



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

October 24, 2023

October 24 2023

## STATE CLEARINGHOUSE

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Santa Clarita Valley Water Agency  
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### **SUBJECT: HONBY TANKS PIPELINE PROJECT (PROJECT), MITIGATED NEGATIVE DECLARATION (MND), SCH #2023090505**

Dear Wai Lan Lee:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Santa Clarita Valley Water Agency (SCV Water) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

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<sup>1</sup> 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.

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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 Summary**

**Proponent:** SCV Water

**Objective:** The Project proposes the construction and operation of a new pipeline to convey water to and from the Honby Tanks and Honby Booster Station. The existing pipeline would be abandoned in place and the new pipeline would be installed via open cut installation. The new pipeline would be constructed of either steel or ductile iron, be upsized from 16 inches in diameter to between 24 to 30 inches, follow the existing pipeline, and be approximately 2,608 feet in length. Prior to abandonment of the existing pipeline, it would be drained of water, filled with grout or cellular concrete, and plugged with concrete. The fence surrounding the Honby Tanks would be removed for access to the existing pipeline. Additionally, installation of the new pipeline across the Santa Clara River and on the north hillside may include treatment of groundwater prior to discharge into a storm drain or into the Santa Clara River. Tight sheet shoring would be installed to protect the trench from potential groundwater and sloughing of alluvial soils. Staging areas for the Project include SCV Water's tank site at the top of the hill, the SCV Water easement behind Rio Vista Elementary School, and SCV Water's pump station. Upon completion of the Project, the new pipeline would be buried underground and would not have any components above ground. No new operation and maintenance activities are proposed. Construction time frame for the Project is anticipated to occur between October 2024 and January 2026.

**Location:** The Project encompasses 2.4 acres in the City of Santa Clarita, extending from the Honby Tanks in the northern hillside through a section of the Santa Clara River and connecting to an existing pipeline at the intersection of Honby Avenue and Cedar Creek Street. The Project area is bound by residential development to the east, Rio Vista Elementary School to the south, the Santa Clara River to the east and west, and open space to the north. The Assessor's Parcel Numbers associated with the Project area include 2801-001-900, 2805-002-008, 2805-002-902, and 2805-013-900.

**Biological Setting:** The Santa Clara River is one of the largest natural river systems in southern California remaining in a relatively undeveloped state; it is a braided stream that flows westerly for approximately 84 miles winding through Ventura County to its outlet into the Pacific Ocean. Ground-disturbing activities would impact 11.38 acres of the Santa Clara River and 1.66 acres of unnamed drainages within the Project area.

The river provides habitat for arroyo chub (*Gila orcuttii*; California Species of Special Concern (SSC)), Santa Ana sucker (*Catostomus santaanae*; Endangered Species Act (ESA) listed-threatened species), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; ESA and CESA listed-endangered), arroyo toad (*Anaxyrus californicus*; ESA listed-endangered species), and western spadefoot (*Spea hammondi*; SSC). Wildlife observed during the field surveys include the California towhee (*Melospiza*

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*crissalis*), common raven (*Corvus corax*), California scrub-jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), western fence lizard (*Sceloporus occidentalis*), monarch butterfly (*Danas plexippus*; ESA candidate species), California brush rabbit (*Sylvilagus bachmani*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC).

Vegetation communities that would be impacted from Project activities include: California sagebrush – California buckwheat scrub (0.58 acre); big sagebrush scrub (0.13 acre); arroyo willow – mulefat thickets (0.02 acre); mulefat -tamarisk thickets (0.10 acre); sandbar willow – mesic graminoids thickets (0.03 acre); thick leaved yerba santa scrub (0.10 acre); and wild oats and annual brome grasslands (0.04 acre). Additionally, 0.27 acre of river wash and 1.15 acre of developed/disturbed land cover would be impacted. Three sensitive natural vegetation communities (Fremont cottonwood forest and woodland, scalebroom – California buckwheat scrub, and red willow riparian forest and woodland), are within the Project area but would not be impacted by ground-disturbing activities.

Field surveys of the Project area were conducted on April 30, 2021, and August 10, 2022. No sensitive plant communities were observed during the field surveys; however, there is potential for Catalina mariposa lily (*Calochortus catalinae*; California Rare Plant Rank (CRPR) 4.2), Plummer's mariposa lily (*Calochortus plummerae*; CRPR 4.2), and slender mariposa lily (*Calochortus clavatus var. gracilis*; CRPR 1B.2) to occur.

## Comments and Recommendations

CDFW offers the recommendations below to assist SCV Water in adequately identifying 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 on Arroyo Toad and Western Spadefoot

**Issue:** The Project may impact habitat supporting arroyo toad and western spadefoot.

**Specific impacts:** Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (e.g., trampling, crushing). Additionally, loss of foraging, burrows, or breeding habitat may occur.

**Why impacts would occur:** Arroyo toad utilizes watercourses for breeding and both riparian and surrounding upland habitat for foraging; estivation mostly occurs outside of the riparian corridor. Spadefoot toads generally breed in temporary, natural (vernal pools) or artificial (e.g., road rut) pools and also may be found foraging in a variety of habitat types including riparian and uplands; spadefoot often use small mammal burrows but also are

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capable of digging into soft substrates. Project activities in the Santa Clara River have the potential to directly impact the habitat occupied by either or both of these species. The MND proposes Mitigation BIO-8 *Dry Season Construction* which states, “[T]o eliminate the potential for impacts to the unarmored threespine stickleback, arroyo toad, western spadefoot, and other sensitive aquatic species and to minimize impacts to wildlife movement corridors, construction within the Santa Clara River will be restricted to the dry season (page 31).”

CDFW appreciates that the Project will work during the dry season to prevent impacts to aquatic species; however, this measure does not address the Project’s impacts to potential foraging and aestivation habitat in the upland areas. Research has found that burrows of western spadefoot have been recorded with a mean distance of 40 meters from their breeding pools (Baumberger et al. 2019). Similarly, during the dry season, arroyo toads enter aestivation and bury themselves in burrows located in upland areas (USFWS 2023). Focused surveys should be conducted prior to any work in the river and surrounding areas during their respective breeding season for maximum detection of both species.

**Evidence impacts would be significant:** Arroyo toad is listed as endangered under ESA and western spadefoot is designated a California SSC. CEQA provides protection not only for ESA or CESA listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species can result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or United States Fish and Wildlife Service (collectively, the Wildlife Agencies).

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

**Recommendation #1:** Take under the ESA also 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 that if the Project may result in potential take, consultation occur with the Wildlife Agencies in order to comply with ESA well in advance of any ground disturbing activities and/or vegetation removal that may impact arroyo toad.

**Mitigation Measure #1: Arroyo Toad Focused Surveys** – A qualified biologist shall be retained to conduct focused surveys according to USFWS’s [Survey Protocol for the Arroyo Toad](#) (USFWS 1999). Findings should be submitted to the Wildlife Agencies prior to Project activities for review and approval.

**Mitigation Measure #2: Western Spadefoot Focused Surveys** – A qualified biologist shall be retained to conduct focused surveys for western spadefoot. Findings should be submitted to the Wildlife Agencies prior to Project activities for review and approval. Surveys for western spadefoot should be conducted between February and May when potential breeding pools retain sufficient water (Fisher 2021). If western spadefoot is

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observed, Project activities in their immediate vicinity should cease and individuals be allowed to leave the Project area on their own accord. If occupied burrows are found, a 50-foot no-disturbance buffer shall be delineated around any western spadefoot burrow. If avoidance is not possible, an avoidance, minimization, and mitigation plan shall be developed and submitted to the Wildlife Agencies (jointly CDFW and the U.S. Fish and Wildlife Service (USFWS)) for their approval.

**Mitigation Measure #3:** CDFW recommends that the project proponents meet with the Wildlife Agencies and identify measures such as use of silt fencing to prevent access into the construction area by either arroyo or spadefoot toads. USFWS will need to determine whether formal or informal consultation is necessary regarding arroyo toads.

**Mitigation Measure #4: Presence of a Biological Monitor with a Scientific Collecting Permit** – A qualified biologist with appropriate handling permits to capture, temporarily possess, and relocate wildlife shall be retained 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 (CDFW 2023a). 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.

**Mitigation Measure #5: Injured or Dead Wildlife** – If any arroyo toad and/or western spadefoot 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 the dead or injured wildlife will be documented. A report shall be sent to the Wildlife Agencies within 3 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 potential additional mitigation measures have been identified to prevent additional injury or death.

## **Comment #2: Impacts on Special Status Plant Species**

**Issue:** Mitigation Measure BIO-4, as currently written, would not provide sufficient mitigation for loss of special status plants.

**Specific impacts:** Project ground-disturbing activities such as excavating and installation activities, vegetation removal, and heavy machinery use may result in habitat destruction and/or injury/mortality towards species status plants.

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**Why impacts would occur:** The MND notes that there is a medium potential for Catalina mariposa lily and Plummer's mariposa lily as well as a high potential for slender mariposa lily to be present during Project activities. CDFW appreciates that special status plant surveys, avoidance buffers, and a mitigation and monitoring plan are incorporated as mitigation measures in the MND. Mitigation Measure BIO-4 *Special Status Plant Avoidance Measures* states that, "[I]f avoidance is not feasible, SCV Water shall offset the proposed loss of individual plants at a minimum 1:1 ratio by on-site restoration (salvage, replanting, and propagation) (page 29)". CDFW disagrees that a 1:1 ratio is sufficient mitigation to offset the loss of special status plants. Catalina mariposa lily and Plummer's mariposa lily have a CRPR of 4.2 which means that these plants species are fairly threatened in California and have a limited distribution. Slender mariposa lily has a CRPR of 1B.2 which designates this plant species as endangered, rare, or threatened in California. Given the rapid loss of habitat supporting special status plants in Los Angeles County, it is essential that Projects resulting in temporal and/or permanent impacts to special status plant species provide adequate mitigation.

**Evidence impacts would be significant:** Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Some CRPR 3 and 4 species meet the definitions of endangered, rare, or threatened under CEQA. Impacts to CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant community and substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species.

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

**Mitigation Measure #6: Mitigation Measure BIO-4** - SCV Water shall revise Mitigation Measure BIO-4 by incorporating the underlined language and removing the language with strikethrough:

*BIO-4 Special Status Plant Avoidance Measures*

If special status plants are detected during special status plant surveys, avoidance of the special status plants shall occur where feasible and vegetation clearing within 50 feet of any identified rare plant will be conducted by hand, if practicable. Any rare plant ~~occurrences~~ occurrence shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm.

If avoidance is not feasible, SCV Water shall offset the proposed loss of individual plants at a minimum ~~4:4~~ 2:1 ratio by on-site restoration (salvage, replanting, and propagation). The open scrub and grassland habitats in the ~~s~~Survey ~~a~~Area would be a suitable location for on-site restoration. Compensation for impacts to these species may also be accomplished by preservation of an on-site populations or off-site populations in the vicinity of the site at a minimum of a ~~4:4~~3:1 ratio if present. Preservation of on-site or off-site populations must



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include a land protection instrument (conservation easement or restrictive covenant), a habitat management plan reviewed and approved by the Wildlife Agencies, and an endowment to ensure management of the mitigation site in-perpetuity.

### **Additional Recommendations**

1. **Nesting Birds and Raptors.** CDFW recommends SCV Water revise Mitigation Measure BIO-9 by incorporating the underlined language and removing the language with strikethrough:

Project-related activities shall occur outside of the bird breeding season (generally February 1 to August 31) to the extent practicable. If construction must occur within the bird breeding season, then no more than three days prior to initiation of ground disturbance and/or vegetation removal, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300 feet for raptors), where feasible. If the proposed project is phased or construction activities stop for more than one week, a subsequent preconstruction nesting bird survey shall be required prior to each phase of construction during the nesting 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 report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.

If nests are found, their locations shall be flagged. An appropriate avoidance buffer ranging in size from ~~25 to 50~~ 100 feet for passerines and up to ~~300~~ 500 feet for raptors, depending upon the species and the proposed work activity, shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until it has been determined the nest is no longer being used by either the young or adults. No ground or vegetation disturbance shall occur within this buffer until the qualified biologist confirms the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they shall be conducted at the discretion of the qualified biologist. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.

**Environmental Data.** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023b). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023c).

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**Mitigation and Monitoring Reporting Plan.** CDFW recommends SCV Water update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist SCV Water in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Per Public Resources Code section 21081.6(a)(1), CDFW has provided SCV Water 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).

### **Environmental Document 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.)

### **Conclusion**

We appreciate the opportunity to comment on the Project to assist SCV Water in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that SCV Water has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:

  
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David Mayer  
Environmental Program Manager  
South Coast Region

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**References:**

Baumberger K., Eitzel, M., Kirby, M., and Horn, M. 2019. Movement and habitat selection of the western spadefoot (*Spea hammondi*) in southern California. PLoS ONE 14(10): e0222532. Available at: <https://doi.org/10.1371/journal.pone.0222532>

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[CDFW] California Department of Fish and Wildlife. 2023c. Combined Rapid Assessment and Releve Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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**Attachment A:**

**CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations**

Recommendation	Mitigation Measures	Timing	Responsible Party
<p><b>MM-BIO-1 – Arroyo Toad Focused Surveys</b></p>	<p>A qualified biologist shall be retained to conduct focused surveys according to USFWS’s <a href="#">Survey Protocol for the Arroyo Toad</a> (USFWS 1999). Findings should be submitted to the Wildlife Agencies prior to Project activities for review and approval.</p>	<p>Prior to and during Project activities</p>	<p>Project proponent/ Qualified Biologist</p>
<p><b>MM-BIO-2- Western Spadefoot Focused Surveys</b></p>	<p>A qualified biologist shall be retained to conduct focused surveys for western spadefoot. Findings should be submitted to the Wildlife Agencies prior to Project activities for review and approval. Surveys for western spadefoot should be conducted between February and May when potential breeding pools are present (Fisher 2021). If western spadefoot are observed, Project activities in their immediate vicinity cease and individuals be allowed to leave the Project area on their own accord. If occupied burrows are found, a 50-foot no-disturbance buffer shall be delineated around any western spadefoot burrow. If avoidance is not possible, an avoidance, minimization, and mitigation plan shall be developed and submitted for approval by the Wildlife Agencies.</p>	<p>Prior to and during Project activities</p>	<p>Project proponent/ Qualified Biologist</p>
<p><b>MM-BIO-3 Consultation</b></p>	<p>CDFW recommends that the project proponents meet with the Wildlife Agencies and identify measures such as use of silt fencing to prevent access into the construction area by either arroyo or spadefoot toads. USFWS will need to determine whether formal or informal consultation is necessary regarding arroyo toads.</p>	<p>Prior to Project activities</p>	<p>Project proponent</p>

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<p><b>MM-BIO-4- Scientific Collecting Permit</b></p>	<p>A qualified biologist with appropriate handling permits to capture, temporarily possess, and relocate wildlife shall be retained 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 &amp; 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 <a href="#">Scientific Collection Permits</a> webpage for information (CDFW 2023a). 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.</p>	<p>Prior to Project activities</p>	<p>Qualified biologist</p>
<p><b>MM-BIO-5- Injured or Dead Wildlife</b></p>	<p>If any arroyo toad and/or western spadefoot 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 the dead or injured wildlife will be documented immediately. A formal report shall be sent to the Wildlife Agencies within 3 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</p>	<p>Prior to and during Project activities</p>	<p>Project applicant/ Qualified biologist</p>

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	<p>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.</p>		
<p><b>MM-BIO-6-Mitigation Measure BIO-4</b></p>	<p>If special status plants are detected during special status plant surveys, avoidance of the special status plants shall occur where feasible and vegetation clearing within 50 feet of any identified rare plant will be conducted by hand, if practicable. Any rare plant occurrence shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm.</p> <p>If avoidance is not feasible, SCV Water shall offset the proposed loss of individual plants at a minimum 2:1 ratio by on-site restoration (salvage, replanting, and propagation). The open scrub and grassland habitats in the survey area would be a suitable location for on-site restoration. Compensation for impacts to these species may also be accomplished by preservation of an on-site population or off-site population in the vicinity of the site at a minimum of a 3:1 ratio if present. Preservation of on-site or off-site populations must include a land protection instrument (conservation easement or restrictive covenant), a habitat management plan reviewed and approved by the Wildlife Agencies, and an endowment to ensure management of the mitigation site in-perpetuity.</p>	<p>Prior to and during Project activities</p>	<p>Project proponent/          Qualified Biologist</p>
<p><b>MM-BIO-7-Nesting Bird and Raptor Survey</b></p>	<p>Project-related activities shall occur outside of the bird breeding season (generally February 1 to August 31) to the extent practicable. If</p>	<p>Prior to and during</p>	<p>Project applicant/</p>

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	<p>construction must occur within the bird breeding season, then no more than three days prior to initiation of ground disturbance and/or vegetation removal, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-for for raptors), where feasible. If the proposed project is phased or construction activities stop for more than one week, a subsequent preconstruction nesting bird survey shall be required prior to each phase of construction during the nesting 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 report of the nesting bird survey results, if applicable, shall be submitted to SCV Water for review and approval prior to ground and/or vegetation disturbance activities.</p> <p>If nests are found, their locations shall be flagged. An appropriate avoidance buffer ranging in size from 100 feet for passerines and up to 500 feet for raptors, depending upon the species and the proposed work activity, shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until it has been determined the nest is no longer being used by either the young or adults. No ground or vegetation disturbance shall occur within this buffer until the qualified biologist confirms the breeding/nesting is completed and all the young have fledged. If project</p>	<p>Project activities</p>	<p>Qualified biologist</p>
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	activities must occur within the buffer, they shall be conducted at the discretion of the qualified biologist. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.		
<b>REC-1- ESA Consultation</b>	Take under the ESA also 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 that if the Project may result in potential take, consult with the Wildlife Agencies, in order to comply with ESA, well in advance of any ground disturbing activities and/or vegetation removal that may impact arroyo toad.	Prior to Project activities	Project proponent
<b>REC-2 – Environmental Data</b>	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.	Prior to Project activities	Qualified Biologist