



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Governor Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov



June 6, 2023

Debbie Lundy
Senior Right of Way Agent/Environmental Analyst, Helix Water District
7811 University Avenue
La Mesa, CA 91942
Debbie.Lundy@helixwater.org

Subject: Chet Harritt Pump Station and Lake Jennings Aeration System and Clearwell Effluent Flow Meter Project (Project) Mitigated Negative Declaration (MND) SCH# 2023050202

Dear Ms. Lundy,

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced MND for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

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CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Helix Water District

Objective: The objective of the Project is to make facility improvements to limited and aging infrastructure at the Chet Harritt Pump Station and Lake Jennings. The new facilities will be optimized for meeting the projected flow rate demands of the East County Advanced Water Purification Program, which will purify locally sourced recycled water. Project activities will include replacement of the current Chet Harritt Pump station with a new pump station, implementation of an aeration system within Lake Jennings, and installation of an effluent flow meter for the existing 5.3 million gallon-capacity Clearwell Tank. Project activities will include installation of an electrical duct bank between an electrical vault east of the Clearwell Tank and the new pump station, air supply pipelines between the pump station and Lake Jennings, removal of an existing air compressor and air supply piping on the east side of the dam, enhancements to the existing dam seepage weir, and replacement of the dam weir sump near the pump station. The Project will involve grading and vegetation removal.

Location: The Project site is in eastern San Diego County, within the unincorporated community of Lakeside on the west side of Lake Jennings. The site is surrounded by undeveloped land and residential areas.

Biological Setting: Lake Jennings is a drinking water reservoir completed in 1964 and owned and operated by the Helix Water District. The survey area consists of the following vegetation communities/land cover types: coast live oak woodlands (0.015 acre, 0 acre impacts), developed land (15.882 acres, 2.165 acres impacts), Diegan coastal sage scrub (38.634 acres, 1.744 acres impacts),

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disturbed habitat (3.037 acres, 1.135 acres impacts), eucalyptus woodland (1.244 acres, 0.17 acre impacts), freshwater marsh (0.501 acre, 0.05 acre impacts), non-native grassland (8.924 acres, 1.087 acres impacts), open water (18.447 acres, 0.176 acre impacts), ornamental plants (1.907 acres, 0.062 acre impacts), and southern willow scrub (0.229 acre, 0.041 acre impacts).

Sensitive wildlife species with moderate-to-high potential to occur on site include California glossy snake (*Arizona elegans occidentalis*; California Species of Special Concern (SSC)), Belding's orange-throated whiptail (*Aspidoscelis hyperthya*; CDFW Watch List (WL)), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), red-diamond rattlesnake (*Crotalus ruber*; SSC), Blainville's horned lizard (*Phrynosoma blainvillii*; SSC), Coronado skink (*Plestiodon skiltonianus interparietalis*; WL), coast patch-nosed snake (*Salvadora hexalepis virgultea*; SSC), two-striped garter snake (*Thamnophis hammondi*; SSC), Cooper's hawk (*Accipiter cooperii*; WL), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; SSC), bald eagle (*Haliaeetus leucocephalus*; CESA listed-endangered), osprey (*Pandion haliaetus*; WL), coastal California gnatcatcher (*Polioptila californica californica*; SSC, Federal Endangered Species Act listed threatened), Dulzura pocket mouse (*Chaetodipus californicus femoralis*; SSC), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*; SSC), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), and pocketed free-tailed bat (*Nyctinomops femorosaccus*; SSC).

Sensitive plant species with potential to occur on site include San Diego goldenstar (*Bloomeria clevelandii*; California Rare Plant Rank (CRPR) 1B.1) and delicate clarkia (*Clarkia delicata*; CRPR 1B.1). Neither was observed during site visits.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Helix Water District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (i.e., biological) resources.

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COMMENT #1: Mitigation for Impacts to Vegetation Communities

Issue: The proposed mitigation for impacts to vegetation communities may not be adequate.

Specific impact: Mitigation Measure BIO-1A states that for temporary impacts to gnatcatcher habitat, native hydroseed will be used to revegetate after construction is completed. However, the MND does not propose a management or monitoring plan or establish success criteria. The MND provides mitigation ratios for the remaining impacted areas but does not provide specific plans for how mitigation will be accomplished.

Why impact would occur: Newly planted seed may struggle to become established in the absence of support such as watering. Additionally, without details about the chosen method(s) and site(s) for mitigation for impacts to areas other than gnatcatcher habitat, CDFW cannot determine whether these measures are appropriate.

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

Recommendation #1

To minimize significant impacts: The MND should include a 5-year management and monitoring plan for planted native hydroseed. Additionally, the MND should include details on mitigation methods for the remaining project impacts, including location, species, and success criteria. If detailed plans for compensatory mitigation and monitoring cannot be included in the MND, a mitigation measure should be added to the environmental document which states that CDFW will have the opportunity to review and approve the plans prior to their implementation.

COMMENT #2: Impacts to Nesting Birds

Issue: The MND may not adequately address impacts to nesting birds.

Specific impact: Mitigation Measures BIO-1A and BIO-1B state that if vegetation removal must occur within the avian breeding season, a preconstruction survey shall be conducted within seven calendar days prior to the start of construction activities. If active nests are detected, these

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mitigation measures state that a buffer of 100 feet will be established for California gnatcatcher nests, but specific distances are not discussed for other avian species.

Why impact would occur: The Project site contains suitable habitat for a variety of sensitive avian species. In fact, according to the MND, the following species were observed on site: Cooper's hawk, Southern California rufous-crowned sparrow, coastal cactus wren, bald eagle, osprey, and coastal California gnatcatcher. In addition to direct removal of habitat, construction noise, vibration, dust, or human disturbance could result in temporary or long-term disturbance of nesting birds on the Project site.

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

Recommendation #2

To minimize significant impacts: CDFW recommends that preconstruction nesting bird surveys be conducted no more than three days prior to construction activities, including vegetation removal. If nesting birds are detected during surveys, CDFW recommends that buffers be established around nest sites with the following distances: a minimum of 100 feet for birds, 300 feet for sensitive bird species, and 500 feet for raptors. Reductions in the nest buffer may be appropriate depending on site-specific factors such as presence of screening vegetation, ambient levels of human activity, etc.

ENVIRONMENTAL DATA

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

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Helix Water District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Brigid Moran at Brigid.Moran@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

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REFERENCES

California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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California Office of Planning and Research. 2009 or current version. CEQA:
California Environmental Quality Act. Statutes and Guidelines, § 21081.6
and CEQA Guidelines, § 15097, §15126.4(2).

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ATTACHMENT A: Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)		
Recommendation (REC) Description	Implementation Schedule	Responsible Party
<p>REC 1: The MND should include a 5-year management and monitoring plan for planted native hydroseed. Additionally, the MND should include details on mitigation methods for the remaining project impacts, including location, species, and success criteria. If detailed plans for compensatory mitigation and monitoring cannot be included in the MND, a mitigation measure should be added to the environmental document which states that CDFW will have the opportunity to review and approve the plans prior to their implementation.</p>	<p>Before Project activities</p>	<p>Helix Water District</p>
<p>REC 2: CDFW recommends that preconstruction nesting bird surveys be conducted no more than three days prior to construction activities, including vegetation removal. If nesting birds are detected during surveys, CDFW recommends that buffers be established around nest sites with the following distances: a minimum of 100 feet for birds, 300 feet for sensitive bird species, and 500 feet for raptors. Reductions in the nest buffer may be appropriate depending on site-specific factors such as presence of screening vegetation, ambient levels of human activity, etc.</p>	<p>Before and during Project activities</p>	<p>Helix Water District</p>