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Governor's Office of Planning & Research

**AUG 22 2019**

Sara Paiva-Lowry  
State Water Resources Control Board  
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## STATE CLEARINGHOUSE

**Subject: Mitigated Negative Declaration for the San Gabriel Valley Water Company Plant B14 Project, City of La Habra, Los Angeles County**

Dear Ms. Sara Paiva-Lowry:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the San Gabriel Valley Water Company Plant B14 Project (Project) provided by the State Water Resources Control Board (SWRCB). 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; Public 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 (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.). 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 & Game Code, § 2050 et seq.), or State-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

## Project Description and Summary

**Objective:** San Gabriel Valley Water Company – El Monte (SGVWC) proposes to construct a second reservoir at the existing Plant B14 site to allow SGVWC operational flexibility to store additional water supplied from Plant B12 during periods of low demand. The existing Plant B14 facility is located within an approximately 4.02-acre site. The facility currently consists of one 1.19 million gallon buried concrete reservoir, four booster pumps with a total pumping capacity of 4,000 gallons per minute, an emergency generator, and electronic control equipment. Project-related activities include grading, construction of a retaining wall, hillside stabilization, and construction of the storage reservoir.

**Location:** The Project site is located in the city of La Habra at the intersection of Camino Del Tomasini and Valdemar Drive in Los Angeles County. The proposed Project footprint is located immediately northwest of the current Plant B12 facility.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist SWRCB in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. 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 (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

## Project Description and Related Impact Shortcoming

### Comment #1: Impacts to Streams

**Issue:** The *Biological Resources Assessment and Jurisdictional Delineation for the San Gabriel Valley Water Company's Plant B14 Facilities Improvement Project* includes Photo 6 that states, "Looking northwest from southern bank of unnamed drainage, where outfall structure will be constructed, and rip rap outfall protection will be installed". The need for notification for a Lake and Streambed Alteration Agreement was omitted from the MND.

**Specific impacts:** The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

**Why impacts would occur:** Ground-disturbing activities from grading and filling, water diversions, and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities.

**Evidence impacts would be significant:** The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which

absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

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

**Mitigation Measure #1:** For any such activities, the Project applicant (or “entity”) must 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 LSA may be obtained by accessing CDFW’s web site at <https://www.wildlife.ca.gov/conservation/lisa>.

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 the stream 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:** CDFW recommends an analysis of design alternatives that mimic natural features using a combination of structural and vegetative methods to maintain natural flows on the Project site. The finished product would be analogous to a natural streambed with minimal use of concrete. The use of concrete can lead to diminished water quality via leeching, so natural designs, such as the strategic placement of boulders, are suggested as a means for managing flow velocity.

### **Filing Fees**

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

### **Conclusion**

We appreciate the opportunity to comment on the project to assist State Water Resources Control Board in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that SWRCB has to our comments and to receive notification of any forthcoming hearing date(s) for

the project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov) or (562) 342-2142.

Sincerely,



Erinn Wilson  
Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos  
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Kelly Schmoker – Glendora  
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