



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 8, 2024

Scott Rogers
Palmdale Water District
2029 East Avenue Q
Palmdale, CA 93550
srogers@palmdalewater.org

SUBJECT: PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR THE 2023 STRATEGIC WATER RESOURCES PLAN, SCH NO. 2023080290, LOS ANGELES COUNTY, CA

Dear Scott Rogers:

The California Department of Fish and Wildlife (CDFW) reviewed the Programmatic Environmental Impact Report (PEIR) from the Palmdale Water District (PWD; Lead Agency) for the 2023 Strategic Water Resources Plan (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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 (Fish & G. Code, § 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.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Scott Rogers
Palmdale Water District
November 8, 2024
Page 2 of 17

CDFW may also act 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: PWD

Objective: The Project is a programmatic Plan for developing and utilizing a mix of water supply sources and facilities to meet PWD's water supply demand through 2050. The Plan also describes PWD's ongoing monitoring and reporting of conservation efforts to meet City and State policies and ordinances. Described are several water supply sources and facilities, some of which are analyzed in other CEQA documents. In addition to ongoing Projects that are associated with separate CEQA actions, this Project proposes and analyzes the following new actions:

Pure Water Project

Under the proposed Project, PWD would maximize beneficial use of recycled water through construction and implementation of an Advanced Water Purification Facility (facility) on a vacant property near the Palmdale Water Reclamation Plant. The facility is referred to as the Pure Water Antelope Valley Project, and operations would consist of directly injecting purified water into the saturated zone of an aquifer. Moreover, PWD would store recycled water after purification into the Antelope Valley Groundwater Basin. Up to five new recycled water injection wells would be required if more recycled water is received. The locations of the purified recycled water injection wells are anticipated to be within the Pure Water Antelope Valley property. New recycled water conveyance pipelines would be constructed between the Palmdale Water Reclamation Plant and the new facility, and between the new injection wells and the new facility. The facility and associated infrastructure is conceptual in capacity and no CEQA analysis was provided in this PEIR.

Well Replacement and Rehabilitation

Under the proposed Project, PWD would rehabilitate or replace up to 22 PWD groundwater wells to maintain the existing pumping capacity and enable greater pumping during dry years. Five existing wells have been pre-selected to be replaced in the near future. Wells selected for rehabilitation would remain in their existing location

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Scott Rogers
Palmdale Water District
November 8, 2024
Page 3 of 17

while replacement wells may be located in areas with higher rates of groundwater production or near existing wells. Moreover, PWD would purchase 1,000 acre-feet per year (AFY) of groundwater production rights from other pumpers in the Antelope Valley Groundwater Basin. A total of seven new wells would be constructed to extract the purchased groundwater rights and water that would connect to an existing distribution system. New conveyance pipelines would also need to be installed to implement extraction activities.

Palmdale Ditch Conversion Project

Additionally, the Project proposes the Palmdale Ditch Conversion Project. The Palmdale Ditch (Ditch) is an 8.5-mile-long conveyance system that transports water from Littlerock Reservoir to Lake Palmdale. Approximately 1.3 miles of the Ditch was previously converted to an underground pipeline. This proposed Project would enclose the remaining 7.2-mile-long Ditch by constructing a pipeline within and near the existing Ditch.

Project Alternatives: The PEIR provides three Project Alternatives: No Project Alternative (Alternative 1), Reduced Project Alternative (Alternative 2), and Alternative Location to the Palmdale Ditch Conversion Project (Alternative 3). Under Alternative 1, PWD would not implement the proposed Project and no impacts would occur. Under Alternative 2, the proposed Project would not include a purchase of 2,000 AFY groundwater production rights and does not include improvements to the Ditch. The Ditch would maintain its existing condition and would not be converted to an underground pipeline. The new turnout to the California Aqueduct would also not be constructed. The remainder of the proposed Project such as maximizing imported water supplies, recycled water injection, rehabilitation and replacement of wells, construction of new groundwater wells, and on-going Projects would be implemented. Under Alternative 3, an alternate location of the Ditch is considered. Under this alternative, the Ditch would continue to be a buried pipeline, however, 6.5 miles of buried pipeline would be installed within Cheseboro Road and Barrel Springs Road. Moreover, the majority of the current Ditch would be abandoned, and water would be conveyed via gravity flow with siphons in the pipeline. The new turnout at the California Aqueduct may still be installed. Similar to Alternative 2, the remaining actions and on-going Projects proposed in the Project would be implemented.

Location: The Project area is located throughout PWD's 47-square mile service area in the City of Palmdale (City) and its surrounding sphere of influence within Los Angeles County. The proposed Project includes some facilities that are located outside of PWD's service area. For the Palmdale Ditch Improvement Project, a portion of the Ditch extends south of the PWD service area and into the Angeles National Forest.

Timeframe: The proposed implementation schedule for these individual Projects within the Plan are scheduled to be implemented between 2025 to 2035. PWD would continue to recharge imported water at the Upper Amargosa Creek Recharge Project and continue to remove sediment at Littlerock Reservoir. It is assumed that the Palmdale

Scott Rogers
Palmdale Water District
November 8, 2024
Page 4 of 17

Ditch Conversion Project and Pure Water Antelope Valley Project are high-priority individual Projects that would be initiated near 2025. Additionally, recycled water injection wells and new groundwater wells would be constructed prior to 2035. Groundwater rights purchases would not be required until the end of the planning period between 2045 to 2050.

Biological Setting: The PWD service area is almost entirely within the City but also consists of land within unincorporated Los Angeles County. The Project area is located within the Antelope Valley, which encompasses a variety of vegetation communities and landscapes. Analysis of the biological resources and sensitive species for the proposed Project was conducted through review of the 2018 PWD Water System Master Plan PEIR and a review of databases. For the Palmdale Ditch Conversion Project, Rincon Consultants Inc. conducted a biological resource assessment (BRA), delineation of water features, a western Joshua tree (*Yucca brevifolia*; CESA candidate species) census, and focused surveys for Crotch's bumble bee (*Bombus crotchii*; CESA candidate species).

Within the Project area, there are active and remnant agricultural fields as well as various desert vegetation communities. Vegetation communities within the Project area include, but is not limited to, Joshua tree woodland, semi-desert chaparral, California juniper (*Juniperus californica*) woodland, shrubland, and grassland. Open water in the Project area consist of Lake Palmdale, Una Lake, Littlerock Wash, the California Aqueduct, and Anaverde Creek.

Given the diverse desert habitats within the Project area, there is suitable habitat for the following species: Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA-listed threatened), southwestern pond turtle (*Actinemys pallida*; federal candidate for listing, SSC), desert tortoise (*Gopherus agassizii*; CESA-listed endangered, ESA-listed threatened), two-striped gartersnake (*Thamnophis hammondi*; SSC), northern California legless lizard (*Anniella pulchra*; SSC), California legless lizard (*Anniella* spp.; SSC), California glossy snake (*Arizona elegans occidentalis*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened), burrowing owl (*Athene cunicularia*; CESA candidate species), loggerhead shrike (*Lanius ludovicianus*; SSC), Le Conte's thrasher (*Toxostoma lecontei*), least Bell's vireo (*Vireo bellii pusillus*; CESA and ESA-listed endangered), bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*; Fully Protected Species), Swainson's hawk (*Buteo swainsoni*; CESA-listed threatened), southwestern willow flycatcher (*Empidonax traillii extimus*; CESA and ESA-listed endangered), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), pallid bat (*Antrozous pallidus*; SSC), and Townsend's big-eared bat (*Corynorhinus townsendii*; SSC). While there is no designated critical habitat in the Project area, the nearest critical habitat is for arroyo toad (*Anaxyrus californicus*; Endangered Species Act (ESA)-listed endangered, SSC), located one mile south of the Ditch. Deer (*Cervidae* sp.), bears (*Ursidae* sp.), bobcats (*Lynx rufus* sp.), desert big horn sheep (*Ovis canadensis neisoni*; Fully Protected

Scott Rogers
Palmdale Water District
November 8, 2024
Page 5 of 17

Species), and mountain lion (*Puma concolor*, CESA candidate species) may also be observed utilizing the ditch.

PWD has incorporated 21 mitigation measures in the PEIR specific to biological resources and special-status species. The mitigation measures cover a variety of topics, which include, but is not limited to best management practices, preconstruction surveys, qualified biological monitor, and species-specific measures. The species-specific measures focus on avoidance actions (i.e., avoidance buffers), plans, and compensatory mitigation of a 1:1 ratio if avoidance is unachievable.

Project History: As part of the CEQA process, PWD published a Notice of Preparation (NOP) for the Project on August 15, 2023. During the CEQA public review period, CDFW provided a comment letter to PWD (September 2023). Since July 2024, CDFW has worked with PWD and the biological consultant, Rincon Consultants Inc., to discuss biological resources related to the Palmdale Ditch Conversion Project. Engagement with PWD and their consultant have been centered around Crotch's bumble bee focused surveys and western Joshua tree permitting obligations.

COMMENTS AND RECOMMENDATIONS

While CDFW appreciates the PWD's efforts to incorporate CDFW's NOP comments, we have additional comments and recommendations below to assist PWD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Palmdale Ditch Conversion Project

Issue: The biological analysis provided in the PEIR for the Palmdale Ditch Conversion Project may not sufficiently evaluate impacts on wildlife species.

Specific impact: The Palmdale Ditch Conversion Project involves permanently removing a critical water source for wildlife from Littlerock Reservoir to Lake Palmdale (approximately 8.5 miles). Construction activities related to converting the 7.2-mile Ditch to a pipeline may result in permanent and temporary loss of suitable habitat, direct mortality of rare plants and wildlife, loss of a water source for wildlife, and increase both noise and disturbance.

Why impact would occur: The PEIR stated that there has been a decrease in water deliveries from 1995 to 2024 and claimed that, "...wildlife likely rely on other readily available sources of water within and adjacent to the BSA, such as Littlerock Wash, and other water features overlying the San Andreas Fault (i.e., sag ponds), Lake Palmdale, Lake Una..." (page 3.3-35). While water deliveries are not as frequent, the Ditch is an intermittent stream that also receives water during flooding events and wash-outs. Additionally, some water features such as Lake Palmdale are in close proximity to urbanized areas of the City that see a high level of human activity. Because of this

Scott Rogers
Palmdale Water District
November 8, 2024
Page 6 of 17

higher level of human activity, wildlife may preferentially select the Ditch as a water source over the other available sources. Given its proximity to suitable habitat and the Angeles National Forest, it is highly probable that medium to large sized mammals may utilize the Ditch as a water resource. Medium and large bodied mammals that may use the Ditch for water include, but are not limited to, big horn sheep, mule deer, mountain lions (of the San Gabriel Population that represent an evolutionarily significant unit), bobcats, and other meso-carnivores. In support of this hypothesis, CDFW has anecdotal evidence of desert big horn sheep drinking from the upper reaches of the Littlerock reservoir (personal communication). A wildlife camera study should be conducted to provide technical data on which wildlife species use the ditch and how often they visit. Without camera data to substantiate claims of wildlife usage, CDFW remains concerned that enclosing the entire Ditch will result in the permanent loss of a water source and have significant impacts on wildlife.

Not only do ditches like the Palmdale Ditch represent a water resource to wildlife species, but ditches are often used as movement corridors for wildlife (CDFW observation). The BRA states that, "The Ditch occurs along a transition between mountain and desert ecosystems within a largely undeveloped area lacking physical barriers to connectivity or artificial lighting that creates the potential for wildlife movement across the BSA" (page 52). Conducting a camera survey would also provide data on wildlife movement and alternative uses of the Ditch by local wildlife species.

Evidence impact would be significant:

Several wildlife species are protected under CESA and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Moreover, the Project may impact Fully Protected Species such as bighorn sheep, which are known to occur in Antelope Valley. Fully Protected Species may not be taken or possessed except with authorization from CDFW and only under specific circumstances (Fish and Game Code § 4700). Impacts on the special-status wildlife may require a mandatory finding of significance because the Project would potentially threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). Habitat that supports wildlife movement and serve as wildlife migratory corridors are essential to the survival of many California species (Fish and Game Code §1955 (d)). With the increasing loss of suitable habitat and water sources on a local and regional scale, impacts to these biological resources would be considered significant impacts as a result of the Project.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Wildlife Camera Study - CDFW recommends PWD conduct a camera survey by deploying motion-activated trail cameras intermittently along the drainage, using animal tracks, scat, trails, and other wildlife signs to set the cameras in areas where wildlife are likely to occur. Cameras should be placed by a biologist familiar

Scott Rogers
Palmdale Water District
November 8, 2024
Page 7 of 17

with the local wildlife species and who has experience deploying, monitoring, and analyzing data from trail camera surveys. Cameras should be deployed for a minimum of one year to accurately capture the activity of local wildlife species.

Recommendation #2: Wildlife Movement - Following the results of the wildlife camera study, CDFW recommends that PWD reassess the Project's impact on the Ditch serving as a local wildlife corridor and wildlife movement.

ADDITIONAL COMMENTS

Reduced Project Alternative. CDFW supports the Reduced Project Alternative, which would leave the Ditch in its current condition and eliminate the purchase of groundwater rights. If PWD proceeds with enclosing the pipeline, wildlife species would be impacted, directly (e.g., mortality, injury) and indirectly (e.g., habitat loss). During the construction phase of the Ditch, approximately 450 western Joshua trees would be removed, and work would occur within 50 feet of up to 1,200 western Joshua trees. Additionally, up to approximately 80 acres of suitable floral resources for Crotch's bumble bee would be impacted (page 3.3-63). Furthermore, the PEIR states, "[T]he Reduced Project Alternative would not include the conversion of the Palmdale Ditch; thus it would have fewer construction-related impacts to biological, cultural and tribal resources, paleontological, wildfire, aesthetics, and transportation to the construction phase, and reduced impacts to air quality, energy, GHG emissions, and transportation during operations" (page 4-9). While PWD believes that the Reduced Project Alternative does not completely fulfil the objectives of the SWRP, PWD can achieve the majority of its objectives with this alternative and could re-evaluate additional ways to optimize its other water supply sources. CDFW strongly recommends that PWD adopt the Reduced Project Alternative as the proposed Project. If PWD chooses to pursue the Palmdale Ditch Conversion Project, we believe that separate and distinct CEQA analysis would be appropriate.

CEQA Document Tiering. The PEIR discusses Project-specific construction activities and biological impacts related to the Pure Water Antelope Valley Project, Palmdale Ditch Conversion Project, and rehabilitation and/or replacement of existing wells. For the Pure Water Antelope Valley Project and rehabilitation and/or replacement of existing wells, no site-specific biological assessment was conducted for either of these individual Projects. The impact analysis in the Biological Resources section of the PEIR is speculative and not based on biological surveys conducted at the individual Project sites by qualified biologists. CDFW recommends that, for individual Projects nested under the proposed Project, findings of significance should be set aside when certifying the PEIR until those aspects can be fully studied in a subsequent or supplemental CEQA document (see CEQA Guidelines §§ 15162 and 15163). The PEIR should explicitly discuss what further CEQA actions are anticipated for these Projects, whether further analysis will be provided, and whether it will be available for public review. In addition to this recommendation, CDFW would appreciate the opportunity to review and comment on CEQA addendums associated with this PEIR.

Scott Rogers
Palmdale Water District
November 8, 2024
Page 8 of 17

Project Components. Table ES-2: Summary of Impacts outlines the mitigation measures that are anticipated to be adopted once the PEIR is certified. For mitigation measures pertaining to biological resources, each measure states whether the mitigation measure applies to the Palmdale Ditch Conversion, other Project components, or both. Given that the EIR is a programmatic planning document, mitigation measures should not have separate requirements for distinct Project components such as the Palmdale Ditch Conversion Project. CDFW recommends that all mitigation measures be applied to all components of the proposed Project as a whole. Mitigated measures specific to the Palmdale Ditch Conversion Project should be incorporated into a tiered Project-specific CEQA document. Conversely, CDFW recommends that the Palmdale Ditch Conversion Project be analyzed as its own project separate from this CEQA action.

Mitigation Measures. Mitigation measures pertaining to special-status species, in summary, state that avoidance will be prioritized and that if impacts cannot be avoided, then a compensatory mitigation ratio of 1:1 will be used. While CDFW acknowledges that avoidance is generally preferred over take of listed or otherwise sensitive species, we believe that the scope and breadth of the Project and associated individual Projects makes full avoidance of these species extraordinarily challenging and/or unlikely. Furthermore, CDFW does not concur that a 1:1 compensatory mitigation ratio will necessarily satisfy CESA's Fully Mitigated Standard. Any Incidental Take Permit (ITP) issued may require a higher ratio in order to meet this standard. Ratios associated with take of riparian habitat through a Streambed Alteration Agreement may also be higher than 1:1. Therefore, if special-status species are observed on site, CDFW requests that we be contacted as soon as possible to scope appropriate compensatory mitigation and outstanding permitting requirements. We recommend that mitigation measures BIO-2, 3, 4, 5, 6, 8, 9, 10, 11, 19, and 20 be amended to say that appropriate mitigation ratios for compensatory mitigation may be increased higher than a 1:1 ratio following consideration of all Project impacts and coordination with CDFW. CDFW is available to review and provide feedback on any mitigation measure language prior to the publication of the final PEIR and welcome collaboration with the PWD at this phase of the document development.

In addition to references to compensatory mitigation, CDFW also recommends the mitigation measures for arroyo toad, desert tortoise, tricolored blackbird, and least Bell's vireo be separate and distinct measures by species rather than consolidated into one measure. Impacts towards these species cannot be addressed uniformly, and each measure should describe what is needed in order to appropriately mitigate for each species. Mitigation should include avoidance as well as compensatory mitigation provisions and permitting obligations.

Mitigation Measure BIO-17. CDFW recommends that PWD revise Mitigation Measure BIO-17 to incorporate language underlined and omit language in strikethrough:

Scott Rogers
Palmdale Water District
November 8, 2024
Page 9 of 17

This mitigation measure is applicable to ~~individual Projects in the Palmdale Ditch Conversion project and other Project components~~ for which suitable habitat for nesting birds is identified during the habitat assessment conducted pursuant to **Mitigation Measure BIO-1**. Project component construction activities shall occur outside of the bird breeding season (February 1 to August 31) ~~to the extent practicable~~. If construction must commence within the bird breeding season, PWD shall retain a qualified biologist to conduct a pre-construction nesting bird survey within a 500-foot radius of the project site ~~the disturbance footprint plus a 100-foot buffer (300 feet for raptors), where feasible,~~ no more than seven days prior to initiation of ground disturbance (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation) ~~in each work area~~. If the Project component is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be conducted prior to each phase of construction, if initiated during the bird breeding season.

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 brief report of the nesting bird survey results, if applicable, shall be submitted to PWD for review and approval prior to ground disturbance and/or vegetation removal activities.

If no nesting birds are observed during pre-construction surveys, no further action is required. If nests are found, an appropriate avoidance buffer of up to 300 feet ranging in size from 25 to 50 feet for passerine (perching birds) nests and up to 500 feet up to 300 feet for active, non-listed raptor nests ~~(depending on the species and the proposed work activity)~~ shall be determined by the qualified biologist and demarcated with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or parental care for survival. No construction activity shall occur within this buffer until the qualified biologist confirms the breeding/nesting is completed and all the young have fledged. ~~If Project component activities must occur within the buffer, they shall only be conducted at the discretion of the qualified biologist.~~

Hydrology Report. The BRA identified 20 unnamed drainages along the Ditch area. During heavy rain events these drainages may enter and flow through the open Ditch. Once the Ditch is completely underground, the hydrological flow will be altered. The PEIR does not discuss hydrology, nor does it provide any technical study to demonstrate the hydrology pattern of surrounding drainage systems upon buildout of the pipeline. CDFW recommends the PWD provide a provide a hydrological study and basis of design report that includes information on how water and sediment is conveyed throughout the entirety of the ditch project, including water surface profiles in a 2-, 5-, 10-, 25-, 50-, 100-, and 200-year storm event. This report should provide information about how the enclosing the ditch will affect local drainages and will depict the anticipated post Project hydrology.

Scott Rogers
Palmdale Water District
November 8, 2024
Page 10 of 17

Fully Protected Species. The PEIR notes that there is a moderate potential for the golden eagle to occur within the Project area (page 3.3-29). Additionally, CDFW is aware of desert big horn sheep within the Project area and Antelope Valley. Fully Protected Species may not be taken or possessed at any time according to the Fish and Game Code § 3511. CDFW cannot authorize take for the golden eagle or desert big horn sheep and PWD must completely avoid impacts to these species during individual project's construction and operational activities.

Mitigation Measure BIO-3. CDFW appreciates the incorporation of Mitigation Measure BIO-3: Joshua Tree Census Survey, Avoidance, Minimization, and Compensation Measures in the PEIR. We recommend that the mitigation measure removes the in-lieu fee prices given that rates associated with the Western Joshua Tree Conservation Act may change prior to an invoice payment.

CESA. Several CESA protected species (e.g., western Joshua tree, burrowing owl, desert tortoise, Crotch's bumble bee) are either present within the Project area or have the potential of being present during individual project activities. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). While CDFW appreciates the avoidance and minimization measures PWD has incorporated into the PEIR to avoid take of special status species, incidental take may still occur. Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that PWD seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)].

Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

ESA Consultation. Several project components of the proposed Project may result in take of special-status species protected under ESA. 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

Scott Rogers
Palmdale Water District
November 8, 2024
Page 11 of 17

comply with ESA, prior to Project construction and operational activities that may adversely impact ESA-listed or candidate species.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include the mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency 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 a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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 website](#)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms (CDFW 2024a).

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁴ (CDFW 2024b).

PWD should ensure data collected for the preparation of the PEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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.)

³ <https://wildlife.ca.gov/Data/CNDDDB> <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Scott Rogers
Palmdale Water District
November 8, 2024
Page 12 of 17

CONCLUSION

CDFW appreciates the opportunity to comment on the PEIR to assist PWD in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that PWD has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Julisa Portugal⁵, Environmental Scientist.

Sincerely,

DocuSigned by:



5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Jennifer Turner, CEQA Senior Environmental Scientist (Supervisory)
Steve Gibson, CESA Senior Environmental Scientist (Supervisory)
Frederic Rieman, LSA Senior Environmental Scientist (Supervisory)
Julisa Portugal, Environmental Scientist
Cooper Wall, Environmental Scientist
Andrew Aitken, Environmental Scientist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

⁵ Phone: 562-330-7563; Email: Julisa.Portugal@wildlife.ca.gov

Scott Rogers
Palmdale Water District
November 8, 2024
Page 13 of 17

REFERENCES

- California Department of Fish and Wildlife. September 2023. Comments on the Notice of Preparation of a Programmatic Environmental Impact Report for the 2023 Strategic Water Resources Plan Update, Palmdale Water District, Los Angeles County, California (SCH No. 2023080290)
- [CDFW] California Department of Fish and Wildlife. 2024a. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2024b. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CNPS] California Native Plant Society. 2024. California Rare Plant Ranks. Available at: <https://www.cnps.org/rare-plants/california-rare-plant-ranks>

Scott Rogers
 Palmdale Water District
 November 8, 2024
 Page 14 of 17

ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

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

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Mitigation Measure BIO-17 - This mitigation measure is applicable to individual Projects in which suitable habitat for nesting birds is identified during the habitat assessment conducted pursuant to Mitigation Measure BIO-1. Project component construction activities shall occur outside of the bird breeding season (February 1 to August 31). If construction must commence within the bird breeding season, PWD shall retain a qualified biologist to conduct a pre-construction nesting bird survey within a 500-foot radius of the project site, no more than seven days prior to initiation of ground disturbance (including, but not limited to, site preparation, staging and mobilization, vegetation clearance/mowing/trimming, grading, and excavation). If the Project component is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be conducted prior to each phase of construction, if initiated during the bird breeding season.</p> <p>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 brief report of the nesting bird survey results, if applicable, shall be submitted to PWD for review and approval prior to ground disturbance and/or vegetation removal activities.</p> <p>If no nesting birds are observed during pre-construction surveys, no further action is required. If nests are found, an appropriate avoidance buffer of up to 300 feet for passerine (perching birds) nests and up to 500 feet for active, non-listed raptor nests</p>	<p>Prior to and during Project activities</p>	<p>Qualified Biologist</p>

Scott Rogers
 Palmdale Water District
 November 8, 2024
 Page 15 of 17

Mitigation Measure	Timing	Responsible Party
<p>shall be determined by the qualified biologist and demarcated with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or parental care for survival. No construction activity shall occur within this buffer until the qualified biologist confirms the breeding/nesting is completed and all the young have fledged.</p>		
<p>Recommendation #1: Wildlife Camera Study - CDFW recommends PWD conduct a camera survey by deploying motion-activated trail cameras intermittently along the drainage, using animal tracks, scat, trails, and other wildlife signs to set the cameras in areas where wildlife are likely to occur. Cameras should be placed by a biologist familiar with the local wildlife species and who has experience deploying, monitoring, and analyzing data from trail camera surveys. Cameras should be deployed for a minimum of one year to accurately capture the activity of local wildlife species.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #2: Wildlife Movement - Following the results of the wildlife camera study, CDFW recommends that PWD reassess the Project’s impact on the Ditch serving as a local wildlife corridor and wildlife movement.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #3: Reduced Project Alternative - CDFW strongly recommends that PWD adopt the Reduced Project Alternative as the proposed Project. If PWD chooses to pursue the Palmdale Ditch Conversion Project, we believe that separate and distinct CEQA analysis would be appropriate.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>

Scott Rogers
 Palmdale Water District
 November 8, 2024
 Page 16 of 17

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #4: CEQA Document Tiering - CDFW recommends that, for individual Projects nested under the proposed Project, findings of significance should be set aside when certifying the PEIR until those aspects can be fully studied in a subsequent or supplemental CEQA document (see CEQA Guidelines §§ 15162 and 15163). The PEIR should explicitly discuss what further CEQA actions are anticipated for these Projects, whether further analysis will be provided, and whether it will be available for public review.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #5: Project Components - CDFW recommends that all mitigation measures should be applied to all components of the proposed Project as a whole. Mitigated measures specific to the Palmdale Ditch Conversion Project should be incorporated into a tiered Project-specific CEQA document. Conversely, CDFW recommends that the Palmdale Ditch Conversion Project be analyzed as its own project separate from this CEQA action.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #6: Mitigation Measures - We recommend that mitigation measures BIO-2, 3,4,5,6, 8, 9, 10,11,19, and 20 be amended to say that appropriate mitigation ratios for compensatory mitigation will be scoped with CDFW. CDFW also recommends the mitigation measures for arroyo toad, desert tortoise, tricolored blackbird, and least Bell’s vireo, be separate and distinct measures by species rather than clumped into one measure.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #7: Hydrology Report - CDFW recommends the PWD provide a provide a hydrological study and basis of design report that includes information on how water and sediment is conveyed throughout the entirety of the ditch project, including water surface profiles in a 2-, 5-, 10-, 25-, 50-, 100-, and 200-year storm event. This report should provide information about how the enclosing the ditch will affect local drainages and will depict the anticipated post Project hydrology.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>

Scott Rogers
 Palmdale Water District
 November 8, 2024
 Page 17 of 17

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #8: Fully protected Species - CDFW cannot authorize take for the golden eagle or desert big horn sheep and PWD must completely avoid impacts to these species during individual project’s construction and operational activities.</p>	<p>During individual Projects</p>	<p>PWD</p>
<p>Recommendation #9: Mitigation Measure BIO-3 - We recommend that the mitigation measure removes the in-lieu fee prices given that rates associated with the Western Joshua Tree Conservation Act may change prior to an invoice payment.</p>	<p>Prior to adoption of PEIR</p>	<p>Lead Agency</p>
<p>Recommendation #10: CESA - CDFW recommends that PWD seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options.</p>	<p>Prior to ground-disturbing activities</p>	<p>PWD</p>
<p>Recommendation #11: ESA - CDFW recommends consultation with the USFWS, in order to comply with ESA, prior to Project construction and operational activities that may adversely impact ESA-listed or candidate species.</p>	<p>Prior to ground-disturbing activities</p>	<p>PWD</p>