigation to impact SSC. Without appropriate avoidance or minimization measures, impacts to an SSC could result from dewatering activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these SSC are more likely to occur because these are cryptic species.

Evidence impacts would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;

- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFWb 2023).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 5 of 16

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The MND does not provide sufficient mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #4: Scientific Collecting Permit – CDFW recommends the LVMWD require the Project Applicant retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWc 2023). Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #1).

Mitigation Measure #5: Survey – The City should retain a qualified biologist with experience surveying for the specific SSC. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Focused surveys should be conducted during a time of day/year when SSC are evident and identifiable. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved.

If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected. The qualified biologist should take a special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS should also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFWS, a photo of each location, map each location, and provide the specific species detected at that location. The qualified biologist should provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW should be notified and consulted regarding the presence of any SSC.

Mitigation Measure #6: Species Protocols – Where applicable, wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 6 of 16

way, at least 200 feet from the grading limits). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A passive relocation plan should be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.

Mitigation Measure #7: Worker Environmental Awareness Training – The City in consultation with a qualified biologist should prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training should include effective, specific, enforceable, and feasible actions. The qualified biologist should have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist should meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: 1) a review of the Project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist should communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.

Mitigation Measure #8: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the LVMWD within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Mitigation Measure #9: CDFW recommends modifying MM BIO-1 on page 29 of the MND to include underlined language and remove language with strikethrough.

“Dewatering of the lakebed ~~following~~ and installation of the cofferdams shall be monitored by a qualified biologist with appropriate handling permits. The dewatering pump intake shall have a ~~0.5-inch (or smaller)~~ fine mesh screen (size determined by qualified biologist) to prevent entrainment of two-striped garter snake. In the event a two striped garter snake is encountered, a qualified biologist shall adhere to the species-specific list (or plan) of proper handling and passive relocation protocols. At a minimum, the qualified biologist shall use a seine (or appropriate hand-held nets) to capture any two striped garter snakes in the dewatered area and relocate them to suitable habitat along the lake shoreline at least 500 feet from the work area.”

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 7 of 16

Comment #3: Impacts to Nesting Birds

Issue: Figures 1,2, and 4 show trees around the Project site that may provide habitat for nesting birds.

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees adjacent to a project site.

Why impact would occur: The MND does not provide any avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground disturbing activities related to housing development. Impacts could result from noise disturbances, increased human activity, increased lighting, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #10: To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.

Mitigation Measure #11: If avoidance during the nesting season is not feasible, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure #12: It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 8 of 16

offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the permanent removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

Additional Comments and Recommendations

Recommendation #2 – 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 detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022b). This includes all documented occurrences of any special status species. The LVMWD should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The LVMWD should provide CDFW with confirmation of data submittal.

Recommendation #3 – MMRP: Per Public Resources Code section 21081.6(a)(1), CDFW has provided the LVMWD with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

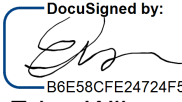
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the LVMWD and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying 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

We appreciate the opportunity to comment on the Project to assist the LVMWD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LVMWD 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 Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 9 of 16

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Victoria Tang, Seal Beach – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Seal Beach – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Seal Beach – Felicia.Silva@wildlife.ca.gov
Julisa Portugal, Seal Beach – Julisa.Portugal@wildlife.ca.gov
Andrew Aitken, Seal Beach – Andrew.Aitken@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

OPR
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

References:

- [CDFWa] California Department of Fish and Wildlife. 2023. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>
- [CDFWb] California Department of Fish and Wildlife. 2023. Scientific Collecting Permit. Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- [CDFWc] California Department of Fish and Wildlife. 2023. Species of Special Concern. Available from: <https://wildlife.ca.gov/Conservation/SSC>
- [CDFWd] California Department of Fish and Wildlife. 2023. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1-LSA Notification	The Project Applicant shall be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The Project applicant shall comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The Project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFWa 2023).	Prior to Project construction and activities	LVMWD/Project Applicant
MM-BIO-2-Hydrology Report	CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering upslope vegetation within the Project site may impact hydrologic activity downslope and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows entering the ephemeral streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.	Prior to Project construction and activities	LVMWD/Project Applicant

Alex Leu
 Las Virgenes Municipal Water District
 April 27, 2023
 Page 11 of 16

MM-BIO-3-BMPs	Any Best Management Practice (BMPs) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.	Prior to Project construction and activities	LVMWD/Project Applicant
MM-BIO-4- Impacts to Species of Special Concern – Scientific Collecting Permit	Pursuant to the California Code of Regulations, title 14, section 650 , the LVMWD/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to Project construction and activities	LVMWD/Project Applicant
MM-BIO-5- Species of Special Concern – survey	LVMWD shall retain a qualified biologist with experience surveying for the specific SSC. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct surveys for where suitable habitat is present. Focused surveys shall be conducted during a time of day/year when SSC are evident and identifiable. The surveys shall include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey shall be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. The	Prior to Project construction and activities	LVMWD/Project Applicant

Alex Leu
 Las Virgenes Municipal Water District
 April 27, 2023
 Page 12 of 16

	<p>qualified biologist shall take a special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS shall also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFWS, a photo of each location, map each location, and provide the specific species detected at that location. The qualified biologist shall provide a summary report of SSC surveys to the LVMWD before any Project-related ground-disturbing activities.</p>		
<p>MM-BIO-6- Impacts to Species of Special Concern – protection plan</p>	<p>Where applicable, wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits . The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring. The LVMWD/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist shall be authorized to capture and relocate ESA-listed species. A passive relocation plan shall be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.</p>	<p>Prior to/During Project construction and activities</p>	<p>LVMWD/Project Applicant</p>
<p>MM-BIO-7- Impacts to Species of Special Concern – worker training</p>	<p>LVMWD in consultation with a qualified biologist shall prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training shall include effective, specific, enforceable, and feasible actions. The qualified biologist shall have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: 1) a review of the Project</p>	<p>Prior to/During Project construction and activities</p>	<p>LVMWD/Project Applicant</p>

Alex Leu
 Las Virgenes Municipal Water District
 April 27, 2023
 Page 13 of 16

	boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist shall communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.		
MM-BIO-8- Impacts to Species of Special Concern – dead/injured wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the USFWS, CDFW, and the LVMWD by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report shall be sent to the LVMWD, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities	LVMWD/Project Applicant
MM-BIO-9- Mitigation Alteration	CDFW recommends modifying MM BIO-1 on page 29 of the MND to include <u>underlined</u> language and remove language with strikethrough. “Dewatering of the lakebed following <u>and</u> installation of the cofferdams shall be monitored by a qualified biologist <u>with appropriate handling permits</u> . The dewatering pump intake shall have a 0.5-inch (or smaller) <u>fine</u> mesh screen (<u>size determined by qualified biologist</u>) to prevent entrainment of	During Project construction and activities	LVMWD/Project Applicant

Alex Leu
 Las Virgenes Municipal Water District
 April 27, 2023
 Page 14 of 16

	<p>two-striped garter snake. <u>In the event a two striped garter snake is encountered, a qualified biologist shall adhere to the species-specific list (or plan) of proper handling and passive relocation protocols. At a minimum, the qualified biologist shall use a seine (or appropriate hand-held nets) to capture any two striped garter snakes in the dewatered area and relocate them to suitable habitat along the lake shoreline at least 500 feet from the work area.</u>"</p>		
MM-BIO-9- Nesting Season	<p>To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 1 through September 15, as early as January 1 for some raptors.</p>	<p>Prior to Project construction and activities</p>	<p>LVMWD/Project Applicant</p>
MM-BIO-10- Nesting survey	<p>If avoidance during the nesting season is not feasible, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The Lead Agency shall require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers may be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.</p> <p>These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>	<p>Prior to Project construction and activities</p>	<p>LVMWD/Project Applicant</p>

Alex Leu
 Las Virgenes Municipal Water District
 April 27, 2023
 Page 15 of 16

MM-BIO-11- Removal of Nesting Habitat	The temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation will be necessary to compensate for the permanent removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios will increase with the occurrence a California Species of Special Concern and will further increase with the occurrence of a CESA-listed species.	Prior to Project construction and activities	LVMWD/Project Applicant
REC-1-LSA	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 the 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.	Prior to Project construction and activities	LVMWD/Project Applicant
REC-2-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)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDB	Prior to Project construction and activities	LVMWD/Project Applicant

Alex Leu
Las Virgenes Municipal Water District
April 27, 2023
Page 16 of 16

	<p>by completing and submitting CNDDDB Field Survey Forms. This includes all documented occurrences of Catalina mariposa lily, and other SSC. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.</p>		
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