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Groundwater Sustainability Improvement Program

Responses to Comments on the Draft IS-MND

prepared by

Pleasant Valley County Water District

154 South Las Posas Road

Camarillo, California 93010 Contact: Jared Bouchard, General Manager

prepared with the assistance of

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Table of Contents

Responses to Comments on the Draft IS-MND	1
Letter 1.....	2
Letter 2.....	4
Letter 3.....	7
Letter 4.....	10

Responses to Comments on the Draft IS-MND

This section includes comments received during the circulation of the Draft Initial Study – Mitigated Negative Declaration (IS-MND) prepared for the Groundwater Sustainability Improvements Program (project).

The Draft IS-MND was circulated for a 32-day public review period that began on November 4, 2022 and ended on December 5, 2022. Pleasant Valley County Water District (PVCWD) received four comment letters on the Draft IS-MND. The commenters and the page number on which each commenter’s letter appear are listed below.

Letter No. and Commenter	Page No.
1 Nicole Collazo, Air Quality Specialist, Ventura County Air Pollution Control District	2
2 Dillan Murray, Associate Planner, Ventura County Resource Management Agency	4
3 Dawn Husted, Management Assistant, Ventura County Public Works, Watershed Protection	7
4 Erinn Wilson-Olgin, Environmental Program Manager, California Department of Fish and Wildlife	10

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Letter 1

COMMENTER: Nicole Collazo, Air Quality Specialist, Ventura County Air Pollution Control District (VCAPCD) Planning Division

DATE: November 30, 2022

Response 1.1

The commenter indicates they reviewed the Draft IS-MND. The commenter recommends any fugitive dust controls proposed for construction activities be enforceable in any discretionary or grading permit via conditions of approval for the project. The commenter states the project would be required to comply with the VCAPCD rules including Rule 51, Nuisance, and Rule 55, Fugitive Dust. The commenter provides their contact information.

As discussed in Section 3, *Air Quality*, of the Draft IS-MND, project construction would not result in significant air quality impacts related to criteria air pollutants, which include fugitive dust. Therefore, no mitigation measures related to fugitive dust control are required for the proposed project. As noted by the commenter and indicated in Section 3, *Air Quality*, of the Draft IS-MND, the project would be required to comply with all applicable VCAPCD rules, including Rules 51 and 55.



Hello,

Cultural Heritage Board (CHB) Staff has reviewed the project site and vicinity and offers the following comment:

The property located at 582-94 Laguna Road (Assessor’s Parcel Number 230-0-072-280) was previously included within the *Eastern Oxnard Plain Historic Context & Reconnaissance Survey*, prepared by San Buenaventura Research Associates in December 2014 (“Historic Survey”). According to the Historic Survey, the residence and outbuildings were attributed to the 1898-1945 time period and associated with the Settlement and Agriculture context themes.

The Historic Survey describes this period as follows:

The contextual period beginning in 1898 marks a significant deflection point in the developmental history of the Oxnard Plain, the period during which the area was characterized by the extensive cultivation of sugar beets and the related establishment of the boom town of Oxnard. This period was also marked by substantial population growth in the adjacent communities, particularly Oxnard, but agriculture remained largely unaffected by community growth in this period before suburbanization. The large landholdings represented by the ranchos also broke down further, providing increasing opportunities for family farmers of relatively modest means to participate in the expansion of agriculture. Row crops, particularly sugar beets and lima beans, continued to dominate the landscape, but citrus and truck farming also became important, particularly during the latter decades of this period. During this period the Oxnard Plain became fully connected to the regional transportation grid, and irrigation became an important factor in the sustaining of agriculture and community.

2.1

Based on the above association, the property located at 582-94 Laguna Road appears potentially eligible as a Cultural Heritage Site (Ventura County Code Sec. 1363 et al).

Thank you,

Dillan Murray | Associate Planner
Planning Division
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Visit our website at vcrma.org
For online permits and property information, visit [VC Citizen Access](#)

Letter 2

COMMENTER: Dillan Murray, Associate Planner, Ventura County Resource Management Agency Planning Division

DATE: December 5, 2022

Response 2.1

The commenter indicates the Cultural Heritage Board staff reviewed the project site and vicinity. The commenter notes that the property located at 582-94 Laguna Road was previously included in a historic survey, and the residence and outbuildings were attributed to the 1898-1945 time period and associated with the Settlement and Agriculture context themes. The commenter indicates that, based on this information, the property located at 582-94 Laguna Road appears potentially eligible as a Ventura County Cultural Heritage Site pursuant to Ventura County Code Section 1363 et al.

The commenter's information about the potential historic significance of the 582-94 Laguna Road property is noted. However, the project would not affect this potentially eligible Cultural Heritage Site because the project would be constructed entirely within the public right-of-way of Laguna Road outside of the 582-94 Laguna Road property. Once construction is complete, the project would be located entirely belowground and thus would not change the visual setting of this property. As a result, the project would not have the potential to cause a substantial adverse change in the potential historical significance of the 582-94 Laguna Road property because no physical demolition, destruction, relocation, or alteration of this property or its immediate surroundings would occur such that the significance of this potential historical resource would be materially impaired.

Section 5, *Cultural Resources*, of the Draft IS-MND has been revised as follows to incorporate the information provided by the commenter:

A search of the California Historical Resources Information System at the South Central Coastal Information Center located at California State University, Fullerton was completed on May 18, 2022. The search was performed to identify previously recorded cultural resources as well as previously conducted cultural resources studies within the project site and a 0.5-mile radius surrounding it. Rincon also reviewed the National Register of Historic Places, the CRHR, the California Historical Landmarks list, and the Built Environment Resources Directory, as well as its predecessor the California State Historic Property Data File. Results of these searches indicated no known historical resources are located within or near the project site (Appendix C). The Ventura County Resource Management Agency identified the property located at 582-94 Laguna Road (Assessor's Parcel Number 230-0-072-280) as a potentially eligible County of Ventura Cultural Heritage Site. This property was previously included within the *Eastern Oxnard Plain Historic Context & Reconnaissance Survey*, prepared by San Buenaventura Research Associates in December 2014.¹ According to this report, the residence and outbuildings were attributed to the 1898 to 1945 time period and associated with the Settlement and Agriculture context themes. On July 1, 2022, Rincon conducted a pedestrian field survey and identified no previously unknown historical resources within the project site (Appendix C).

The project would be constructed in the public right-of-way of Laguna Road outside of the 582-94 Laguna Road property and would not affect the residence or outbuildings of this potentially

¹ San Buenaventura Research Associates. 2014. Eastern Oxnard Plain Historic Context & Reconnaissance Survey <https://docs.vcrma.org/images/pdf/planning/programs/chb/East-Oxnard-Plain-Context-12-2014.pdf> (accessed December 2022).

eligible County Cultural Heritage Site. Once construction is complete, the project would be located entirely belowground and thus would not change the visual setting of this property. As a result, the project would not have the potential to cause a substantial adverse change in the potential historical significance of the 582-94 Laguna Road property because no physical demolition, destruction, relocation, or alteration of this property or its immediate surroundings would occur such that the significance of this potential historical resource would be materially impaired. Because no historical resources exist on the project site Therefore, the project would not result in a substantial adverse change to the significance of a historical resource, and no impact would occur.

Watershed Protection has the following comments:

Please submit plans for the pipeline crossing and you will need to obtain a watercourse permit

1. Watercourse Permit

Purpose: To comply with the *Ventura County Watershed Protection District (County) Ordinance*, and mitigate potential impacts such as obstructing, impairing, diverting, impeding, or altering the characteristics of the flow of water to jurisdictional channels by designing and constructing appropriate surface drainage and flood control facilities to protect life and property from damage or destruction from flood and storm waters. Facilities requiring permits may include, but are not limited to, channel improvements, and lateral storm drain connections. Permits are also required for any activities in, on, over, under, or across a jurisdictional red-line channel or within District Right of Way.

Requirement: The Permittee shall obtain a Watercourse Permit. The permit application shall include the following:

- a. Construction plans prepared, signed, and stamped by a California licensed civil engineer including but not limited to, a site plan depicting general drainage trends, existing and proposed topography with elevations, proposed improvements in both plan and profile, and construction details that meet the standards of the County and the WP.
- b. Site specific hydrology for existing and proposed conditions that conforms to the Watershed Protection District's Hydrology Manual.
- c. Hydraulics using a methodology and/or computer model applicable to the proposed improvements and acceptable to the Watershed Protection District. The final model shall confirm there are no adverse impacts to Las Posas Rd Drain including no loss of storage volume and no increase in water surface elevation for the 1-percent chance flood peak discharge on adjacent parcels.
- d. Any other information or studies required by the Permit Section to administer the requirements of watershed Ordinance WP-2.

Documentation: A WP Permit application package shall be prepared and signed by the Permittee or a duly authorized agent and submitted to and logged by the WP Permit Section.

Timing: The applicant shall obtain an encroachment permit prior to obtaining a building permit or grading permit or prior to project start date if no grading or building permits are required.

Monitoring and Reporting: Prior to permit closure, WP staff shall inspect the improvements to assure that construction was completed, in accordance with the approved plans and the Permit.

Please let us know if you have any questions.

3.1

Thank you,

Dawn Husted

Management Assistant II

Watershed Protection – Planning & Permits



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Letter 3

COMMENTER: Dawn Husted, Management Assistant, Ventura County Public Works, Watershed Protection – Planning & Permits

DATE: December 5, 2022

Response 3.1

The commenter indicates PVCWD would be required to obtain a Ventura County Watershed Protection District (VCWPD) Watercourse Permit and requests submittal of the project plans for the crossing of the Las Posas Water Drain. The comment provides a summary of the purpose, requirements, documentation, timing, and monitoring and reporting guidance for a VCWPD Watercourse Permit.

The proposed project would involve installation of a pipeline below Las Posas Road Drain at its intersection with Laguna Road. At this location, the Las Posas Road Drain is a jurisdictional red-line stream that is not a VCWPD facility or located in a VCWPD right-of-way.² Based on the County of Ventura’s Wetland Project Permitting Guide, a VCWPD Watercourse Permit would be required for the project.³ Pursuant to these requirements, PVCWD would coordinate with VCWPD to obtain a Watercourse Permit prior to the start date of project construction. The VCWPD Watercourse Permit application package would include submittal of preliminary plans for the proposed pipeline crossing at Las Posas Road Drain.

² County of Ventura. 2022. County View Mapper Ventura County, California. <https://maps.ventura.org/countyview/> (accessed December 2022).

³ County of Ventura. 2006. *Wetland Project Permitting Guide*. http://pwaportal.ventura.org/ONESTOP/ESD/Wetland_Project_Permitting_Guide_in_Ventura_County.pdf (accessed December 2022).

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December 5, 2022

Mr. Jared Bouchard
 Pleasant Valley County Water District
 154 S. Las Posas Road
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jared@pvcwater.com

Subject: Groundwater Sustainability Improvement Program, Mitigated Negative Declaration, SCH No. 2022110057; Ventura County

Dear Mr. Bouchard:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the Pleasant Valley County Water District (PVCWD; Lead Agency) for the Groundwater Sustainability Improvement Program (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802]. 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). CDFW is charged 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.

4.1

CDFW is also submitting comments as a Responsible Agency under CEQA (Public 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 & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

4.2

Project Description and Summary

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 2 of 19

Objective: The PVCWD has proposed to construct a 9,000-foot linear pipeline along a section of Laguna Road in unincorporated Ventura County. The 18-inch pipeline will transport recycled water and will connect to two existing transmission laterals along Wood Road and Las Posas Road. The water will be supplied from Oxnard’s water treatment facility (OAWPF) and Conejo Creek Diversion structure to be made available to the PVCWD service areas and United Water Conservation District’s Pumping Trough Pipeline system. The purpose of the Project is to increase water supplies to the PVCWD service area. **Based on the information available, it is unclear if the Lead Agency is proposing to increase the total volume of water allocated from Conejo Creek or Oxnard’s water treatment facility (OAWPF). Similarly, the proportion of water sourced from each location was not readily discernable. As such, it is unclear if Project implementation will result in a reduction of flows in Conejo Creek and/or in streams that receive treated water from the OAWPF (see comment #1).**

Construction is proposed to begin around the late summer of 2023 and is anticipated to take six months. The majority of the pipeline will be installed by open trenching but a portion of the pipeline that crosses the Las Posas Road Drain will be installed using a Horizontal Directional Drilling method. Maximum excavation depth would be 6.5 feet and 4,000 cubic yards of soil would be exported from the site. Approximately 3,000 cubic yards of fill would be imported.

4.2 cont.

The pipeline alignment is proposed along an existing road and is mostly surrounded by agricultural fields. The Project site is in close proximity to two unnamed agricultural ditches which share a hydrologic connection with Calleguas Creek.

Location: The Project is located in an unincorporated area of Ventura County. The Project is surrounded by agricultural land uses. The alignment of the pipeline extends horizontally down Laguna Road and is between Wood Road and Las Posas Road which travel perpendicularly past the project.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the PVCWD in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project’s CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

4.3

Specific Comments

Comment #1: Project Description Concerns Regarding Potential Stream(s) Flow Reduction

Issue: The scope of the biological impact assessment within the MND may be insufficient to fully analyze/address potential impacts to aquatic resources. Impacts disclosed within the document only included impacts related to the direct and surrounding work areas. If stream(s) flow reduction occurs as a result of the Project, impacts that may occur due to increased water

4.4

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 3 of 19

use, from either or both sources, should be evaluated and incorporated into the analysis. If no additional water will be used, beyond baseline conditions, this information should be clearly stated in the MND. **The following language, for Comment #1, may be predicated on necessary clarifications within the Project Description.**

Why Impact Would Occur: If the Lead Agency is proposing increased water use, CDFW is concerned that water allocated from the proposed point sources may substantially alter the present flow regimes in Conejo Creek and streams that receive discharge from OAWPF. CDFW is also concerned with how Project implementation may affect groundwater dependent ecosystems (GDE). The MND, as written, does not include information necessary to evaluate potential impacts to these aquatic resources. Details regarding the amount of water that would be allocated from the Conejo Creek Diversion or the OAWPF, the proportion of water taken from each source, and any subsequent changes to water discharge activities at the OAWPF were not included within the MND. Within the environmental document it states, “[t]he project would not facilitate increased groundwater pumping because water conveyed through the proposed pipeline would be supplied from existing water sources, specifically the OAWPF the Conejo Creek Diversion Structure. Accordingly, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the [P]roject may impede sustainable groundwater management of the basin.” CDFW is unable to understand what changes to the “existing water sources” are expected relative to baseline conditions given the information provided. Understanding these changes are necessary for CDFW to analyze if impacts to GDE’s may occur.

4.4 cont.

Evidence Impact Would Be Significant: The environmental document should provide sufficient information and disclosure to facilitate meaningful public review, analysis, and comment on the adequacy of proposed mitigation measures to offset Project-related impacts on biological resources. Adequate disclosure is necessary so CDFW may provide comments on the appropriateness of proposed avoidance, minimization, or mitigation measures.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: If it is determined that water use will increase, relative to baseline conditions, CDFW recommends the MND disclose how the Project would modify current flow regimes and potential impacts to biological resources in Conejo Creek and streams that receive affluent from the OAWPF. At a minimum, the MND should provide the following:

- a) CDFW recommends PVCWD define the extent of up- and downstream reaches of the waterbodies that may be directly and indirectly affected by the proposed Project and assess potential Project-related impacts on biological resources within this study reach including any potential GDE’s;
- b) An analysis of the existing flow regimes during the winter and summer seasons, and how that may change under Project conditions;
- c) An analysis of potential Project-related effects on river hydraulics. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change);

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 4 of 19

- d) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities occurring in Conejo Creek and streams receiving discharge from OAWPF;
- e) A discussion as to how each species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and
- f) A discussion of the Project’s potential impacts on the Pleasant Valley Groundwater Basin as well as GDE’s within that groundwater basin.

4.4 cont.

Recommendation #1: CDFW recommends that PVCWD disclose the amount of water anticipated to be withdrawn from each source as well as more specific information on the intended use.

Comment #2: Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on the information available within the MND it is unclear as to whether the Project will need an LSA. The Project could directly or indirectly impact the bed, bank, and channel of water bodies subject to Fish and Game Code, section 1600 *et seq.* CDFW is concerned that impacts to biological resources, including GDE and nearby vegetation communities, may be impacted by the proposed Project. CDFW offers the following precautionary recommendations in the case that PVCWD determines that the Project is expected to directly or indirectly affect streams.

Specific Impact: CDFW is concerned that impacts to biological resources including GDE and surrounding vegetation communities may occur as a result of reduced stream flows. The Project will allocate water from the Conejo Creek Diversion structure and may impact the channel and vegetation along its banks. Project activities may also alter natural hydrologic and geomorphic processes of the SCR and may affect GDE. The Project may also directly or indirectly impact the unnamed ditches and Calleguas Creek which is subject to Fish and Game Code, section 1600 *et seq.* and eventually discharges into the Pacific Ocean.

4.5

Why Impact Would Occur: The Project plans to allocate water from the Conejo Creek Diversion structure which is located approximately 5 miles northeast of the project at 34.20868, -118.99519. Within the MND it states, “[t]he purpose of the project is to facilitate increased transfer of existing water supplies available...” It is unclear whether the Project intends to increase water allocation with the implementation of this pipeline or if water usage to this area will remain the same as pre-project usage. Project actions may result in changes to hydrologic and geomorphic processes that may impact plant and wildlife species in Conejo Creek and in streams that receive treated water from the OAWPF.

Water flowing past the Conejo Creek Diversion flows downstream where it eventually meets with Calleguas Creek. According to the National Wetland Inventory (NWI) Conejo Creek has stands of freshwater emergent shrub wetland along its banks. Increased water withdrawal may impact these natural communities. Further, several special status species have been documented in the short section of Conejo creek that is downstream of the diversion and upstream of the hydrologic connection with Calleguas Creek. These species include southern steelhead (*Oncorhynchus mykiss*), western pond turtle (*Emys marmorata*), arroyo chub (*Gila*

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 5 of 19

orcuttii), and least Bell's vireo (*Vireo belli pusillus*) (CDFW 2022 a, b, c, & d). These species may depend on the natural communities and habitats surrounding Conejo Creek, which could potentially be altered by Project activities.

The Project is also to occur within close proximity to two unnamed agricultural ditches which share a downstream hydrologic connection with Calleguas Creek. The agricultural ditches themselves may also be subject to Fish and Game Code, section 1600 *et seq.* Project implementation includes trenching and use of heavy equipment. Direct and/or indirect impacts to the bed, bank, or channel of the unnamed ditches may occur. The proposed Project may diminish on-site and downstream water quality and may impact fish and wildlife downstream. Within the MND it states, "small fish were observed in the ditches." Although the ditches are in poor condition and offer only marginal habitat it is possible that special status aquatic species are present. Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream. Excavation and stockpiling of soils may result in the influx of sediment into the system which could result in changes to the streams and alter hydrologic and geomorphic processes that may impact plant and wildlife species. Project activities may also impact tributaries that occur upstream, outside of the Project boundary, where hydrologic connectivity occurs.

Evidence Impact Would Be Significant: The Project may impact streams and associated riparian habitats. CDFW exercises its regulatory authority (Fish and Game Code, section 1600 *et seq.*) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

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

CDFW requires a Lake and Streambed Alteration Agreement (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project may continue to have a substantial adverse effect on streams and associated riparian habitat through direct removal, filling, hydrological interruption, or other means.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: The Project Applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a

4.5 cont.

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 6 of 19

LSA may be obtained by accessing CDFW's web site at <https://www.wildlife.ca.gov/conservation/lsa> (CDFW 2022e).

If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: Project implementation should attempt to retain as much surface flow and natural hydrologic processes as possible in Conejo Creek and any streams which receive discharge from the OAWPF.

Recommendation #1: CDFW recommends the MND disclose how the Project may modify current flow regimes and potentially impact biological resources in Conejo Creek and streams that receive affluent from the OAWPF (see comment #1).

Recommendation #2: CDFW recommends the MND discuss whether the Project could impact special status fish species, directly or indirectly through habitat modifications, as a function of potential reduction in flow in Conejo Creek and in streams with potential reduction in releases from the OAWPF. The MND should discuss potential impacts on fish based on the following factors: water availability; water flows; water quality; benthic invertebrates and microorganisms; and habitat requirements (e.g., pools, slower moving waters, water temperature, substrate, vegetation).

Comment #3: Impacts to Special Status Species due to Project Activities

Issue: CDFW is concerned that the Project may impact surrounding special status species.

Specific Impact: The Project has the potential to directly impact several rare, threatened, and/or endangered species through direct mortality (trampling, crushing) due to construction activities (e.g. excavation, use of heavy equipment and vehicles). Likewise, the Project could indirectly impact species through increased noise, vibration, and lighting. Impacts may disrupt or alter species behavior in the area.

Why impact would occur: According to the MND marginal habitat is present for western pond turtle (*Emys marmorata*), arroyo chub (*Gila orcuttii*), and two-striped garter snake (*Thamnophis hammondi*). Likewise, after reviewing CNDDDB data on BIOS, it was revealed that burrowing owl

4.5 cont.

4.6

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 7 of 19

(*Athene cunicularia*) may also be present within the Project's vicinity (CDFW 2022f). The only mitigation for biological resources included within the MND was nesting bird pre-construction surveys.

The Project would require ground disturbance and vegetation removal using heavy equipment. These activities create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. The MND did not offer focus or clearance surveys for ground dwelling species which could be injured or killed due to Project activities. Impacts on special status reptiles are more likely to occur because these are cryptic species that are less mobile during certain times of the day and seek refuge and hide under structures. Western pond turtles are also at heightened risk to burial or crushing as they aestivate underground and are only reliably detected above ground from May to July (USGS 2006). Implementation of focus would help minimize impacts from crushing and burial of species within the work area.

Further, the MND did not provide any mitigation measures to reduce levels of noise, human activity, or ground vibrations to less than significant for special status species in the surrounding area. Noise and vibration studies were conducted but were not intended to gauge potential impacts to wildlife, rather to assess potential disturbance to surrounding residence. The Project's proposed activities may disrupt and alter behaviors necessary for survival for special status species. Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber et al. 2009). Likewise, use of sound reducing equipment was not offered as a mitigation measure within the document. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Moreover, increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of wildlife in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004).

4.6 cont.

According to the California Natural Diversity Database (CNDDB) the following special status wildlife species have potential to occur in or around the Project site:

- CESA and Endangered Species Act (ESA-) listed least Bell's Vireo (*Vireo bellii pusillus*) (CDFW 2022c)
- Species of Special Concern (SSC) western pond turtle (*Emys marmorata*) (CDFW 2022b)
- SSC burrowing owl (*Athene cunicularia*) (CDFW 2022f)
- SSC arroyo chub (*Gila orcuttii*) (CDFW 2022c)

Evidence impact would be significant: Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G.

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 8 of 19

Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Take under the ESA is more broadly defined than CESA. Take under 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.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subs. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. 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 for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

Mitigation Measure #2: Focus surveys should be performed by a qualified biologist onsite and where appropriate habitat is present for the aforementioned species. Surveys should follow proper protocols where necessary:

- Least Bell's vireo. Follow USFWS 2001 [Least Bell's Vireo Survey Guidelines](#) (USFWS 2001).
- Western pond turtle. Follow USGS 2006 [Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion](#) (USGS 2006)
- Burrowing owl. Follow CDFW 1995 [Burrowing Owl Survey Protocol and Mitigation Guidelines](#) (CDFW 1995g).
- Arroyo chub. PVCWD should perform focus surveys for arroyo chub in the unnamed agricultural ditches. If the ditches transitions to subsurface flow, the remainder should be surveyed to determine if there are isolated pools potentially supporting fish. Surveys should be conducted in areas adjacent to the pipeline alignment along the agricultural ditches. Surveys should also be conducted along downstream sections, including segments that are hydrologically connected to the ditches such as the Revlon Slough.

4.6 cont.

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 9 of 19

Mitigation Measure #3: PVCWD should avoid all impacts to arroyo chub and western pond turtle. Some portions of the Project are in close Proximity to the agricultural ditches along laguna Road. For this segment, no work should occur on the stream banks adjacent to the ditches during the winter rainy season, typically between December 1 through March 31 (NMFS 2011). Additionally, no work should occur during the combined rainy season and breeding season for:

- Arroyo chub: February 1 through August 31 (Tres 1992).
- Western pond turtle: March 1 through July 15 (Morey 2000)

Mitigation Measure #4: If necessary, PVCWD should retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan should describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan should include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist should submit a copy of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.

Mitigation Measure #5: To avoid direct injury and mortality of special status species, PVCWD should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a special status species is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.

Mitigation Measure #6: PVCWD should retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).

Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022h). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

4.6 cont.

Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 10 of 19

Mitigation Measure #7: The Project should restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am) to the extent feasible. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Generators should not be used except for temporary use in emergencies. Unnecessary construction vehicle use, and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source.

4.6 cont.

Mitigation Measure #8: Trenches or pits that remain unfilled should be securely to prevent entrapment of wildlife species.

Mitigation Measure #9: Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to adjacent native vegetation should be minimized.

Conclusion

We appreciate the opportunity to comment on the Project to assist PVCWD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that PVCWD 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 Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov or (626) 513-6308.

4.7

Sincerely,

DocuSigned by:

B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I

ec: CDFW

- Steve Gibson – Los Alamitos – Steve.Gibson@wildlife.ca.gov
- Emily Galli – Fillmore – Emily.Galli@wildlife.ca.gov
- Susan Howell – San Diego – Susan.Howell@wildlife.ca.gov
- CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

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Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
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Mr. Jared Bouchard
Pleasant Valley County Water District
December 5, 2022
Page 12 of 19

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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)		
Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
<p>MM-BIO-1-Project Description/Increased Water Use</p> <p>CDFW recommends the MND disclose how the Project may modify the current flow regime and potentially impact biological resources in Conejo Creek and streams that receive affluent from the OAWPF. At a minimum, the MND should provide the following:</p> <ul style="list-style-type: none"> a) CDFW recommends PVCWD define the extent of up- and downstream reach of the waterbodies that may be directly and indirectly affected by the proposed Project and assess potential Project-related impacts on biological resources within this study reach including any potential GDE; b) An analysis of the existing flow regimes during the winter and summer seasons, and how that may change under Project conditions; c) An analysis of potential Project-related effects on river hydraulics. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change); 	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 14 of 19

	<p>d) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities occurring in Conejo Creek and streams receiving discharge from Oxnard's AWPFF;</p> <p>e) A discussion as to how each species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and</p> <p>f) A discussion of the Project's potential impacts on the Pleasant Valley Groundwater Basin as well as GDE within that groundwater basin.</p>		
<p>MM-BIO-2-LSA</p>	<p>The Project Applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa.</p> <p>If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-3-LSA</p>	<p>Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 15 of 19

	<p>Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.</p>		
<p>MM-BIO-4-LSA</p>	<p>Project implementation should attempt to retain as much surface flow and natural hydrologic processes as possible in Conejo Creek and any streams which receive discharge from the OAWPF.</p>	<p>Prior to/During Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-5-ITP</p>	<p>Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. 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 for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-6-Focus Surveys</p>	<p>Focus surveys shall be performed by a qualified biologist onsite and where appropriate habitat is present for the aforementioned species. Surveys should follow proper protocols where necessary:</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 16 of 19

	<ul style="list-style-type: none"> • Least Bell's vireo. Follow USFWS 2001 Least Bell's Vireo Survey Guidelines (USFWS 2001b). • Western pond turtle. Follow USGS 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006b) • Burrowing owl. Follow CDFW 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines (CDFW 1995c). • Arroyo chub. PVCWD shall perform focus surveys for arroyo chub in the unnamed agricultural ditches. If the ditches transition to subsurface flow, the remainder shall be surveyed to determine if there are isolated pools potentially supporting fish. Surveys shall be conducted in areas adjacent to the pipeline alignment along the agricultural ditches. Surveys shall also be conducted along downstream sections, including segments that are hydrologically connected to the ditches such as the Revlon Slough. 		
<p>MM-BIO-7- Project Timing</p>	<p>PVCWD shall avoid all impacts to arroyo chub and western pond turtle. Some portions of the Project are in close Proximity to the agricultural ditches along laguna Road. For this segment, no work shall occur on the stream banks adjacent to the ditches during the winter rainy season, typically between December 1 through March 31 (NMFS 2011). Additionally, no work shall occur during the combined rainy season and breeding season for:</p> <ul style="list-style-type: none"> • Arroyo chub: February 1 through August 31 (Tres 1992). • Western pond turtle: March 1 through July 15 (Morey 2000) 	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-8- Avoidance and Relocation Plan</p>	<p>If necessary, PVCWD shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan shall include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist shall submit a copy</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 17 of 19

	<p>of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.</p>		
<p>MM-BIO-9-Biological Monitor</p>	<p>To avoid direct injury and mortality of special status species, PVCWD shall have a qualified biologist on site to move out of harm’s way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a special status species is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution. A qualified biologist shall be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.</p>	<p>During Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-10-Collection Permits</p>	<p>PVCWD shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal.</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 18 of 19

	<p>Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2022d). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.</p>		
<p>MM-BIO-11- Impacts from Noise and Lighting</p>	<p>The Project shall restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am) to the extent feasible. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Generators shall not be used except for temporary use in emergencies. Unnecessary construction vehicle use, and idling time shall be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine shall be shut off. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source.</p>	<p>During Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-12- Site Protection</p>	<p>Trenches or pits that remain unfilled shall be securely to prevent entrapment of wildlife species.</p>	<p>During Project construction and activities</p>	<p>PVCWD</p>
<p>MM-BIO-13- Storage/Vehicle Access</p>	<p>Parking, driving, lay-down, stockpiling, and vehicle and equipment storage shall be limited to previously compacted and developed areas. No off-road vehicle use shall be permitted beyond the Project site and designated access routes. Disturbances to adjacent native vegetation shall be minimized.</p>	<p>During Project construction and activities</p>	<p>PVCWD</p>
<p>REC-1- Disclosure- Amount and use</p>	<p>CDFW recommends that PVCWD disclose the amount of water anticipated to be withdrawn from each source as well as more specific information on the intended use.</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>

Mr. Jared Bouchard
 Pleasant Valley County Water District
 December 5, 2022
 Page 19 of 19

<p>REC-2- Disclosure-Impacts</p>	<p>CDFW recommends the MND disclose how the Project may modify current flow regimes and potentially impact biological resources in Conejo Creek and streams that receive affluent from the OAWPF (see comment #1).</p>	<p>Prior to Project construction and activities</p>	<p>PVCWD</p>
<p>REC-3- Impacts to Fish</p>	<p>CDFW recommends the MND discuss whether the Project could impact special status fish species, directly or indirectly through habitat modifications, as a function of potential reduction in flow in Conejo Creek and in streams with potential reduction in releases from the OAWPF. The MND should discuss potential impacts on fish based on the following factors: water availability; water flows; water quality; benthic invertebrates and microorganisms; and habitat requirements (e.g., pools, slower moving waters, water temperature, substrate, vegetation).</p>	<p>Prior to Project construction and activities</p>	<p>Prior to Project construction and activities</p>

Letter 4

COMMENTER: Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife (CDFW)

DATE: December 5, 2022

Response 4.1

The commenter provides an overview of CDFW and its roles as trustee agency and responsible agency under the California Environmental Quality Act (CEQA).

The commenter's overview of CDFW and its roles under CEQA are noted.

Response 4.2

The commenter provides a summary of the proposed project and expresses they are unclear if the project proposes to increase the total volume of water allocated from Conejo Creek or the Oxnard Advanced Water Purification Facility (OAWPF). The commenter also indicates they are unclear on the proportion of water that would be supplied from each source and whether project implementation would result in a reduction of flows in Conejo Creek and/or in streams that receive treated water from the OAWPF.

As stated under *Description of Project* in the Draft IS-MND, "The purpose of the project is to facilitate increased transfer of existing water supplies available to the both the PVCWD service area and adjacent United Water Conservation District's Pumping Trough Pipeline system, specifically water supplied by the City of Oxnard's Advanced Water Purification Facility and the Conejo Creek Diversion Structure. The project would not enable the use of new water supply sources in the PVCWD service area." To further clarify, the purpose of the proposed project is to improve the efficiency and hydraulic capacity of PVCWD's system for blending and conveying water to its existing customers. The project does not propose to change existing water use throughout the PVCWD system. The project also does not propose to modify the permits/agreements managed by Camrosa Water District for the Conejo Creek diversion or the City of Oxnard for the OAWPF. The PVCWD does not have control over the use of the Conejo Creek diversion by Camrosa Water District or the OAWPF by the City of Oxnard. These agencies have the independent responsibility to operate the Conejo Creek diversion and OAWPF in accordance with their permit/agreement requirements.

The text under *Description of Project* in the IS-MND has been revised as follows to clarify the purpose of the project:

The purpose of the project is to facilitate ~~increased~~ transfer of existing water supplies available to the both the PVCWD service area and adjacent United Water Conservation District's Pumping Trough Pipeline system, specifically water supplied by the City of Oxnard's Advanced Water Purification Facility and the Conejo Creek Diversion Structure. The project would improve the efficiency and hydraulic capacity of PVCWD's system for blending and conveying water to its existing customers. The project would not enable the use of new water supply sources in the PVCWD service area and does not propose to change existing water use throughout the PVCWD system. The project also does not propose to modify the permits/agreements managed by Camrosa Water District for the Conejo Creek diversion or the City of Oxnard for its Advanced Water Purification Facility.

Response 4.3

The commenter indicates the letter includes comments and recommendations to address potential project impacts to biological resources.

Individual responses regarding the commenter's concerns on environmental impacts are addressed below in Responses 4.4 through 4.7.

Response 4.4

The commenter expresses concern that indirect impacts to aquatic resources may not have been fully addressed in the Draft IS-MND if the project would result in stream flow reduction and requests clarification on whether the project would facilitate the use of additional water beyond baseline conditions. If the project would facilitate the use of additional water, the commenter provides recommendations on the existing setting information and project impact analysis that should be included in Section 4, *Biological Resources*, of the Draft IS-MND.

As addressed in Response 4.2, the proposed project would not change existing water use throughout the PVCWD system. Therefore, the proposed project would not directly or indirectly result in stream flow reduction or facilitate the use of additional water beyond baseline conditions such that additional impacts to biological resources beyond those identified and analyzed in the Draft IS-MND would occur. As a result, no changes to the Draft IS-MND were made in response to this comment.

Response 4.5

The commenter states PVCWD may need to obtain a Lake or Streambed Alteration Agreement (LSAA) from CDFW for direct and indirect impacts to streams and riparian areas resulting from project construction in proximity to unnamed agricultural ditches and the potential reduction of stream flows along Conejo Creek, Calleguas Creek, and streams that receive effluent from the OAWPF during project operation. The commenter also indicates a reduction of stream flows in Conejo Creek may adversely impact special-status species. The commenter recommends the Draft IS-MND fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an LSAA. The commenter indicates the LSAA may contain additional mitigation requirements and requests the project retain as much surface flow and natural hydrologic processes as possible in Conejo Creek and streams that receive effluent from the OAWPF. The commenter requests the Draft IS-MND disclose how the project may modify current flow regimes and impact biological resources, including special-status fish species, in Conejo Creek and streams that receive effluent from the OAWPF.

Project impacts to stream and riparian resources are summarized in Section 4, *Biological Resources*, of the Draft IS-MND. As indicated in Response 4.2, the proposed project would not change existing water use throughout the PVCWD system. Therefore, the proposed project would not result in stream flow reduction or modifications to hydrologic flow regimes such that indirect impacts to stream and riparian resources would occur. Furthermore, the proposed construction approach involves installation of the pipeline under Las Posas Road Drain via trenchless methods, thereby avoiding direct removal and hydrological interruption of stream and riparian resources. Project construction also would not encroach into the unnamed east-west agricultural ditch located within the biological study area north of the proposed project footprint. As outlined in Section 4, *Biological Resources*, and Section 9, *Hazards and Hazardous Materials*, of the Draft IS-MND, potential indirect

impacts to the agricultural ditches in the biological study area may occur if erosion, spills, or leaks occur such that sediment and other contaminants enter the ditches. Implementation of Mitigation Measure BIO-2 and Mitigation Measure HAZ-1 would reduce indirect water quality impacts to these stream and riparian resources to a less-than-significant level through implementation of avoidance buffers, best management practices, and a Hazardous Materials Management and Spill Control Plan. As such, no modifications to the Draft IS-MND were made in response to this comment. In addition, PVCWD is not required to apply for an LSAA from CDFW because project construction would occur outside of CDFW-jurisdictional areas and neither project construction nor operation would directly or indirectly result in significant impacts to stream or riparian resources with implementation of the Mitigation Measures BIO-2 and HAZ-1.

Response 4.6

The commenter expresses a concern that the project may have the potential to directly impact several special-status species through direct mortality due to construction activities and indirectly through increased noise, vibration, and lighting. The species of concern indicated by the commenter consist of least Bell's vireo (*Vireo bellii pusillus*), western pond turtle (*Emys marmorata*), burrowing owl (*Athene cunicularia*), arroyo chub (*Gila orcuttii*), and two-striped gartersnake (*Thamnophis hammondi*). The commenter provides a summary of the regulatory and CEQA requirements for take of endangered, threatened, and candidate species. The commenter provides suggested mitigation measures for potential impacts to special-status species, including obtaining an Incidental Take Permit (ITP) or Consistency Determination, completion of focused pre-construction surveys, restrictions on the timing of construction activities on stream banks, preparation of a Wildlife Relocation and Avoidance Plan, biological monitoring and species relocation by a qualified biologist with appropriate handling permits during construction, the use of noise suppression devices during construction, restrictions on vehicle idling during construction, securing of open trenches and pits during construction, and limits on areas used for staging, stockpiling, and laydown during construction.

Special-status species with low potential to occur in the biological study area, including western pond turtle, two-striped gartersnake, and arroyo chub, are discussed in Section 4, *Biological Resources*, of the Draft IS-MND. Least Bell's vireo and burrowing owl were assessed during the literature review for the Draft IS-MND, as described on page 22. To clarify the analysis in Section 4, *Biological Resources*, of the Draft IS-MND, based on the results of the field survey and desktop/database review, the following provides additional information regarding these special-status species.

- **Least Bell's vireo:** The project site does not contain suitable habitat for least Bell's vireo. Sparse herbaceous vegetation surrounds the agricultural ditches occurring within the biological study area. This vegetation lacks the required nesting habitat of the species, specifically willow and mulefat thickets. Due to the regular maintenance activities within the agricultural ditches, herbicide impacts, lack of preferred nesting habitat, and disturbance from the adjacent road and nearby development, the habitat is not suitable for least Bell's vireo. No suitable habitat occurs within 500 feet of the site. Therefore, this species is not expected to occur.
- **Burrowing owl:** Elements of marginal habitat for burrowing owl, in the form of Bermudagrass – prickle grass – crowngrass turf (*Cynodon dactylon* - *Crypsis spp.* - *Paspalum spp.*), occur within the biological study area. However, burrowing owls are dependent on small mammal burrows for roosting and nesting cover and no small mammal burrows or burrowing mammals, such as California ground squirrel, were observed during the field survey. In addition, the site is

developed and heavily disturbed due to surrounding agricultural practices. Therefore, based on these facts, the species is not expected to occur.

The agricultural ditches within the biological study area are surrounded by relatively low complexity fields of fat hen (*Atriplex prostrata*), cattail marshes, and Bermudagrass – prickle grass – crowngrass turf vegetation communities that are subject to frequent disturbance, including herbicide usage, associated with the surrounding agricultural fields. This disturbance and the density of aquatic vegetation within the agricultural ditches precludes the presence of arroyo chub, western pond turtle and two-striped garter snake. In addition, little to no refugia for western pond turtle and two-striped garter snake are provided in adjacent areas. Furthermore, the proposed project does not include any disturbance to agricultural ditches. Therefore, as indicated in Section 4, *Biological Resources*, of the Draft IS-MND, no impacts to these species would occur, and no mitigation measures are necessary.

As outlined in Section 4, *Biological Resources*, and Section 9, *Hazardous and Hazardous Materials*, of the Draft IS-MND, Mitigation Measures BIO-2 and HAZ-1 would require implementation of avoidance buffers, best management practices, and a Hazardous Materials Management and Spill Control Plan to avoid and minimize indirect water quality impacts to the agricultural ditches during project construction. These measures would also further reduce potential project impacts to wildlife species. Nevertheless, some of the commenter's recommended additions have been incorporated into the text of Mitigation Measure BIO-2 as shown below:

BIO-2 Avoidance Buffers and Best Management Practices for Aquatic Resources

Project construction activities shall maintain a 10-foot buffer from the top of the bank of the agricultural ditches. In addition, the following best management practices shall be implemented during project construction:

- Prior to the start of project activities, all limits of construction work adjacent to the ditches shall be clearly delineated with orange construction fencing or similar highly visible material to be maintained throughout the duration of construction.
- Any material/spoils generated from project activities shall be located away from the ditches to the extent practicable and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
- Materials shall be stored on impervious surfaces or plastic ground covers to prevent spills or leakage from contaminating the waters and vegetation communities within the ditches.
- Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of.
- All vehicles and equipment shall be in good working condition and free of leaks.
- Erosion control measures shall be implemented around active work areas, and only natural-fiber, biodegradable meshes and coir rolls, (i.e., no plastic-mesh temporary erosion control measures) shall be used.
- Trenches or pits that remain unfilled shall be secured at the end of each construction workday.

- Equipment and vehicle parking, driving, and storage as well as materials laydown and stockpiling shall be limited to previously compacted and developed areas to the extent practicable.
- Disturbances to native vegetation shall be minimized to the extent practicable.

Response 4.7

The comment requests notification of future public hearings on the project and an opportunity to review and comment on any responses to their comments. The commenter also provides contact information.

The PVCWD will notify the commenter of future public hearings on the project and provide the commenter with a copy of responses to their comments.

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