S Wells PFAS Groundwater Treatment and Disinfection Facility Project

Responses to Comments on the Draft IS-MND

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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 Santa Clarita Valley Water Agency's (SCV Water) S Wells PFAS Groundwater Treatment and Disinfection Facility Project (Project).

The Draft IS-MND was circulated for a 32-day public review period that began on November 18, 2022 and ended on December 19, 2022. SCV Water received three 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	Miya Edmonson, LDR/CEQA Branch Chief, California Department of Transportation	12
2	Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife	15
3	Lori Schmitz, Environmental Scientist, State Water Resources Control Board	40

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).

In addition, a number of comments are related to the direct and indirect effects of groundwater extraction to biological and hydrological resources associated with the Santa Clara River or make parallel arguments related to these topics. To address concerns raised in multiple comments, a Topical Response has been prepared and is included below prior to the individual comment letters. This Topical Response is referenced as appropriate in responses to individual comments that raise similar issues in order to minimize unnecessary repetition.

Any changes made to the text of the Draft IS-MND are noted in the following responses. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (<u>underlined font</u>) where text is added.

Topical Response A: Direct and Indirect Impacts of Groundwater Extraction to Biological and Hydrological Resources

Several comments express concern the proposed project would result in significant adverse impacts to biological and hydrological resources associated with the nearby Santa Clara River. In response to these comments, the following clarifications have been made to the Draft IS-MND to clarify the project background and context, proposed project operations, the relationship of the project to the Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan (GSP), the likely impacts of the proposed project to biological and hydrological resources associated with the Santa Clara River (including groundwater-dependent ecosystems [GDEs]), the requirements of Mitigation Measure BIO-3, and the effectiveness of Mitigation Measure BIO-3. As detailed further in individual responses to comments (Responses 2.3, 2.4, and 2.5), groundwater extraction under the proposed project would not result in significant direct or indirect impacts to biological or hydrological resources associated with the Santa Clara River with implementation of the mitigation measures identified in the Draft IS-MND. As a result, the conclusions of the Draft IS-MND remain the same. Because no new, avoidable significant effects have been identified and no new mitigation measures are proposed, recirculation of the Draft IS-MND is not required pursuant to CEQA Guidelines Section 15073.5.

8. Description of Project - Background

Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan

The Santa Clarita Valley Water Agency (SCV Water) operates numerous groundwater extraction wells in the Upper Santa Clara River Groundwater Basin. The Basin is roughly 100 square miles in size and contains a shallow alluvial aquifer and the deeper Saugus Formation with groundwater extracted from both aquifers. For decades, SCV Water's 2003 Groundwater Management Plan and Urban Water Management Plans described the planned approach to pump groundwater from the basin to provide groundwater supply as part of an overall conjunctive use strategy that includes use of imported supplies. More recently, due to statewide regulatory efforts, state-required Groundwater Sustainability Agencies were formed to develop Groundwater Sustainability Plans.

The Santa Clarita Valley Groundwater Sustainability Agency (SCV GSA) is operated via a Joint Powers Agreement between the following member agencies: the City of Santa Clarita, Los Angeles County Regional Planning, Los Angeles County Waterworks District No. 36, and SCV Water. Its Board meets quarterly. SCV Water provides administrative services to the SCV GSA, which include the basin monitoring called for in the Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan (GSP) (including groundwater-dependent ecosystem [GDE] monitoring), preparation of regular reports on basin conditions, and preparation of an annual report.

After a robust public process, the SCV GSA adopted the GSP in 2022. This plan adhered to the pumping plan approaches in the Urban Water Management Plan and determined the basin can be operated sustainably over the longer term in conjunction with specialized

monitoring. The GSP concludes that with the evaluated groundwater pumping plan, any changes to future non storm surface water flows out of the Basin are expected to be de minimis in magnitude, meaning they will not be substantially different from historic non storm flows (SCV GSA 2022). Groundwater pumping in line with GSP modeling assumptions would not be expected to result in any significant direct or indirect changes to streamflow. In the event GSP sustainable management criteria (e.g., groundwater elevations) are not met due to groundwater extraction, then management actions would be implemented consistent with the GSP to address the issue.

Development of the GSP included use of a peer-reviewed groundwater flowmodel and considered well-by-well pumping for all municipal wells during different local hydrologic periods. This well-by well-pumping approach was consistent with the pumping approaches in the Urban Water Management Plan, but groundwater extraction by well was finetuned in the GSP to maintain groundwater elevations in the entire groundwater basin to safeguard against creating "undesirable results" related to five sustainability indicators: Chronic Lowering of Groundwater Levels, Chronic Reduction in Groundwater Storage, Degraded Groundwater Quality, Land Subsidence, and Depletion of Interconnected Surface Water. As described below, there are special criteria for the Santa Clara River related to GDEs.

More specifically, the GSP identifies undesirable results to GDEs as follows:

- Permanent loss or significant degradation of existing native riparian or aquatic habitat due to lowered groundwater levels caused by groundwater pumping throughout the GDE area
- In areas that currently provide essential habitat to unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; UTS) and native fishes (sensitive aquatic species in the vicinity of the Interstate 5 Bridge), cessation of surface flow and pools during low-flow conditions in the river channel caused by groundwater extraction is an undesirable result

For the "Depletion of Interconnected Surface Water" Sustainability Indicator, the GSP sets forth a minimum threshold groundwater level to protect against surface water depletion caused by groundwater extraction. In addition, the GDE trigger level was established two feet higher than the minimum threshold groundwater level at and upstream from Interstate 5. If the GDE trigger level is reached, the SCV GSA is required to conduct an assessment of the GDE condition and determine if the GDE is experiencing undesirable results due to lowered groundwater levels beyond minimum thresholds, caused by groundwater extraction. During GSP implementation, and as data gaps are filled and studies completed, the sustainable management criteria in the GSP, including GDE trigger levels, and minimum thresholds may be revised by the SCV GSA Board of Directors.

The GSP is designed so that if it is determined that undesirable results to GDEs may occur due to groundwater pumping, then "management actions" will be implemented, which could include reducing groundwater pumping in areas of concern and/or importing additional water supplies to offset groundwater pumping.

Additionally, the GSP recognizes that UTS have been present in the Santa Clara River approximately two miles west of the project site near Interstate 5 (near the GDE-B monitoring well). The well-by-well pumping approaches, the specialized monitoring, and the GDE evaluation program mentioned above work together to protect against undesirable

results from groundwater extraction, including cessation of surface flow and pools during low-flow conditions in the river channel, at this downstream location that currently provides essential habitat for UTS.

Furthermore, the GSP recognizes that the GDE-A area near the project site may not be a GDE and indicates more monitoring is needed to support a final determination. This observation that the GDE-A area may not be a GDE was made by others during GSP development, including the California Department of Fish and Wildlife (CDFW) because the groundwater elevations near GDE-A have been recorded to be 30 or more feet below ground surface (SCV GSA 2022). For example, in summer 2022, the groundwater elevation was approximately 35 feet below ground surface, and historical records at nearby well N indicate the historical low is deeper still (SCV GSA 2022 and 2023). The structure of the alluvial aquifer system along the Santa Clara River allows for groundwater depths to be deep at GDE-A, while at the same time relatively shallow at GDE-B. The geology and groundwater conditions at GDE-B (approximately two miles downstream of the project site), where UTS are known to be present, are different than at GDE-A because the groundwater is shallower, and alluvium thinner, at the downstream GDE-B (depth to groundwater at GDE-B measured at approximately 7 to 8 feet below ground surface during 2022) while depth to groundwater at GDE-A was measured at approximately 32 to 35 feet below ground surface on same day during 2022) (SCV GSA 2023).

The SCV GSA is in its second year of GSP implementation. Consistent with the public process and GSP, it is working toward filling known data gaps, including those regarding GDEs. As these data gaps are filled, such as with collection of new empirical groundwater elevation data in and near the Santa Clara River (including groundwater monitoring at GDE-A near the project site), the GSP's groundwater flowmodel and flowmodel calibration will be further refined and improved in a collective effort to avoid negative impacts to GDEs from groundwater extraction.

Project Background

~~The Santa Clarita Valley Water Agency (~~SCV Water~~)~~ operates 3 existing wells (S6, S7 and S8) located along the north side of the Santa Clara River between McBean Parkway and Parkwood Lane within the Bridgeport community in the city of Santa Clarita. The three wells can generate up to a total of 6,000 gallons per minute of potable water that is distributed to the Valencia Division service area. The well-by-well GSP modeling currently identifies this bank of S wells can produce up to 2,488 acre-feet per year (depending on hydrologic year type) without resulting in adverse impacts to sustainable groundwater management. The wells were taken offline due to the detection of per- and polyfluoroalkyl (PFAS) substances that exceeded the State's response levels. To make up for the loss of groundwater production, SCV Water has relied on the purchase of additional imported water supplies to meet local demand.

8. Description of Project – Project Description - Operation and Maintenance

Under the proposed project, Wells S6, S7, and S8 would be reactivated, and the proposed S9 groundwater well would be brought online. The wells and treatment facility would operate up to 24 hours per day, 365 days per year. The four well pumps would be

individually controlled and monitored through SCADA, allowing SCV Water to turn on any combination of one to four well pumps at a time. It is anticipated that approximately 2,700 to 4,288 acre-feet per year of groundwater would be pumped, depending on hydrologic year type. Annual groundwater pumping rates under this project for the four wells would be consistent with historical pumping rates for Wells S6, S7, and S8 and would not exceed pumping quantities provided in the groundwater level simulations used in the GSP.[1] Through consistent monitoring of groundwater levels at SCV Water's new monitoring wells in the local area, pumping rates will be adjusted as needed to prevent adverse impacts to downstream GDEs consistent with the existing GSP monitoring program. Operation of the proposed project would require approximately 2,300 to 2,700 kilowatt-hours (kWh) of electricity daily, or approximately 840 to 986 megawatt-hours (MWh) annually.[2] Approximately one to two maintenance staff would visit the project site daily. Resin media would be replaced two to three times a year, which would require the use of a semitruck for delivery. In addition, chemical deliveries to the proposed disinfection building would occur approximately twice a month via a midsize delivery truck. Maintenance vehicles would park within the proposed groundwater treatment and disinfection facility. The vessels would have a life expectancy of approximately 30 to 50 years and may be re-coated approximately every 10 years.

Section 4, Biological Resources, Threshold A

Aquatic Wildlife Species

~~Direct impacts to~~ Aquatic and semi-aquatic species, including arroyo toad ~~and~~, western pond turtle, and UTS, have the potential to occur within the Santa Clara River in proximity to the project site. Arroyo toad, western pond turtle, and UTS are documented in the California Natural Diversity Database (CNDDB) within five miles of the project site. UTS is known to occupy several reaches of the Santa Clara River, and multiple CNDDB occurrences are documented within five miles of the project site in the Santa Clara River (CNDDB Occurrence Numbers 3, 10, 11, 13, 15), both upstream and downstream of the project site. Although none of these occurrences overlap the project site, UTS may migrate to the portion of the Santa Clara River directly south of the project site during moderate to high flow conditions. Direct impacts to these aquatic and semi-aquatic species would not occur because ground disturbance would not occur within the riparian corridor of the Santa Clara River and instead would be confined to the developed, ornamental, and disturbed land cover types to the north of the Santa Clara River that do not provide suitable habitat for these species. However, potentially significant indirect impacts to special status aquatic and semi-aquatic species may occur ~~as a result of~~ if groundwater extraction via the existing Wells S6, S7, and S8 and the new Well S9 were to lower groundwater levels near GDEs that would result in undesirable results per the GSP. The Fremont cottonwood forest and woodland vegetation community located near the project site is identified as a potential

[1] Future monitoring and amendments to the GSP's pumping approach may be made in future years as new information becomes available, and pumping approaches may be modified as warranted at that time in accordance with the parameters of the GSP established for sustainable groundwater management.

[2] Electricity estimate based on 12-month billing period for a similar SCV Water groundwater treatment and disinfection facility for the N Wells (Moreno 2022).

~~groundwater dependent ecosystem (~~GDE~~)~~ that provides suitable habitat for special status aquatic and semi-aquatic species including aquatic plant cover for UTS (~~Santa Clarita Valley Groundwater Sustainability Agency [~~SCV GSA~~]~~ 2022). ~~Although SCV Water would not increase basin-wide groundwater extraction, r~~ Reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP and, as such, is not expected to ~~could~~ deplete local groundwater levels beyond the minimum thresholds for depletion of interconnected surface waters established in the Santa Clara River Valley East Groundwater Subbasin ~~Groundwater Sustainability Plan (~~GSP~~)~~. As noted in the GSP, the groundwater elevations beneath the Santa Clara River channel nearest to the project site is greater than 30 feet below the low-flow channel during much of the year, well below the root zones of riparian vegetation, and disconnected from the river channel (SCV GSA 2022). The monitoring well data indicates that surface water flow in this river segment is not augmented by groundwater upwelling. As a result, reactivated operation of existing Wells S6, S7, and S8 would not impact GDEs or sensitive aquatic species such as the arroyo toad, western pond turtle, or UTS at this river segment.

Further downstream near the confluence of San Francisquito Creek and for several miles downstream of the I-5 bridge, groundwater elevations are known to be closer to the surface and contribute to surface water flows. In these areas, GDEs are maintained by perennial shallow groundwater. The GSP identifies this river segment as supporting GDEs and has established minimum thresholds and triggers to ensure that groundwater levels are maintained to be protective of GDEs. The GSP requires that groundwater extraction activities, including those that would occur under the proposed project, consider potential effects to GDEs. Conformance with the monitoring and management actions of the GSP would ensure operation of the wells would not lower groundwater levels beyond the minimum thresholds determined for depletion of interconnected surface waters as established in the GSP. The minimum thresholds for depletion of interconnected surface waters were developed in the GSP expressly to avoid impacts to GDEs. These thresholds are based generally on historic low groundwater elevations, recognizing that the existing GDEs have been sustained despite historic groundwater variability. In a few locations, such as near the I-5 bridge, the minimum thresholds are established above historic low elevations to ensure management actions are implemented before acute impacts to GDEs occur. Monitoring wells have been installed at the GDEs nearest the project site (i.e., GDE-A and GDE-B) to provide continuous elevation data that will be used to determine the need for management actions. If groundwater levels reach triggers, which are shallower than the minimum thresholds, the GSP calls for an evaluation of the GDE conditions, and if groundwater extraction is leading to undesirable results, then implementation of management actions would be called upon such as reducing groundwater pumping if needed to prevent acute and chronic impacts to GDEs. ~~and could thus impact the Fremont cottonwood forest and woodland vegetation community. As a result~~ Mitigation Measure BIO-3 reinforces the need to monitor groundwater levels near these GDEs and to evaluate the GDE conditions, and potentially implement management actions if needed to avoid impacts to GDEs and also avoid potentially significant impacts to aquatic special status species associated with these GDEs. Therefore, compliance with the GSP and implementation of Mitigation Measure BIO-3 would be required to ~~reduce~~ ensure potential indirect impacts to arroyo toad ~~and~~, western pond turtle, and UTS are avoided, resulting in less-than-significant impacts ~~to a less-than-significant level~~.

Non-Aquatic Wildlife Species

The coastal scrub and Fremont cottonwood forest and woodland vegetation communities within the project site provide suitable habitat for special status avian species, including least Bell's vireo. No direct impacts to the species would occur because suitable nesting and foraging habitat would not be directly impacted by the project. However, if least Bell's vireo is present within the vicinity of the project during construction, the proposed project has the potential to indirectly impact the species if construction noise, dust, and other human disturbances cause a nest to fail. Therefore, indirect impacts to least Bell's vireo would be potentially significant, and implementation of Mitigation Measures BIO-4 would be required to reduce these potential indirect impacts to a less-than-significant level.

Additionally, ~~depleted~~ lowered local groundwater levels could negatively impact GDEs supporting habitat for least Bell's vireo. However, as indicated above, riparian habitat near the project site is not supported perennially by groundwater and would not be affected by lowered groundwater levels that are more than 30 feet below the Santa Clara River channel for much of the year. Further downstream, GDEs are supported by groundwater, but conformance with the monitoring and management actions of the GSP would ensure operation of the wells would not lower groundwater levels beyond the minimum thresholds determined for depletion of interconnected surface waters as established in the GSP. Mitigation Measure BIO-3 reinforces the need to monitor groundwater levels near these GDEs and to implement management actions if groundwater levels reach action triggers, which would thereby avoid impacts to GDEs and also avoid potentially significant indirect impacts to LBVI. Therefore, compliance with the GSP and implementation of Mitigation Measure~~s~~ BIO-3 ~~and BIO-4~~ would be required to reduce these potential indirect impacts to least Bell's vireo to a less-than-significant level.

Section 4, Biological Resources, Threshold A, Mitigation Measures

BIO-3 Groundwater ~~Pumping Regime~~ Elevation Monitoring and Management

SCV Water shall establish a groundwater pumping ~~regime~~ plan for Wells S6, S7, S8, and S9 in accordance with the sustainable management criteria for depletion of interconnected surface waters outlined in ~~the most recently adopted iteration of~~ the Santa Clara River Valley East Groundwater Subbasin GSP and any GSP updates. SCV Water shall monitor groundwater levels ~~at this location~~ near the S Wells and downstream near the I-5 Bridge by utilizing the monitoring wells ~~previously~~ installed within GDE-A and GDE-B ~~the potential GDE area that may be affected by the proposed project (currently identified as GDE-A in the GSP)~~ to ensure that if GDE triggers are reached in these wells, a GDE evaluation will be commenced to determine if groundwater extraction may lead to depletion of interconnected surface waters that may affect ecological values of GDEs, including special status species potentially occurring within surface water ecosystems created by groundwater upwelling and adjacent riparian habitat. ~~Should the trigger level outlined in the most recently adopted GSP for any GDE area the GDE areas near the project site (currently identified as "Santa Clara River Below Mouth of Bouquet Canyon" in the GSP) be exceeded at the monitoring location~~, Should trigger levels be exceeded at GDE-A or GDE-B, SCV Water shall implement ~~an~~ the GDE evaluation program outlined in the GSP that

includes reviewing whether the low water levels and water level trends are caused by groundwater extraction at Wells S6, S7, S8, and/or S9 and whether ~~the~~ undesirable results to GDEs outlined in the GSP arising from groundwater extraction are anticipated to occur. If significant and unreasonable effects are anticipated from groundwater extraction, SCV Water shall implement the necessary management actions in a timely manner to resolve the exceedance of the trigger level for the GDE area. Management actions may include but are not limited to shifting pumping to another location, reducing or halting pumping at Wells S6, S7, S8, and/or S9. The evaluation process and implementation of necessary management actions shall be conducted in accordance with the procedures outlined in Section 9.5.5 of the GSP.

Section 4, Biological Resources, Threshold A, Significance after Mitigation

Implementation of Mitigation Measure BIO-1 would require training all construction personnel in identifying special status wildlife species, and Mitigation Measure BIO-2 would involve implementation of general BMPs that are protective of special status wildlife species. Implementation of Mitigation Measure BIO-3 would result in sustainable pumping of groundwater from Wells S6, S7, S8, and S9 such that indirect impacts to the potential GDE and associated special status wildlife species would be avoided. The initial trigger level identified in Mitigation Measure BIO-3 is sourced from Table 8-6 of the GSP (SCV GSA 2022). Revisions of the trigger levels and sustainable management criteria will be made by the GSA during GSP implementation as new information becomes available during GSP implementation. The trigger level referenced in Mitigation Measure BIO-3 was developed as part of the GSP to achieve the sustainable management criterion of avoiding depletion of interconnected surface waters. The potential undesirable results which this criterion seeks to avoid consist of:

- Permanent loss or significant degradation of existing native riparian or aquatic habitat due to lowered groundwater levels caused by groundwater pumping throughout the GDE area and
- In areas that currently provide essential habitat to UTS and native fishes (sensitive aquatic species in the vicinity of Interstate 5 Bridge), cessation of surface flow and pools during low-flow conditions in the river channel caused by groundwater extraction is an undesirable result (Table 8-1 of the GSP; SCV GSA 2022).

The associated minimum threshold for avoiding these undesirable results is “surface water depletion caused by groundwater extraction as measured by groundwater levels falling below the lowest predicted future groundwater elevation measured at GDE-area monitoring wells” (SCV GSA 2022). In accordance with the procedures outlined in the GSP, whether this minimum threshold is exceeded would be analyzed based on the average of future modeled groundwater elevations using the same data set as that used to develop the minimum threshold. As indicated in Table 8-1 of the GSP, “GDE trigger levels…that are at or above historical low elevations (as estimated from the model) will be used to initiate an assessment of GDE conditions caused by groundwater extraction and management actions that might be needed to protect GDEs” (SCV GSA 2022). Although trigger levels downstream from I-5 were set equal to historical low groundwater elevation, the trigger levels at GDE-A and GDE-B were set two feet higher than historical low groundwater elevation. This more

conservative approach was taken due to the concerns about UTS, in particular at GDE-B, and to ensure adequate lead time to evaluate potential undesirable results to GDEs caused by groundwater extraction and provide sufficient time to incorporate management actions if necessary. Given the connection between the trigger level, the sustainable management criterion, and the undesirable results related to depletion of interconnected surface waters, use of the GDE trigger levels and the GDE evaluation program as required by Mitigation Measure BIO-3 would result in a groundwater pumping plan that would not result in significant adverse impacts to surface water flows, riparian vegetation, and water quality in the Santa Clara River. Therefore, implementation of Mitigation Measure BIO-3 would reduce potential impacts to special status species, riparian vegetation, and the hydrology and water quality of the Santa Clara River to a less-than-significant level.

Implementation of Mitigation Measure BIO-4 would minimize the potential for project construction activities to impact least Bell's vireo by implementation of focused surveys for least Bell's vireo prior to construction and, if present, establishment of buffers around breeding territory. Implementation of Mitigation Measure BIO-5 would reduce the potential for project construction activities to directly or indirectly impact active bird nests through a pre-construction nesting bird survey and establishment of avoidance buffers around active nests, if present. In conjunction, implementation of these measures would reduce project impacts to special-status wildlife species to a less-than-significant level.

Section 4, Biological Resources, Threshold B

The project has the potential to indirectly impact sensitive plant communities as a result of groundwater extraction via the existing Wells S6, S7, and S8 and the new Well S9. The Fremont cottonwood forest and woodland vegetation community located near the project site is identified as a potential GDE (SCV GSA 2022). ~~Although SCV Water would not increase basin-wide groundwater extraction, r~~ Reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP and, as such, is not expected to ~~could~~ deplete local groundwater levels beyond the minimum thresholds for depletion of interconnected surface waters established in the Santa Clara River Valley East Groundwater Subbasin GSP. In addition, as discussed under threshold (a), the GSP requires that groundwater extraction activities, including those that would occur under the proposed project, consider potential effects to GDEs. Conformance with the monitoring and management actions of the GSP would ensure operation of the wells would not lower groundwater levels beyond the minimum thresholds determined for depletion of interconnected surface waters as established in the GSP, which were developed in the GSP expressly to avoid impacts to GDEs. The proposed project ~~and could~~ thus is not expected to impact sensitive plant communities occurring within the southern portion of the project site if they are dependent upon groundwater or those located downstream near the I-5 bridge (Appendix B). ~~Therefore,~~ Nevertheless, compliance with the GSP and implementation of Mitigation Measure BIO-3 would be required to reduce this potential indirect impact to sensitive plant communities to a less-than-significant level.

Section 4, Biological Resources, Threshold C

During operation, the project has the potential to indirectly impact the hydrology of the Santa Clara River, including the reduction of surface water flows and changing water quality characteristics such as turbidity, oxygen, and water temperature, ~~as a result of~~ if groundwater extraction via the existing Wells S6, S7, and S8 and the new Well S9 resulted in any significant direct or indirect changes to streamflow. ~~Although SCV Water would not increase basin-wide groundwater extraction, r~~ Reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP and, as such, is not expected to ~~has the potential to~~ cause ~~deplete~~ local groundwater levels to decline beyond the minimum thresholds for depletion of interconnected surface waters established in the Santa Clara River Valley East Groundwater Subbasin GSP and ~~could~~ thus would not be expected to significantly impact the hydrology and water quality of the Santa Clara River. In addition, as indicated under threshold (a) and further described in the GSP, the SCV GSA monitors groundwater elevations in the vicinity of the project site as well as downstream to identify when undesirable results caused by groundwater extraction may be occurring. If undesirable results are anticipated because of groundwater extraction, the GSP calls for management actions, such as reducing groundwater pumping and or importing additional supply, to allow groundwater levels as well as interconnected surface waters to recover. ~~As a result,~~ Compliance with the GSP and implementation of Mitigation Measure BIO-3 would be required to reduce this potential indirect impact to hydrology of the Santa Clara River to a less-than-significant level.

Section 10, Hydrology/Water Quality, Threshold B

As discussed in Section 4, *Biological Resources*, reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP and, as such, is not expected to ~~could~~ cause ~~deplete~~ local groundwater levels to decline beyond the minimum thresholds for depletion of interconnected surface waters established in the Santa Clara River Valley East Groundwater Subbasin GSP and ~~could~~ would thus not be expected to impact the Fremont cottonwood forest and woodland vegetation community located near the project site, which is identified as a potential GDE in the Santa Clara River Valley East Groundwater Subbasin GSP. As discussed under threshold (a), the GSP requires that groundwater extraction activities, including those that would occur under the proposed project, consider potential effects to GDEs. Conformance with the monitoring and management actions of the GSP would ensure operation of the wells would not lower groundwater levels beyond the minimum thresholds determined for depletion of interconnected surface waters as established in the GSP, which were developed in the GSP expressly to avoid impacts to GDEs. Nevertheless, ~~I~~ compliance with the GSP and implementation of Mitigation Measure BIO-3 would be required to achieve sustainable groundwater extraction such that the project would not substantially decrease local groundwater supplies such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant with mitigation incorporated.

Section 10, Hydrology/Water Quality, Threshold E

The project site overlies the Santa Clara River Valley East Groundwater Subbasin, which is subject to the Santa Clara River Valley East Groundwater Subbasin GSP (SCV GSA 2022). As discussed under threshold (b), the proposed project would not result in a change in the amount of groundwater extracted by SCV Water from the Santa Clara River Valley East Groundwater Subbasin and would not substantially interfere with groundwater recharge. In addition, as discussed in Section 4, *Biological Resources*, the project would not result in adverse impacts to groundwater-dependent ecosystems because reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP and because ~~with~~ compliance with the GSP and implementation of Mitigation Measure BIO-3 would be required. Accordingly, the proposed project would not conflict with or obstruct implementation of the Santa Clara River Valley East Groundwater Subbasin GSP. Impacts would be less than significant with mitigation incorporated.

References - Bibliography

Santa Clarita Valley Groundwater Sustainability Agency (SCV GSA). 2023. Santa Clarita Valley Groundwater Sustainability Plan Groundwater Dependent Ecosystem Monitoring Protocol. February 22, 2023.

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Making Conservation a California Way of Life

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
Dec 15 2022
STATE OF CALIFORNIA

December 15, 2022

Rick Vasilopulos
Santa Clarita Valley Water Agency
26521 Summit Circle
Santa Clarita, CA 91350

RE: S Wells PFAS Groundwater Treatment and Disinfection Facility Project
Mitigated Negative Declaration (MND)
SCH # 2022110376
Vic. LA-005/PM: R53.055
GTS # 07-LA-2022-04125

Dear Rick Vasilopulos:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced MND. The project involves construction of a per- and polyfluoroalkyl (PFAS) groundwater treatment and disinfection facility and associated pipelines. The proposed facility would restore the use of Wells S6, S7 and S8 and would reduce SCV Water's dependency on imported water. In addition, a new groundwater well (S9) and a chloramine disinfection building would be constructed. The new S9 well would produce an additional 1,000 gallons per minute of potable water that would also be filtered through the proposed PFAS treatment system before distribution to SCV Water customers. The Santa Clarita Valley Water Agency is the Lead Agency under the California Environmental Quality Act (CEQA). 1.1

The project site is approximately 2.4 miles from Interstate 5 (I-5). After reviewing the MND, the Initial Study states that construction of the Project would have a less than significant impact on transportation with mitigation incorporated. Temporary closure of one lane of the Santa Clara River Trail may be necessary during construction of pipelines near the trail. Also, temporary lane closures on Newhall Ranch Road would have the potential to affect the provision of transit by Santa Clarita Transit given the proximity of multiple bus stops to the project area. As described in the Initial Study, implementation of Mitigation Measures T-1 and T-2 would be required to reduce impacts to a less-than-significant level. The following information is included for your consideration.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. Caltrans recommends that the Project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic

is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing these issues for Caltrans' review.

1.1 cont.

If you have any questions, please feel free to contact Karen Herrera, the project coordinator, at Karen.Herrera@dot.ca.gov and refer to GTS # 07-LA-2022-04125.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

cc: State Clearinghouse

Letter 1

COMMENTER: Miya Edmonson, LDR/CEQA Branch Chief, California Department of Transportation

DATE: December 15, 2022

Response 1.1

The commenter provides a summary of the proposed project, states the distance to the nearest highway (Interstate 5), and summarizes the project's potential transportation impacts and associated mitigation measures as outlined in Section 17, *Transportation*, of the Draft IS-MND. The commenter notes transportation of heavy construction equipment and/or materials, which require the use of oversized-transport vehicles on State highways, would require a Caltrans transportation permit. The commenter also recommends heavy-duty traffic be limited to off-peak periods to minimize the potential impact on State facilities. The commenter requests submittal of a construction traffic control plan to Caltrans should project traffic be expected to cause issues on any State facilities. The commenter provides contact information for questions.

This comment is noted. As discussed in Section 17, *Transportation*, of the Draft IS-MND, the project's transportation impacts would be less than significant with incorporation of Mitigation Measures T-1 and T-2. Deliveries of equipment and materials to and from the project site would comply with all applicable rules and regulations. If use of oversized-transport vehicles is needed as part of project activities, the required Caltrans permit would be obtained.

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Letter 2

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

SENT BY EMAIL ONLY

December 16, 2022

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
Dec 16 2022
STATE OF CALIFORNIA

Rick Vasilopulos
Santa Clarita Valley Water Agency
26521 Summit Circle
Santa Clarita, CA 91350
RVasilopulos@scvwa.org

Subject: S Wells PFAS Groundwater Treatment and Disinfection Facility Project, Mitigated Negative Declaration, SCH No. 2022110376, Santa Clarita Valley Water Agency, Los Angeles County

Dear Mr. Vasilopulos:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND) and Biological Resources Assessment (BRA) from the Santa Clarita Valley Water Agency (SCV Water) for the S Wells PFAS Groundwater Treatment and Disinfection Facility Project (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 & 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. 2.1

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 Protection Act (NPPA;

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Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code. 2.1 cont.

Project Description and Summary

Objective: The Project proposes construction and operation of a per- and polyfluoroalkyl (PFAS) groundwater treatment and disinfection facility. The facility will comprise of a new groundwater well (S9) and a chloramine disinfection building constructed on a 3.26-acre parcel south of Bridgeport Park. During construction, several components that will be installed within the facility include eight ion-exchange vessels, a new S9 groundwater well head, control panels, a pre-filter station, a one-story chloramine disinfection building, piping, and appurtenances. Moreover, the facility will be enclosed with a 15-foot-high decorative wall and paneling to screen the treatment vessels. For vehicular access to the site, two 30-foot-wide driveways with motorized gates will be installed along Bridgeport Lane. An underground 12-inch drainage pipeline will also be installed to connect the proposed treatment and disinfection facility to the existing 30-inch drainage outlet pipeline located in the eastern portion of the facility. The drainage pipeline will collect and convey on-site stormwater runoff and groundwater during periodic installation and water quality testing to the existing storm drain pipeline, which outlets to the Santa Clara River. Well S9 is anticipated to produce an additional 1,000 gallons per minute of potable water, which will be filtered through the proposed PFAS treatment system prior to distribution. Well S9 will serve as a replacement of the existing Mitchell 5A well. 2.2

In addition to the construction and operation of the facility, existing Well S6, S7, and S8 will be reactivated with improvements. Improvements to the three existing wells include a submersible pump replacement and electrical panel upgrade. In addition, minor piping improvements will be conducted in landscaped areas immediately north of Well S6. Upon completion of the Project, these existing wells will become operational along with new Well S9. Additionally, the Project proposes roundabout street and curb improvements at two locations. Improvements will occur at the intersection of Parkwood Lane and Bridgeport Lane as well as Bayside Lane and Bridgeport Lane. Specifically, the improvements at the two intersections will involve reducing the radius of the center circle and the median bulbs at each roundabout. Improvements to the existing wells and both roundabouts will result in surficial ground disturbance.

Furthermore, the Project proposed the installation of three pipelines. The first interconnection pipeline will be approximately 850 linear feet and run in a north/south direction. The pipeline will run from the proposed facility through Bridgeport Lane and Bridgeport Park and end at an interconnection with SCV Water's existing distribution system in Newhall Ranch Road. The second influent water pipeline will be approximately 400 linear feet and run in an east/west direction immediately north of the existing Santa Clara River Trail. The second water pipeline would run from the western boundary of the facility to Well S8. Raw water flows from Wells S6, S7, and S8 will be conveyed through the second water pipeline to the facility for treatment. The third storm drain pipeline will be approximately 840 linear feet and run in an east/west direction. The pipeline will run along the southern half of the Santa Clara River Trail from the intersection of Bridgeport Lane and Bayside Lane to Well S7. Stormwater flows and pumped groundwater will be conveyed through the pipeline to an existing 30-inch stormwater drain pipeline that outlets to the Santa Clara River. All pipelines will be installed with a maximum excavation depth of 5.5 feet.

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Construction is anticipated to occur between April 2024 and October 2025. The proposed staging and laydown area is located directly east of the proposed facility on disturbed land. During construction of the pipelines near the Santa Clara River Trail, one lane may be temporarily closed and will be reopened upon construction completion. Construction fencing and signage will be around the work area at Bridgeport Park and along the southern edge of the Santa Clara River Trail. Upon Project buildout, Wells S6, S7, and S8 would be reactivated and the new Well S9 will be operational. The wells and treatment facility will be operational 24 hours per day for 365 days per year.

Location: The Project site is located along Newhall Ranch Road, Bridgeport Park, Bridgeport Lane, and the Santa Clara River Trail, in the City of Santa Clarita, Los Angeles County. The Project site encompasses three existing well locations (Wells S6, S7, and S8), the proposed Well S9 location, the groundwater treatment and disinfection facility location, locations of pipeline alignments, and two intersections for roundabout improvements. The Project site is bounded by Marketplace Park to the north, McBean Parkway to the west, Bouquet Canyon Road to the east, and Santa Clara River to the south. The Project site includes Assessor's Parcel Numbers 2811-073-001, 2811-065-014, 2811-065-015, 2811-065-912, 2811-071-901, 2811-001-284, 2811-066-902. 2.2 cont.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist SCV Water in adequately avoiding and/or mitigating the Project's 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni)*

Issue: The Project may have a significant impact on unarmored threespine stickleback (UTS) during operational activities of the Project. UTS is designated as a State Fully Protected Species, CESA-listed species, and Endangered Species Act (ESA)-listed species.

Specific Impacts: Groundwater extraction and operation of Wells S6, S7, S8, and S9 may result in excessive groundwater extraction and low water levels. Low water levels within the Santa Clara River could lead to modifications or loss of suitable habitat for UTS. 2.3

Why Impacts would occur: UTS is an endangered species with an extremely limited range of suitable habitat. It is well known that presence of UTS has been documented in several reaches of the Santa Clara River. Moreover, the BRA notes that "Suitable aquatic habitat is present within the active channel of the Santa Clara River." The MND also mentions that during operational activities, "…potentially significant indirect impacts to special status wildlife species may occur as a result of groundwater extraction via the existing Wells S6, S7, and S8 and the new Well S9". Groundwater is strongly interconnected to surface water and plays a key role in providing water to streams. Excessive localized groundwater extraction of the Santa Clara River may significantly reduce amount of surface water necessary for the survival of UTS. If surface

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water is significantly reduced, there may not be enough water within the stream to allow for UTS movement and/or survivorship.

Furthermore, the amount of riparian vegetation may also become significantly reduced, which can have a negative effect on the UTS population within the river. UTS require habitats that have adequate aquatic plant cover. Having an abundance of plant cover allows UTS to protect themselves from predators and find food among aquatic vegetation (UCANR 2022). Plant diversity and amount of riparian vegetation within the stream may be lost as a result of significant plant stress. Plant stress may be induced by changes in the soil moisture, soil salinity, and groundwater depth. Riparian vegetation that are considered groundwater dependent are also at a high risk of being lost if groundwater is not sufficient.

In addition to impacts to riparian vegetation and surface water, groundwater extraction may also lead to changes in the water quality (i.e., turbidity, oxygen, and water temperature) of the Santa Clara River, which may cause significant impacts to UTS. No discussion was provided in the MND regarding UTS or the specific impacts that may occur to UTS as a result of operational activities. The MND does not elaborate on specific changes (i.e., hydrology, water quality) that may occur to the Santa Clara River as a result of excessive groundwater extraction.

Evidence impact would be significant: UTS is a State Fully Protected Species, CESA and ESA-listed species. Fully Protected Species are those animals that are rare or faced with possible extinction. Pursuant to Fish and Game Code, Fully Protected Species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan. 2.3 cont.

The Project has the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §§ 15065, 15380). As a result, the Project may have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by CDFW or U.S Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW cannot authorize take for UTS. CDFW recommend SCV Water completely avoids impacts on UTS during the Project's operational activities. If SCV Water cannot completely avoid impacts on UTS, SCV Water should consult with CDFW to discuss the Project and a path moving forward.

Mitigation Measure #1: CDFW recommends SCV Water revise and recirculate the MND to elaborate on the operational phase of the Project. The MND should discuss the type of surface water monitoring technique that will be utilized during operations to ensure that surface water is not depleted. The MND should also discuss how impacts to surface water will be addressed within the groundwater pumping regime management plan. Additionally, the MND should discuss the presence of UTS within the Santa Clara River, all impacts that may occur to UTS, and provide any measures to avoid impacts to UTS. Lastly, the MND should provide additional

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information to demonstrate how the groundwater pumping regime management plan will bring impacts on aquatic and semi-aquatic species to a level less than significant. 2.3 cont.

Comment #2: Impacts to Least Bell's Vireo (*Vireo bellii pusillus*)

Issue: The Project may impact least Bell's vireo, an ESA and CESA-listed species, during Project construction and operational activities.

Specific Impacts: Project construction activities occurring during the least Bell's vireo nesting season could adversely affect breeding behavior of least Bell's vireo. Elevated noise from construction activities could result in least Bell's vireo abandoning nesting territory. In addition, the potential to deplete localize groundwater during operation activities may result in reduced suitable habitat.

Why Impacts would occur: Least Bell's vireo often utilize woodlands and riparian areas as suitable nesting habitat and breeding territory. Within 100 feet of the Project site, along the northern bank of the Santa Clara River is the Fremont cottonwood forest and woodland vegetation community. The BRA states that there is a high potential for least Bell's vireo to occur within this native community. Although the Fremont cottonwood forest and woodland is not being removed or graded during Project construction, the MND states that "…depleted local groundwater levels could negatively impact suitable habitat for least Bell's vireo within the Fremont cottonwood forest and woodland community…"

Additionally, least Bell's vireo within the Project site or in close proximity to Project site may be impacted through the Project construction activities. As an CESA listed species, "take" includes activities that may disrupt or alter behaviors necessary for species survival. Construction noise, dust, and human disturbance are all factors that may induce stress to the species, disrupt breeding behavior, and potentially cause a nest to fail. Project activities such as excavation and drilling may require heavy machinery that emits excessive noise and vibrations. Substantial noise and vibration from heavy machinery may lead to disruption in breeding behavior and reduced breeding activity. 2.4

Evidence impact would be significant: There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings, or riparian habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; or substantially reduce the number of restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Accordingly, impacts on least Bell's vireo may require a mandatory finding of significance (CEQA Guidelines, § 15065).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the least Bell's vireo will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS.

As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant

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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):

Recommendation #2: Take under the ESA includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends consultation with the USFWS, in order to comply with ESA, prior to Project construction and operational activities that may impact least Bell's vireo.

Mitigation Measure #2: Mitigation Measure BIO-4 shall be modified by including the underlined language and excluding the ~~strikethrough~~ as follows: 2.4 cont.

Prior to the initiation of project construction activities within or adjacent to suitable nesting habitat during least Bell's vireo breeding season (March 15 through September 15), a qualified biologist with experience surveying for least Bell's vireo shall conduct at least eight ~~three~~ focused surveys following USFWS-established protocols to determine whether breeding least Bell's vireos are present. Focused surveys shall be completed within the project site and a 500-foot buffer. Per protocol guidelines, a final survey report (including negative findings) shall be provided to USFWS and CDFW within 45 calendar days following the completion of the survey effort. The ~~the~~ biologist shall determine and delineate its breeding territory with high visibility flagging, and no construction shall take place within 500 feet of the breeding territory from March 15 through September 15. Construction activities should not continue within the buffer until the young have fledged or the nest is no longer active. If "take or adverse impacts to least Bell's vireo cannot be avoided either during Project construction and over the life of the Project, SCV Water shall consult CDFW and may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances. [Fish & Game Code §§ 2080.1, 2081, subds. (b) and (c)].

Comment #2: Impacts to Santa Clara River

Issue: The Project may result in impacts the Santa Clara River and associated riparian vegetation during the operational phase of the Project.

Specific Impacts: During the operational phase of Wells S6, S7, S8, and S9, localized groundwater extraction may result in loss or degradation of riparian vegetation within the Santa Clara River. Loss of groundwater may also impact the wildlife that utilize the Santa Clara River as a water source and its riparian vegetation as suitable habitat. 2.5

Why Impacts would occur: The Santa Clara River supports a variety of sensitive species and sensitive plant communities. Within this specific portion of the river, the Fremont cottonwood forest and woodland is present along the northern bank of the river and adjacent to the active channel. According to the Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan (GSP), this vegetation community has been designated as a potential groundwater dependent ecosystem. The Project intends to avoid impacts the Santa Clara River during construction activities. However, it has been noted on page 29 of the MND that "…reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 could deplete local groundwater levels beyond the minimum thresholds for

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depletion of interconnection surface waters…" Operational activities may contribute to direct loss of suitable habitat for wildlife that utilize Fremont cottonwood and woodland for nesting. Additionally, aquatic and semi-aquatic species will be significantly impacted with a reduced water source. Moreover, SCV Water acknowledges that "During operation, the project has the potential to indirectly impact the hydrology of the Santa Clara River as a result of groundwater extraction…". Impacting the hydrology of the Santa Clara River may also lead to adverse impacts towards the segments of the river and biological resources downstream.

The MND proposes a groundwater pumping regime management mitigation measure. The mitigation measure discusses monitoring the wells and evaluating low water levels that may exceed a trigger level. The trigger level is derived from the Santa Clara River Valley East Groundwater Subbasin GSP. The MND does not elaborate on how the trigger level was selected, what the trigger level is, or how the trigger level applies to the Project. The type of changes to the hydrology of the Santa Clara River and the impact operational activities may have on the river downstream is also not disclosed in the MND.

Evidence impact would be significant: The Project may impact streams and associated natural communities. CDFW exercises its regulatory authority as provided by 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: 2.5 cont.

- 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 LSA Agreement when a Project activity may substantially adversely affect fish and wildlife resources. The operational activities of the Project could result in reasonably foreseeable impacts on streams. Accordingly, the Project may have a significant impact on streams.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #3: 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 from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's 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 an LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: SCV Water should notify CDFW pursuant to Fish and Game Code section 1602 for operational activities impacting streams and associated natural communities.

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SCV Water should notify CDFW prior to any operational activities that may impact the Santa Clara River. Following notification, CDFW will determine if a Lake and Streambed Alteration Agreement is required. The notification to CDFW should provide the following information:

1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW5 (Cowardin et al. 1979);
2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (CNPS 2022);
3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
4) A groundwater analysis to provide information on how much localized groundwater is being depleted throughout the operational phase of the Project. The groundwater analysis should also provide the level or amount of groundwater that needs to be depleted in order to result in negative impacts to riparian vegetation and dewatering of surface water.

2.5 cont.

Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022a).

Mitigation Measure #4: CDFW recommends SCV Water revise the MND to disclose how the hydrology of the Santa Clara River south of the Project and downstream will be impacted during Project operation. The MND should also disclose what the trigger level is, how trigger level was selected, and how the trigger level applies to the Project. The MND should explain how compliance with this trigger level means that the Project's impacts are less than significant [CEQA Guidelines, § 15064(b)(2)]. Additionally, the MND should disclose whether the trigger level has been previously adopted or recommended by other public agencies or recommended by experts (CEQA Guidelines, § 15064.7).

Additional Recommendations

Nesting Birds. CDFW recommends modifying Mitigation Measure BIO-5 by including the underlined language and excluding the ~~strikethrough~~ as follows:

Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15 ~~August 31~~) to the extent practicable. If construction must occur within the bird breeding season, then no more than three days prior to the initiation of ground-disturbing activities (including, but not limited to vegetation removal, site preparation, grading, excavation, and trenching) within the project site, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required within three days prior to each phase of construction.

2.6

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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.

If no nesting birds are observed during pre-construction surveys, no further actions are necessary. If nests are found, all work shall cease and an appropriate avoidance buffer ranging in size from 300 ~~25 to 50~~ feet for passerines nests, ~~and up to 300~~ 500 feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species ~~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 material. Active nests shall be monitored at a minimum of once per week until it has been determined the young have fledged the nest and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms breeding/nesting has ended, and all the young have fledged. 2.6

Landscaping. The Project proposes new planting within the Project site upon completion of construction activities. CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. 2.7

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)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Online Field Survey Form (CDFW 2022c). 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 2022b). 2.8

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the SCV Water in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the SCV Water with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and 2.9

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Monitoring Reporting Plan (MMRP; Attachment A). 2.9 cont.

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 SCV Water and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089). 2.10

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 or (562) 330-7563. 2.11

Sincerely,

DocuSigned by:
5991E19EF8094C3...
Victoria Tang signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Erinn Wilson-Olgin, Seal Beach – Erinn.Wison-Olgin@wildlife.ca.gov
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OPR
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[CDFWb] California Department of Fish and Wildlife. 2022. Combined Rapid Assessment and Releve Form. Available at: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

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GAVIN NEWSOM, Governor
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1 – Revise and Recirculate	SCV Water shall revise and recirculate the MND to elaborate on the operational phase of the Project. The MND shall discuss the type of surface water monitoring technique that will be utilized during operations to ensure that surface water is not depleted. The MND shall discuss how impacts to surface water will be addressed within the groundwater pumping regime management plan. Additionally, the MND shall discuss the presence of UTS within the Santa Clara River, all impacts that may occur to UTS, and provide any measures to avoid impacts to UTS. Lastly, the MND shall provide additional information to demonstrate how the groundwater pumping regime management plan will bring impacts on aquatic and semi-aquatic species to a level less than significant.	Prior to finalizing the CEQA document and Project activities	SCV Water
MM-BIO-2 – LBV Surveys	Prior to the initiation of project construction activities within or adjacent to suitable nesting habitat during least Bell's vireo breeding season (March 15 through September 15), a qualified biologist with experience surveying for least Bell's vireo shall conduct at least eight focused surveys following USFWS-established protocols to determine whether breeding least Bell's vireos are present. Focused surveys shall be completed within the project site and a 500-foot buffer. Per protocol guidelines, a final survey report (including negative findings) shall be provided to USFWS and CDFW within 45 calendar days following the completion of the survey effort. The biologist shall determine and delineate its breeding territory with high visibility	Prior to Project Activities	SCV Water/ Qualified Biologist

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	flagging, and no construction shall take place within 500 feet of the breeding territory from March 15 through September 15. Construction activities should not continue within the buffer until the young have fledged or the nest is no longer active. If "take or adverse impacts to least Bell's vireo cannot be avoided either during Project construction and over the life of the Project, SCV Water shall consult CDFW and may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances.		
MM-BIO-3 – LSA	SCV Water shall notify CDFW pursuant to Fish and Game Code section 1602 for operational activities impacting streams and associated natural communities. SCV Water shall notify CDFW prior to any operational activities that may impact the Santa Clara River. Following notification, CDFW will determine if a Lake and Streambed Alteration Agreement is necessary. The notification to CDFW shall provide the following information: 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW5 (Cowardin et al. 1979); 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (CNPS 2022); 3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and 4) A groundwater analysis to provide information on how	Prior to Project Activities	SCV Water

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	much localized groundwater is being depleted throughout the operational phase of the Project. The groundwater analysis should also provide the level or amount of groundwater that needs to be depleted in order to result in negative impacts to riparian vegetation and dewatering of surface water.		
MM-BIO-4 – MND Revise and Recirculate	SCV Water shall revise the MND to disclose how the hydrology of the Santa Clara River south of the Project and downstream will be impacted during Project operation. The MND shall also disclose what the trigger level is, how trigger level was selected, and how the trigger level applies to the Project. The MND shall explain how compliance with this trigger level means that the Project's impacts are less than significant. Additionally, the MND shall disclose whether the trigger level has been previously adopted or recommended by other public agencies or recommended by experts.	Prior to finalizing CEQA document and Project Activities	SCV Water
MM-BIO-5 – Nesting Birds	Project-related activities shall occur outside of the bird breeding season (generally February 1 to September 15) to the extent practicable. If construction must occur within the bird breeding season, then no more than three days prior to the initiation of ground-disturbing activities (including, but not limited to vegetation removal, site preparation, grading, excavation, and trenching) within the project site, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot buffer (300-foot for raptors), where feasible. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required within three days prior to each phase of construction. 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	Prior to finalizing CEQA document and Project Activities	SCV Water

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	applicable, shall be submitted to SCV Water for review and approval. If no nesting birds are observed during pre-construction surveys, no further actions are necessary. If nests are found, all work shall cease and an appropriate avoidance buffer ranging in size from 300 feet for passerines nests, 500 feet for active non-listed raptors nests, and 0.5 miles around active nests of a CESA or Endangered Species Act-listed bird species shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable material. Active nests shall be monitored at a minimum of once per week until it has been determined the young have fledged the nest and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms breeding/nesting has ended, and all the young have fledged.		
REC 3 - Landscaping	CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends SCV Water restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to and during Project activities	SCV Water
REC 4 – Data	Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form. Information on special-status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé	Prior to finalizing CEQA document	SCV Water

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	Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.		
REC 5 - MMRP	The MND's proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. SCV Water is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing CEQA document	SCV Water

Letter 2

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

DATE: December 16, 2022

Response 2.1

The commenter states the California Department of Fish and Wildlife's (CDFW) role as a responsible and trustee agency under the California Environmental Quality Act (CEQA).

The commenter's role as a trustee and responsible agency under CEQA is noted. As indicated in Response 2.5, the project would not require a Lake and Streambed Alteration Agreement (LSAA) from CDFW; therefore, CDFW is not anticipated to serve as a responsible agency under CEQA for the proposed project.

Response 2.2

The commenter provides a summary of the project description and location. The commenter states they are offering comments and recommendations to assist SCV Water in avoiding and/or mitigating project impacts on biological resources and recommends the suggested measures be included in the project's Mitigation Monitoring and Reporting Program (MMRP).

This comment is noted. Please refer to Responses 2.3 through 2.11 for responses to the specific comments, recommendations, and suggested measures provided by the commenter.

Response 2.3

The commenter states the project may have a significant impact on unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; UTS) due to groundwater extraction during project operation that may lead to low surface water levels within the Santa Clara River, reduced riparian habitat, and changes to water quality, which could result in modifications or loss of suitable habitat for UTS. As a result, the commenter indicates the project has the potential to have a substantial adverse effect on a special status species and has the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species. The commenter recommends SCV Water completely avoid project impacts to UTS because CDFW cannot authorize take of this species. If project impacts to UTS cannot be completely avoided, the commenter recommends SCV Water consult with CDFW to discuss the project and a path forward. The commenter recommends SCV Water revise and recirculate the Draft IS-MND to provide more details on the operational phase of the project, the surface water monitoring technique that will be utilized during project operation to ensure surface water is not depleted, the presence of UTS within the Santa Clara River, potential project impacts to UTS, any measures proposed to avoid impacts to UTS, and how the groundwater pumping regime management plan will reduce impacts to aquatic and semi-aquatic species to a less-than-significant level.

UTS is designated as a State fully protected species, California Endangered Species Act (CESA)-listed species, and Endangered Species Act (ESA)-listed species with an extremely limited range of suitable

habitat. UTS is known to occupy several reaches of the Santa Clara River, and multiple California Natural Diversity Database (CNDDB) occurrences are documented within five miles of the project site in the Santa Clara River (CNDDB Occurrence Numbers 3, 10, 11, 13, 15), both up- and downstream of the project site. Although none of these occurrences overlap the project site, UTS may migrate to the portion of the Santa Clara River directly south of the project site during moderate to high flow conditions.

Direct impacts to UTS would not occur during project construction because ground disturbance would be confined to the developed, ornamental, and disturbed land cover types to the north and outside of the Santa Clara River channel, which do not provide suitable habitat for UTS. Reactivated operation of existing Wells S6, S7, and S8 in conjunction with operation of the new Well S9 would be done in such a manner to stay within the pumping values described in the GSP. As such, project operation is not expected to deplete local groundwater levels beyond the minimum thresholds for depletion of interconnected surface waters established in the Santa Clara River Valley East Groundwater Subbasin GSP such that plant cover would be reduced, thereby exposing UTS to predators and reducing forage food among aquatic vegetation. As further described in the GSP, the SCV GSA monitors groundwater elevations in the vicinity of the project site as well as downstream to evaluate GDEs and identify when GDEs may be experiencing undesirable results caused by groundwater pumping. If undesirable results are or may be occurring, the GSP calls for management actions, such as reducing groundwater pumping and or importing additional supply, to allow groundwater levels to recover and to provide additional protection to the GDEs. The GSP recognizes that UTS have been present in the Santa Clara River approximately two miles west of the project site near Interstate 5 (near the GDE-B monitoring well). The well-by-well pumping approaches, specialized monitoring, and the evaluation program included in the GSP work together to protect against undesirable results from groundwater pumping, including cessation of surface flow and pools during low-flow conditions in the river channel, at this downstream location that currently provides essential habitat for UTS. Nevertheless, the Draft IS-MND conservatively requires implementation of Mitigation Measure BIO-3 to avoid potential indirect impacts to UTS during the operational phase of the project. In response to the commenter's suggestions, the text of the *Description of Project* section and the text of thresholds (a) and (c) in Section 4, *Biological Resources*, of the Draft IS-MND have been clarified and further described under Topical Response A.

The Santa Clara River Valley East Groundwater Subbasin GSP identifies a portion of the Santa Clara River approximately 900 feet east of the project site as a potential GDE (GDE-A) and the portion of the Santa Clara River near the I-5 bridge, approximately two miles downstream of the project site, as a GDE (GDE-B).[3] The potential GDEs shown in the GSP were identified based on high-level mapping of coast live oak, riparian mixed hardwood, and riparian mixed scrub habitat and generally excluded areas with a depth to groundwater greater than 30 feet (Appendix E, Figure 2 of the GSP). Whether the portion of the Santa Clara River in proximity to the project site (both upstream and downstream) is hydrologically interconnected to the surface water of the Santa Clara River and whether this area is a GDE was not definitively determined during preparation of the GSP. The GSP recognizes that the GDE-A area near the project site may not be a GDE and indicates more monitoring is needed. During GSP implementation, the SCV GSA anticipates making a final determination as to whether the area surrounding GDE-A is a GDE. This observation that the GDE-A area may not be a GDE was made by others during GSP development, including CDFW, because the

[3] Santa Clarita Valley Groundwater Sustainability Agency (SCV GSA). 2022. Santa Clara River Valley East Groundwater Subbasin Groundwater Sustainability Plan. https://scvgsa.org/wp-content/uploads/2022/02/Santa-Clara-River-Valley-East-Groundwater-Subbasin-GSP.pdf (accessed January 2023).

groundwater elevations near GDE-A have been recorded historically to be 30 or more feet below ground surface (SCV GSA 2022). Also, since GSP adoption, for example, in summer 2022, the groundwater elevation at GDE-A was approximately 35 feet below ground surface, and, as stated previously, historical records indicate the historical low is deeper still.[4]

The structure of the alluvial aquifer system along the Santa Clara River varies with some areas having deeper sections of alluvium (e.g., GDE-A) and greater depths to groundwater, and some areas having thinner alluvium and shallower depths to groundwater (e.g., GDE-B). UTS have been documented near GDE-B in the past. The Draft IS-MND follows the approach used in the GSP that considered GDE-A might be a GDE and therefore requires implementation of Mitigation Measure BIO-3 to address potential operational impacts to surface water flows, riparian habitat, water quality, and special status species associated with GDEs. In response to the commenter's suggestions, the text of the *Description of Project* section of the Draft IS-MND has been clarified as shown previously under Topical Response A.

Surface water monitoring is not proposed as part of Mitigation Measure BIO-3, primarily because surface water levels in the Santa Clara River may fluctuate in response to natural and anthropogenic factors that are independent of the proposed project and outside of SCV Water's control (e.g., drought, private wells). Instead, Mitigation Measure BIO-3 requires SCV Water to monitor groundwater levels by utilizing the existing GDE-A and GDE-B monitoring wells and comparing groundwater elevations to the trigger levels outlined in the GSP, or future GSP updates, which are discussed further below. In doing so, SCV Water would evaluate whether groundwater extraction resulting from project operation is potentially resulting in the depletion of interconnected surface waters that could lead to undesirable results to GDEs and impacts to associated special status species and riparian habitat, independent of other factors.

The trigger level approach referenced in Mitigation Measure BIO-3 was developed by the SCV GSA to achieve the sustainable management criterion of avoiding depletion of interconnected surface waters from groundwater extraction that could lead to undesirable results to GDEs. The potential undesirable results which this criterion seeks to avoid consist of 1) permanent loss or significant degradation of existing native riparian or aquatic habitat due to lowered groundwater levels caused by groundwater pumping throughout the GDE area and 2) in areas that currently provide essential habitat to UTS and native fishes (sensitive aquatic species in the vicinity of Interstate 5 Bridge), cessation of surface flow and pools during low-flow conditions in the river channel caused by groundwater extraction is an undesirable result (Table 8-1 of the GSP).

The associated minimum threshold for avoiding these undesirable results is "surface water depletion caused by groundwater extraction as measured by groundwater levels falling below the lowest predicted future groundwater elevation measured at GDE-area monitoring wells" (Table 8-1 of the GSP). In accordance with the procedures outlined in the GSP, whether this minimum threshold is exceeded will be analyzed based on the average of future modeled groundwater elevations using the same data set as that used to develop the minimum threshold. As indicated in Table 8-1 of the GSP, "GDE trigger levels…that are at or above historical low elevations (as estimated from the model) will be used to initiate an assessment of GDE conditions caused by groundwater extraction and management actions that might be needed to protect GDEs." Although trigger levels downstream from I-5 were set equal to historical low groundwater elevation, the trigger levels at

[4] Santa Clarita Valley Groundwater Sustainability Agency (SCV GSA). 2023. Santa Clarita Valley Groundwater Sustainability Plan Groundwater Dependent Ecosystem Monitoring Protocol. February 22, 2023.

GDE-A and GDE-B were set two feet higher than historical low groundwater elevation. This more conservative approach was taken due to the concerns about UTS, in particular at GDE-B, and to ensure adequate lead time to evaluate potential undesirable results to GDEs caused by groundwater extraction and provide sufficient time to incorporate management actions if necessary. Given the connection between the trigger level, the sustainable management criterion, and the undesirable results related to depletion of interconnected surface waters, use of the GDE trigger levels and GDE evaluation program as required by Mitigation Measure BIO-3 would result in a groundwater pumping plan that would not result in significant adverse impacts to surface water flows, riparian vegetation, and water quality in the Santa Clara River. Therefore, implementation of Mitigation Measure BIO-3 would reduce potential impacts to special status species, riparian vegetation, and the hydrology and water quality of the Santa Clara River to a less-than-significant level.

The trigger level concepts and evaluation in the GSP, which are incorporated into Mitigation Measure BIO-3, were developed, published, and adopted by SCV GSA through a public review process (which included participation by CDFW) and are supported by the substantial evidence that underlies the entirety of the GSP. Therefore, the trigger levels are appropriate to utilize as thresholds of significance under CEQA pursuant to CEQA Guidelines Section 15064.7(b). In addition, CDFW did not identify concerns with the trigger levels proposed for monitoring effects to GDEs and interconnected surface waters in its comments on the GSP (Appendix O of the GSP).

Mitigation Measure BIO-3 in the Draft IS-MND contains sufficient information on the groundwater pumping plan to demonstrate indirect impacts (if any) to special status species, sensitive plant communities, and state or federally protected wetlands (e.g., the Santa Clara River) would be reduced to a less-than-significant level. Pursuant to CEQA Guidelines Section 15126.4(a)(1)(B), this mitigation measure includes a specific performance standard that the groundwater pumping plan must achieve (i.e., the trigger levels for GDE-A and GDE-B outlined in the GSP) and identifies the types of potential actions that can feasibly achieve that performance standard (i.e., an evaluation program and subsequent management actions, if deemed necessary, such as shifting pumping to another location, reducing or halting pumping at Wells S6, S7, S8, and/or S9, and/or increasing the quantity of imported water). Pursuant to Mitigation Measure BIO-3, if the trigger levels outlined in the GSP for GDE-A and GDE-B are exceeded, an evaluation program must be conducted with necessary management actions implemented should significant and unreasonable effects be anticipated to result from groundwater extraction under the proposed project. This evaluation program is intended to be conducted in accordance with the procedures and requirements outlined in Section 9.5.5 of the GSP. To clarify this point, Mitigation Measure BIO-3 has been revised as shown under Topical Response A. In addition, the examples of management actions identified in Mitigation Measure BIO-3 mirror those presented in Section 9.5.5 of the GSP. In its comment letter submitted on the Draft GSP on October 14, 2021, CDFW indicated, “the Department concurs with the actions described in the evaluation and reporting processes” and requested the addition of reasonable timetables for the completion of specific items, including implementation of management actions if GDE action triggers are reached (see Appendix O of the GSP). The SCV GSA incorporated this feedback into the final GSP in Section 9.5.5 (SCV GSA 2022).

In addition, the text under threshold (a) in Section 4, *Biological Resources*, of the Draft IS-MND has been clarified as shown in Topical Response A in response to the commenter’s recommendations to incorporate additional information on how Mitigation Measure BIO-3 would reduce impacts to aquatic and semi-aquatic species to a less-than-significant level.

In light of the above discussion, with implementation of Mitigation Measure BIO-3, groundwater extraction during project operation would not lead to low surface water levels, reduced riparian habitat, or changes to hydrology or water quality that could result in modifications or loss of suitable habitat for UTS or other special status species. SCV Water would thus avoid project impacts to UTS, and no take would occur. No additional mitigation measures are necessary to avoid impacts to UTS, other special status species, riparian habitat, hydrology, or water quality. Therefore, as concluded in Section 4, *Biological Resources*, and Section 21, *Mandatory Findings of Significance*, of the Draft IS-MND, the project would not have a substantial adverse effect on a special status species and would not have the potential to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species. Because no new, avoidable significant effects have been identified and no new mitigation measures are proposed, recirculation of the Draft IS-MND is not required pursuant to CEQA Guidelines Section 15073.5.

Response 2.4

The commenter states the project may impact least Bell's vireo (*Vireo bellii pusillus*; LBVI) during construction and operation if elevated noise levels during construction activities result in abandonment of nesting territory and if suitable habitat, such as the Fremont cottonwood forest and woodland vegetation community, is reduced due to depletion of localized groundwater. The commenter notes the project may therefore potentially cause a wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; or substantially reduce the number of restrict the range of an endangered, rare, or threatened species, thus requiring a mandatory finding of significance. The commenter notes CDFW considers adverse impacts to a species protected by the California Endangered Species Act to be significant without mitigation under CEQA. The commenter provides a summary of the requirements of the California Endangered Species Act. The commenter recommends consultation with USFWS to comply with the federal Endangered Species Act prior to commencement of project construction and operational activities that may impact LBVI. The commenter also recommends modifications to Mitigation Measure BIO-4.

As noted in the revised Description of Project under Topical Response A, the proposed groundwater extraction under the project would not be greater than the planned groundwater extraction evaluated in the GSP, which considers the long-standing approach to groundwater extraction in the basin. Further, under Topical Response A and Response 2.3, with implementation of the adopted GSP and Mitigation Measure BIO-3, the project would not result in depletion of local groundwater supplies such that significant indirect impacts to suitable habitat for LBVI (e.g., Fremont cottonwood forest and woodland vegetation community) would occur. As noted in Section 4, *Biological Resources*, of the Draft IS-MND, "if least Bell's vireo is present within the vicinity of the project during construction, the proposed project has the potential to indirectly impact the species if construction noise, dust, and other human disturbances cause a nest to fail." As indicated by the commenter and consistent with the analysis of the Draft IS-MND, heavy machinery operation during project implementation may emit noise and vibrations that could lead to disruption in LBVI breeding behavior and reduced breeding activity, should breeding LBVI be present in close proximity to the project site during project implementation. As a result, the Draft IS-MND includes Mitigation Measure BIO-4, which requires focused LBVI pre-construction surveys following USFWS-established

protocols to determine whether breeding LBVI are present within 500-feet of the project site and implementation of avoidance buffers should LBVI be detected.

In response to the commenter's suggestions, Mitigation Measure BIO-4 has been clarified as follows:

> *BIO-4 Least Bell's Vireo Pre-construction Surveys*
>
> Prior to the initiation of project construction activities within or adjacent to suitable nesting habitat during least Bell's vireo breeding season (March 15 through September 15), a qualified biologist with experience surveying for least Bell's vireo shall conduct at least ~~three~~ eight focused surveys following USFWS-established protocols to determine whether breeding least Bell's vireos are present. Focused surveys shall be completed within the project site and a 500-foot buffer. Per protocol guidelines, a final survey report (including negative findings) shall be provided to USFWS and CDFW within 45 calendar days following the completion of the survey effort. If least Bell's vireo is present, the biologist shall determine and delineate its breeding territory with high visibility flagging or similar material, and no construction shall take place within 500 feet of the breeding territory from March 15 through September 15. Construction activities shall not continue within the buffer until the young have fledged or the nest is no longer active. If take or adverse impacts to least Bell's vireo cannot be avoided during Project construction, SCV Water shall consult with CDFW and may be required to obtain a permit under the California Endangered Species Act, such an Incidental Take Permit or a Consistency Determination.

SCV Water would thus avoid significant project impacts to LBVI, and no take would occur. No additional mitigation measures are necessary to avoid impacts to LBVI. Therefore, as concluded in Section 4, *Biological Resources*, and Section 21, *Mandatory Findings of Significance*, of the Draft IS-MND, the project would not have a substantial adverse effect on a special status species and would not have the potential to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species. Because no new, avoidable significant effects have been identified and no new mitigation measures are proposed, recirculation of the Draft IS-MND is not required pursuant to CEQA Guidelines Section 15073.5.

Response 2.5

The commenter states the project may result in impacts to the Santa Clara River and associated riparian vegetation during the operational activities as a result of localized groundwater extraction. The commenter notes that impacting the hydrology of the Santa Clara River may also lead to adverse downstream impacts to biological resources. The commenter states SCV Water should submit notification pursuant to California Fish and Game Code Section 1602 prior to operational activities which impact streams and associated natural communities and may need to obtain an LSAA from CDFW for direct and indirect impacts to streams and riparian areas resulting from project construction in proximity to the Santa Clara River. The commenter recommends the Draft IS-MND fully identify the potential impacts to stream and riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments to support issuance of an LSAA. The commenter offers potential additional measures to compensate for potential on- and off-site

impacts to aquatic and riparian resources. The commenter requests the Draft IS-MND be revised to disclose how the project would impact the hydrology of the Santa Clara River south and downstream of the project site and provide additional information about the trigger level referenced in Mitigation Measure BIO-3.

As noted in the revised Description of Project under Topical Response A, the proposed groundwater extraction under the project would not be greater than the planned groundwater extraction evaluated in the GSP, which considers the long-standing approach to groundwater extraction in the basin. Further, under Topical Response A and Response 2.3, with implementation of Mitigation Measure BIO-3, the project would not result in depletion of local groundwater supplies such that significant impacts to stream and riparian resources associated with the Santa Clara River, including those downstream of the project site, through direct removal, filling, hydrological interruption, or other means would occur. Please refer to Topical Response A and Response 2.3 for additional information about the trigger level referenced in Mitigation Measure BIO-3 and for revisions made to the discussion under threshold (c) in Section 4, *Biological Resources*, in response to the commenter's recommendations to provide additional information on potential project impacts to the hydrology of the Santa Clara River. In addition, the GSP concludes that with the evaluated groundwater pumping plan, any changes to future non storm surface water flows out of the Basin are expected to be de minimis in magnitude, meaning they will not be substantially different from historic non storm flows (SCV GSA 2022). Groundwater pumping in line with GSP modeling assumptions would not be expected to result in any significant direct or indirect changes to streamflow. Because the proposed project would involve groundwater pumping consistent with the GSP's evaluated groundwater pumping plan SCV Water would not be required to submit notification pursuant to California Fish and Game Code Section 1602. Furthermore, conformance with the monitoring and management actions of the GSP would ensure operation of the wells would not result in substantial depletion of interconnected surface waters as established in the GSP. Mitigation Measure BIO-3 reinforces the need to monitor groundwater levels and to implement management actions in a timely manner, which would thereby avoid significant direct or indirect impacts to streams or streamflow.

Response 2.6

The commenter recommends modifications to Mitigation Measure BIO-5.

Mitigation Measure BIO-5 as presented in the Draft IS-MND is sufficient to maintain compliance with the Migratory Bird Treaty Act and California Fish and Game Code. Nevertheless, to clarify this measure, some of the commenter's recommended revisions have been incorporated into the text of this mitigation measure as shown below. However, the recommended increases in nest buffer distances are neither necessary nor practicable given the urban nature of the area that surrounds a majority of the project site; therefore, these suggested revisions were not incorporated.

> *BIO-5 Protection of Nesting Birds*
>
> 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 the initiation of ground-disturbing activities (including, but not limited to vegetation removal, site preparation, grading, excavation, and trenching) within the project site, a nesting bird pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 100-foot

buffer (300-foot for raptors), where feasible. If the proposed project is phased or construction activities stop for more than one week, a subsequent pre-construction nesting bird survey shall be required within three days prior to each phase of construction.

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.

If no nesting birds are observed during pre-construction surveys, no further actions are necessary. If nests are found, an appropriate avoidance buffer ranging in size from 25 to 50 feet for passerines, and up to 300 feet for active non-listed raptors~~s~~ nests (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 material. Active nests shall be monitored at a minimum of once per week until it has been determined the young have fledged the nest and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist. No ground disturbance or vegetation removal shall occur within this buffer until the qualified biologist confirms breeding/nesting has ended, and all the young have fledged.

Response 2.7

The commenter recommends the use of only native species found in naturally-occurring vegetation communities within or adjacent to the project site for the proposed plantings and avoidance of the use of non-native, invasive plant species in areas adjacent or near habitat areas.

The proposed project includes installation of native plant species on the southern side of the proposed groundwater treatment and disinfection facility adjacent to the Santa Clara River and installation of a variety of ornamental species along Bridgeport Lane to blend in with the existing ornamental landscaping through the surrounding community. The exclusive use of native species specifically found in naturally occurring vegetation communities within or adjacent to the project site in the project's landscaping palette is not necessary to mitigate project impacts to biological resources. Therefore, incorporation of this recommendation in the Draft IS-MND is not required under CEQA. However, SCV Water decisionmakers will consider the commenter's recommendations as they review the project.

Response 2.8

The commenter states the requirements for reporting observations of special status species and sensitive natural communities and requests submittal of observation data to the California Natural Diversity Database should any special status species be detected and provides guidance for submittal.

As indicated in Mitigation Measure BIO-2 in Section 4, *Biological Resources*, of the Draft IS-MND and in accordance with the requirements of Public Resources Code Section 21003(e), "all observations of special status species shall be recorded on California Natural Diversity Database field sheets and sent to CDFW by SCV Water or a qualified biological monitor."

Response 2.9

The commenter recommends updating the mitigation measures for biological resources in the Draft IS-MND to include their suggested measures and indicates they have provided a summary of their suggested mitigation measures and recommendations in a Mitigation Monitoring and Reporting Plan included as an attachment to their letter.

This comment is noted. Please refer to Responses 2.3 through 2.8 for discussions on the commenter's suggested mitigation measures and other recommendations.

Response 2.10

The commenter states CDFW's filing fee requirements.

This comment is noted. SCV Water would be required by law to pay all appropriate CDFW filing fees.

Response 2.11

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

The comment is noted. SCV Water will provide CDFW with a copy of these responses to comments prior to consideration of the Final IS-MND by the Board of Directors and will notify CDFW about future public hearings associated with this project.

Letter 3

December 19, 2022

Santa Clarita Valley Water Agency
Attn: Rick Vasilopulos
26521 Summit Circle
Santa Clarita, CA 91350

SANTA CLARITA VALLEY WATER AGENCY (SCVWA), MITIGATED NEGATIVE DECLARATION (MND) FOR THE S WELLS PFAS GROUNDWATER TREATMENT AND DISINFECTION FACILITY PROJECT (PROJECT); STATE CLEARINGHOUSE #2022110376

Dear Mr. Rick Vasilopulos:

Thank you for the opportunity to review the MND for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The Project is within the jurisdiction of DDW Angeles District. DDW Angeles District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a new water supply permit amendment for changes to a water supply source, storage, or treatment and for the operation of new water system components including new distribution tanks equal to or over 100,000 gallons, new wells, and treatment systems. The SCVWA will need to apply for a water supply permit amendment for this Project. 3.1

<u>The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the SCVWA's MND:</u>

- In Section 10 "Other Public Agencies Whose Approval is Required", please indicate that the State Water Resources Control Board, Division of Drinking Water will need to approve a water supply permit amendment for the Project. 3.2

<u>Once the MND is adopted, please forward the following items in support of SCVWA's permit application to the State Water Board, DDW Angeles District Office at DWPDIST22@waterboards.ca.gov</u>: 3.3

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);

- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP;
- Copy of the date stamped Notice of Determination filed at the Los Angeles County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

3.3 cont.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Bill Liang
District Engineer
Angeles District

Letter 3

COMMENTER: Lori Schmitz, Environmental Scientist, State Water Resources Control Board (SWRCB)

DATE: December 19, 2022

Response 3.1

The commenter provides an overview of the SWRCB Division of Drinking Water's (DDW) responsibilities for issuing water supply permits and indicates the project is within the jurisdiction of the DDW Angeles District. The commenter indicates SCV Water would be required to apply for a water supply permit amendment for the project.

SCV Water would comply with all applicable water supply permit requirements administered by the SWRCB DDW.

Response 3.2

The commenter requests listing the SWRCB DDW under *Other Agencies Whose Approval is Required,* in the IS-MND.

In response to the commenter's request, the *Other Agencies Whose Approval is Required* section of the IS-MND has been clarified as follows:

> ## 10. Other Public Agencies Whose Approval is Required
>
> SCV Water is the lead agency for this project. Because the proposed project is located in an area designated as Open Space by the North Valencia Specific Plan, the project would require a permit from the Santa Clarita City Manager prior to any vegetation removal (Santa Clarita Municipal Code Section 14.10.060). According to Government Code Section 53091, building and zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water. As such, the project would not be subject to the City's building and zoning ordinances (Santa Clarita Municipal Code Titles 17 and 18), which include the City's oak tree preservation ordinance. However, SCV Water would voluntarily comply with the City's oak tree preservation ordinance during implementation of the proposed project. SCV Water would also obtain a Parkway Tree Permit pursuant to the City's Parkway Trees Ordinance for removal of western sycamore and London plane trees. <u>In addition, the State Water Resources Control Board, Division of Drinking Water would be a responsible agency for the proposed project because the project would require a water supply permit amendment.</u>

Response 3.3

The commenter requests submittal of the Draft IS-MND, Final IS-MND, and Mitigation and Monitoring Report Plan, all comment letters and responses, a copy of the resolution adopting the Final IS-MND and MMRP, and a copy of the Notice of Determination as part of SCV Water's water supply permit application to the SWRCB DDW Angeles District Office.

The comment is noted. SCV Water will provide these documents to the SWRCB DDW Angeles District Office with the project's water supply permit amendment application.

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