



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 3, 2025
Sent via email

Joe Broadhead
Principal Water Resources Specialist
Eastern Municipal Water District
PO Box 8300
Perris, CA 92572
broadhej@emwd.org

Subject: Draft Mitigated Negative Declaration, Valley Boulevard Potable Water Transmission Pipelines Project (Project), State Clearinghouse No. 2025050182, Eastern Municipal Water District, Riverside County

Dear Joe Broadhead:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the Eastern Municipal Water District (EMWD), as the Project Applicant/Proponent, for the Valley Boulevard Potable Water Transmission Pipelines Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, 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 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.

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

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

PROJECT DESCRIPTION AND SUMMARY

Description and Location: The Eastern Municipal Water District (EMWD; Lead Agency) proposes to install 4.4 miles of 36-inch-diameter, 30-inch-diameter, and 18-inch-diameter pipelines along Valley Boulevard from the existing EMWD Desalination Complex at 29285 Valley Boulevard in Menifee to the intersection of McLaughlin Road and Goetz Road. A valve station with a motor-operated valve (MOV) would be constructed at the intersection of Valley Boulevard and Thornton Avenue and would include an above-grade MOV on an approximately 640-square-foot concrete pad, ground-mounted remote terminal units, and space allocation for a Southern California Edison (SCE) enclosure, if required by SCE. Alternatively, EMWD may decide to install a buried manually valved connection in the adjacent intersection at Valley Boulevard and Thornton Avenue.

COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the EMWD in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project’s CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Western Riverside County Multiple Species Habitat Conservation Plan

Compliance with approved habitat plans, such as the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. The MND states that EMWD is not a Permittee under the Western Riverside MSHCP. The requirements of

the MSHCP therefore do not directly apply to EMWD, meaning EMWD does not have to demonstrate consistency; however, the proposed Project occurs within the MSHCP area and is still subject to ensuring the provisions and policies of the MSHCP will not be negatively impacted.

EMWD is the lead agency but is not signatory to the MSHCP, therefore, in order to participate in the MSHCP they would need to act as a Participating Special Entity (PSE). If EMWD chooses to act as a PSE and obtain take through the MSHCP then all of the MSHCP policies and procedures would apply to this Project, and the MND should discuss how the Project will demonstrate consistency with the MSHCP. If the Project is not processed through the MSHCP for covered species, then the Project may be subject to the Federal Endangered Species Act (FESA) and/or CESA for threatened, endangered, and/or candidate species.

Regardless of whether take of threatened and/or endangered species is obtained through the MSHCP or through a CESA ITP, the MND needs to address how the proposed Project will affect the policies and procedures of the MSHCP.

Specific Comments

Comment #1: Impacts to Narrow Endemic and Rare (CESA) Plant Species

Issue: The Project may impact special-status plants, including Narrow Endemic Plant species outlined within the MSHCP.

Specific Impact: Portions of the Project site fall within the MSHCP Section 6.1.3 survey area and have the potential to support the following Narrow Endemic Plant Species: Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), thread-leaved brodiaea (*Brodiaea filifolia*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wrights trichocoronis (*Trichocoronis wrightii* var. *wrightii*).

Why Impact would occur: As noted in the MND, the Project site occurs within an area identified by the MSHCP as survey areas for Narrow Endemic Plant Species. However, the MND states that focused surveys shall be conducted for only three narrow endemic plant species: Munz's onion (*Allium munzii*) a CESA listed species, San Diego ambrosia (*Ambrosia pumila*) with a rare rank of 1B.1, and thread-leaved brodiaea (*Brodiaea filifolia*) also a CESA listed species. However, CDFW is concerned that surveys for many-stemmed dudleya may be needed, as well, based on habitat suitability.

Based on rainfall in a given year, surveys for San Diego ambrosia, many-stemmed dudleya, and thread-leaved brodiaea should be typically done at peak blooming which can be from March through the end of July. Surveys for Munz's onion should be typically done from March through the end of May. Currently the MND indicates that surveys will be done at prior to the start of construction but subsequently states that construction will be in fall of 2025. As the survey timelines provided in the MND

cannot be met, the MND should be updated to reflect an appropriate schedule for surveys and start of construction.

Evidence Impacts would be Significant: Narrow endemic plant species are highly restricted by their habitat affinities, edaphic requirements, or other ecological factors, thus the MSHCP has developed specific conservation measures if the species are present. Special surveys for rare and CESA listed species and to demonstrate the Project does not conflict with the MSHCP are required to ensure conservation of the species if present on the Project site. Currently the MND does not adequately provide evidence that there would be less than significant impacts to these species as surveys have yet to be conducted to indicate if direct or indirect impacts will occur nor does the mitigation measure have actionable mitigation.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of listed CESA and rare ranked narrow endemic plant species, CDFW requests the EMWD conduct species specific surveys and include the results in a revised and recirculated MND. CDFW is requesting the surveys be conducted then the MND revised in order to ensure no project delays. The current schedule for the Project described in the MND defers surveys to prior to construction without a determined timeframe which could result in project delays should listed species be present. We would also recommend including the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-1: A focused plant survey shall be conducted **within the appropriate time of year** ~~due to the presence of clay soils~~ within the project site. These clay soils may be suitable for special-status plant species such as Munz's onion (*Allium munzii*), San Diego Aambrosia (*Ambrosia pumila*), and thread-leaved brodiaea (*Brodiaea filifolia*), **and Many-stemmed dudleya**, that are known to occur in the project vicinity. Focused efforts will be in areas where suitable soils are present - GaC (Garritson very fine sandy loam), Dv (Domino silt loam), buckwheat and brittlebush scrub, grassland, and ephemeral pools with vegetated areas within the project footprint. The objective of the survey will be to determine presence or absence of special-status plant species and, if present, to quantify and map the distribution of the species on the project site. All plant species detected on the site during the survey shall be identified to the extent necessary to determine rarity and listing status. The survey shall be conducted during the months of April to May to coincide with the appropriate peak flowering season of the target special status species. If special-status species are identified within the project limits, coordination with the United States Fish and Wildlife Service (USFWS) or the California Department of Fish and Wildlife (CDFW)

(depending on the listing status of the species) will be required to determine additional appropriate mitigation measures **and either submit a formal application for an incidental take permit under CESA and a Biological Opinion under the ESA or elect to become a Participating Special Entity under the Western Riverside Multiple Species Habitat Conservation Plan.** This may include the transplant of individual special-status plants, collection and dispersal of special-status plant seeds, and the purchase of compensatory mitigation lands to offset significant impacts.

Comment #2: Crotch's Bumblebee

Issue: The Project may impact Crotch's bumble bee (*Bombus crotchii*).

Specific Impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: The MND states that buckwheat scrub and small mammal burrows occur within the southern portion of the Project site and is suitable habitat for Crotch's bumble bee. Although the Project is on or adjacent to roadways, Crotch's bumble bee could be directly affected by damage to suitable habitat, including grassland and scrub habitats. Direct effects would also include the permanent conversion of occupied habitat to project infrastructure or changes to micro/local hydrology, loss of foraging habitat as well as nesting due to construction activities such as grading and grubbing. Indirect effects on Crotch bumble bee during construction would include the accumulation of fugitive dust resulting in degradation of habitat for these invertebrates. In addition, changes to local runoff would have negative effects on the health and vigor of plants that make up suitable habitat.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection of a threatened species under 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). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an

invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Policy](#) (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of Crotch's bumble bee, CDFW requests the EMWD include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

MM-BIO-2: Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to commencing construction activities, a qualified biologist with expertise in surveying for native bumble bees shall conduct a focused survey for Crotch's bumble bee (*Bombus crotchii* [CBB]) in areas of buckwheat scrub and grassland during the survey season before activities begin. The qualified biologist authorized to survey for CBB by the California Department of Fish and Wildlife (CDFW) shall conduct the surveys when colonies of this species are active (typically April through August) in accordance with the most recent CDFW guidelines (Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). At least 14 days prior to the anticipated start date of the surveys, the qualified biologist shall submit a notification of intent to survey to the CDFW. The bumble bee nest survey involves systematically walking through suitable habitat areas (grassland and scrub) while looking for potential nests and for high levels of bee activity that may signal a nest site. If a CBB nest is found within or adjacent to the project area, CDFW will be notified within 3 days in accordance with CDFW survey guidelines. The foraging bee survey will consist of three site visits, 2 to 4 weeks apart. Visits must be conducted on sunny days with temperatures between 65°F and 90°F and sustained winds of less than 8 miles per hour. Visits must begin at least 1 hour after sunrise and end at least 2 hours before sunset. The surveys are conducted by walking throughout areas of suitable foraging habitat at a rate of no more than 3 acres of suitable habitat per hour to look for bumble bees. Bumble bees encountered during the survey will be captured with a net, photographed, and released on site.

~~If CBB is detected, Eastern Municipal Water District (EMWD) shall submit an avoidance and minimization plan to CDFW. A 50-ft buffer will be proposed in the plan to CDFW, but this plan will need to be approved and~~

~~construction activities may not commence prior to CDFW's approval of the plan~~ **within the impact site and it is determined the species will be impacted by Project implementation, appropriate mitigation will be determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following:**

- **Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven (7) days prior to the scheduled disturbance.**
- **If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.**
- **The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) prior to grading with CDFW. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).**
- **Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.**

Comment #3: Coastal California Gnatcatcher

Issue: The Project may have a significant impact on coastal California gnatcatcher (*Polioptila californica californica*), a Species of Special Concern (SSC) and ESA-listed species.

Specific Impact: Project construction and activities may result in injury or mortality of coastal California gnatcatcher, disrupt natural coastal California gnatcatcher breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Populations of coastal California gnatcatcher have been found to be genetically isolated from other populations within their range. Lack of genetic mixing between other geographical populations is likely due to heightened fragmentation and loss of suitable habitat across their range in southern California (Vandergast 2019).

Why Impacts would occur: The project area contains suitable habitat (brittle bush scrub and California buckwheat scrub) for coastal California gnatcatcher and the surrounding 500-foot buffer. Therefore, the proposed Project activities has the potential to impact coastal California gnatcatcher habitat.

Surveys for coastal California gnatcatcher are necessary to understand the impacts the Project may have on gnatcatcher nesting habitat and to identify occupied gnatcatcher habitat. Coastal California gnatcatcher is an ESA-listed Threatened species.

Gnatcatchers are territorial, year-round residents with high-site fidelity, and can be extremely quiet during brooding and therefore difficult to detect when nesting. There must be a clear understanding of habitat use by coastal California gnatcatcher before any vegetation removal or ground disturbance occurs. The Project Applicant cannot rely on nesting bird surveys just prior to grading to determine gnatcatcher use of habitat on or near the Project site. CDFW recommend protocol surveys to determine coastal California gnatcatcher use of the site within one year of start of project activities.

Evidence Impacts would be Significant: Coastal California gnatcatcher is an ESA listed species and a California SSC. ESA-listed species are considered endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CEQA provides protection not only for State and federally listed species, but for any species including, but not limited to SSC, which can be shown to meet the criteria for State listing. SSC's meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC's could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Coastal California gnatcatchers are non-migratory, territorial, and have been found not to disperse far from their natal nests (Bailey 1998; Vandergast 2019). Thus, the preservation of sensitive natural communities which they have been documented to utilize is paramount.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of the coastal California gnatcatcher, CDFW requests the EMWD include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

MM-BIO-3: Focused Protocol Coastal California Gnatcatcher Survey. Prior to commencing **any ground disturbing** ~~construction~~ activities, a qualified biologist with a Section 10(a)(1)(A) Recovery Permit for the coastal California gnatcatcher (CAGN) shall conduct focused protocol surveys for the species within scrub habitats **in and adjacent to the project site. EMWD shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities.** The survey shall be conducted in accordance with the latest USFWS survey protocol for this species (~~August 1997~~ **dated 2019**). The USFWS focused survey protocol for CAGN requires 6 survey visits at 1-week intervals if the focused survey is conducted during the breeding season (March 15 to June 30), or 9 survey visits at 2-week intervals if the focused surveys are conducted outside of the breeding season (July 1 - March 14). **Surveys shall be conducted by the Designated Biologist at the appropriate time of day, during appropriate weather conditions. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and CDFW within 45 days following the field surveys, and prior to ground-disturbing activities. The results of the focused surveys shall be provided to EMWD, CDFW, and USFWS for review and approval prior to commencement of ground-disturbing activities (including, but not limited to, mowing, grubbing, and disking activities).**

In the event that the focused surveys identify the presence of California gnatcatchers, then ground disturbance or discing of the occupied areas shall be prohibited between March 1 and August 15. If an active coastal California gnatcatcher nest is located, the nest site shall be

fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the nest's precise location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. Project contractors shall be required to ensure compliance with these requirements and permit periodic inspection of the construction site by EMWD staff or its designee to confirm compliance.

In the event CAGN is found on or adjacent to the project site, consultation with the USFWS in accordance with Section 7 of the Endangered Species Act will be required to determine appropriate avoidance, minimization and mitigation measures. Alternatively, the District can obtain third party take authorization in compliance with the MSHCP Implementation Agreement, Section 17.

Comment #4: Burrowing Owl

Issue: On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Project may have a significant impact on burrowing owl (*Athene cunicularia hypugaea*) and burrowing owl habitat.

Specific impacts: The MND states that suitable habitat in the form of non-native grassland, disturbed, and barren ground is found throughout the project site. Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and statewide declines of burrowing owl.

Why impacts would occur: The MND identifies that burrowing owl have the potential to occur within the Project site; however, the MND does not disclose the level of impacts that could occur. To effectively assess potential impacts, focused breeding seasons surveys should be conducted, and where appropriate, mitigation required for the

unavoidable impacts. Further, MM BIO-4 provides limited avoidance and minimization measures if burrowing owls are found during the pre-activity surveys.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Burrowing Owl as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. Burrowing Owl is granted full protection of a threatened species under 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)

In California, burrowing owls are in decline primarily because of habitat loss, as well as disease, predation, and drought. Burrowing owls require specific soil and microhabitat conditions, occur in few locations within a broad habitat category of grassland and some forms of agricultural land, require a relatively large home range to support their life history requirements, occur in relatively low numbers, and are semi-colonial.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of active burrowing owl burrows (nests) and to not conflict with the provisions within the MSHCP, CDFW requests the EMWD include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**) and also included in Attachment 1 “Mitigation Monitoring and Reporting Program”.

MM BIO-4: Burrowing Owl.

Suitable burrowing owl habitat has been confirmed present on or adjacent to the project site, therefore focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation (2012 or most recent version)* prior to vegetation removal or ground disturbing activities for all phases of Project construction and surrounding 500 ft radius.

~~Pre-Construction Burrowing Owl Survey~~**In addition to focused breeding-season surveys, a**—A burrowing owl take avoidance survey shall be performed by a qualified biologist not more than 14 days prior to any site disturbance (grubbing, grading, and construction) in accordance with CDFW guidelines (Staff Report on Burrowing Owl Mitigation, March 7, 2012) and again **within 24 hours prior to ground disturbance. Upon beginning ground disturbing activities or vegetation removal, a biologist shall be on hand to perform monitoring during all construction activities every day to ensure no impacts occur to burrowing owls as a result of the Project. If the project is in inactive for more than 5 consecutive days, take avoidance surveys shall be repeated prior to resuming Project activities.** If an occupied burrow is found (as indicated by the observation of a burrowing owl or the presence of burrowing owl sign), a 250-foot buffer

~~around the burrow shall be staked and flagged, and no construction activities shall be allowed within the buffer area during the breeding season (February 1 through August 31). If the burrow is within the project disturbance area, CDFW shall be consulted to coordinate relocation of the owl in accordance with accepted protocols. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the CDFW. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the CDFW.~~

Should burrowing owls, active burrows, or signs thereof be confirmed during any survey or biological monitoring, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measure if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.

If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Conservation or Mitigation Bank credits (if available) 2) Mitigation Credit Agreements 3) Permittee-responsible mitigation land acquisition.

Comment #5: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on review of material submitted with the MND and review of aerial

photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

Specific Impact: The MND identified that the Project site includes six drainage features, five detention basins, and a number of shallow depressions. The Project would involve trenching to a depth in multiple areas that cross over existing culverts and stream resources. However, there is no discussion on how the stream resources will be avoided or if they are to be temporarily impacted due to the construction activities. The Project activities have the potential to impact fish and wildlife resources through the deposition of debris, waste or other materials that could pass into any river, stream, or lake.

Why Impact Would Occur: Project-related activities could potentially alter drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the deposition of debris, waste or other materials that could pass into any river, stream, or lake. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that “any river, stream or lake” includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW’s issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of

the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: To ensure compliance with Fish and Game Code section 1602 CDFW recommends that the EMWD condition the MND to include a mitigation measure for consultation with CDFW to determine if Fish and Game Code section 1600 et seq. resources may occur within the proposed Project alignment.

CDFW recommends the inclusion of the following measure in the MND per the edits below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program":

MM BIO- XX: If Project activities may impact any river, stream or lake, then prior to the start of Project activities, EMWD shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is not required, or written documentation that a Streambed Alteration Agreement is not required.

The notification to CDFW should provide the following information:

- 1. A stream delineation including the bed, bank and channel;**
- 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 and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);**
- 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**

If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.

Comment #6: Impacts to Species of Special Concern and CESA Listed Species

Issue: The Project did not perform the biological surveys to identify if special-status wildlife species occur on or adjacent to the Project site. In addition, several special-status plant species and special-status wildlife species were described as having low potential to occur within the Project site. However, after reviewing species occurrence databases such as the California Natural Diversity Database, CDFW is concerned that the analysis conducted by EMWD may not have adequately identified species potentially present onsite or the likelihood of certain species to be present, and as a result, the proposed mitigation may not provide enough specificity to sufficiently avoid or minimize impacts to species protected under CESA as well as California Species of Special Concern (SSC).

Specific Impact: Based on the information presented in the MND and supporting Appendix B, as well as data from the California Natural Diversity Database, the Project site has the potential to support Stephens' kangaroo rat (*Dipodomys stephensi*), coast horned lizard (*Phrynosoma blainvillii*), red-diamond rattlesnake (*Crotalus ruber*), and western spadefoot (*Spea hammondi*).

Multiple occurrences of Stephen's kangaroo rat have been recorded immediately adjacent to the Project site, and the Project site is located within Sun City/Menifee Plan Area of the MSHCP; one of the primary biological issues and considerations for this Subunit is to maintain Core and Linkage Habitat for Stephens' kangaroo rat. While the EMWD is not signatory to the MSHCP, the MND should still include an assessment of the impacts to the MSHCP, areas designated as Core Habitat for Stephens' kangaroo rat, and to Stephens' kangaroo rat movement and dispersal as a result of this Project is necessary to address CEQA requirements.

The MND does not include any avoidance or mitigation measures to prevent direct or

indirect impacts from occurring during ground disturbance and vegetation clearing activities. Direct impacts to SSCs and CESA listed species could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic.

Why Impacts Would Occur: Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting SSC and CESA listed species. This may result in trampling or crushing of these sensitive species. Demolition and paving after false negative conclusions may trap wildlife hiding under refugia and burrows. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

Evidence Impacts Would Be Significant: CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the EMWD (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: To address the above issues and help the Project applicant avoid unlawfully take of CESA listed species and SSC, CDFW requests the EMWD include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1“Mitigation Monitoring and Reporting Program.

Recommendation #1: CDFW recommends that EMWD update their CEQA document to reflect the possibility of Stephens’ kangaroo rat (*Dipodomys stephensi*) and western spadefoot (*Spea hammondi*) within the Project site and discuss the local and regional significance of impacts to the species. Focused surveys should be conducted in order to determine presence/absence and to further evaluate the quality of habitat present for these species. The updated analysis should include appropriate avoidance, minimization, and compensatory mitigation measures to offset any impacts to below a level of significance.

MM-BIO XX: Scientific Collecting Permit – The EMWD /qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate SSC wildlife, and to avoid harm or mortality in connection with Project construction and activities.

If EMWD must relocate CESA- or ESA-listed species, they should obtain appropriate take authorization from CDFW and/or USFWS.

MM-BIO XX: Western Spadefoot - Prior to ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre- construction surveys following protocols acceptable to CDFW within suitable habitat . The results of the survey shall be sent to CDFW within one week of survey completion.

If western spadefoot are found, work areas shall be fenced in a manner to exclude toads from the work area and to prevent equipment and vehicles from leaving the work area. A Toad Fencing Plan shall be submitted to CDFW for review and approval at least 30 days prior to the beginning of construction. If during construction, toads are found within a construction area, activities at that construction area shall cease until the Designated Biologist moves the toads to suitable habitat outside of the construction area. If the area was previously unfenced, the qualified biologists in consultation with CDFW will determine if additional fencing or surveys are needed.

MM-BIO 3: Stephens' Kangaroo Rat-Prior to ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre- construction trapping surveys, following trapping protocols acceptable to CDFW, within suitable habitat . If Stephens' kangaroo rat is present onsite, an incidental take permit and mitigation at no less than a 3:1 (replacement to impact) ratio for loss of habitat shall be required, or as determined in the appropriate CESA authorization for listed species. Construction will not proceed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The

types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES


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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for Valley Boulevard Potable Water Transmission Pipelines Project (Project), State Clearinghouse No. 2025050182 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the Eastern Municipal Water District address CDFW's comments and concerns prior to adoption of the MND for the Project.

Questions regarding this letter or further coordination should be directed to Breanna Machuca, Senior Environmental Scientist Specialist at Breanna.Machuca@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

ec: **California Department of Fish and Wildlife**
Carly Beck, Senior Environmental Scientist Supervisor
Carly.Beck@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov.

REFERENCES

- California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>
- Francis, C.D., C.P. Ortega, and A. Cruz. 2009. Noise Pollution Changes Avian Communities and Species Interactions. *Current Biology* 19:1415–1419.
- Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. *Journal of Applied Ecology* 48:210–219.
- Kleist, N. J., R. P. Guralnick, A. Cruz, C. A. Lowry, and C. D. Francis. 2018. Chronic Anthropogenic Noise Disrupts Glucocorticoid Signaling and has Multiple Effects on Fitness in an Avian Community. *Proceedings of the National Academy of Sciences* 115: E648–E657.
- Western Riverside County Multiple Species Habitat Conservation Plan (RCA). 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available for download at: https://www.wrcca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Boulevard, Suite C-220
 Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM)		Timing	Responsible Party
Nesting Birds	MM BIO-1: A focused plant survey shall be conducted within the appropriate time of year within the project site. These clay soils may be suitable for special-status plant species such as Munz’s onion (<i>Allium munzii</i>), San Diego ambrosia (<i>Ambrosia pumila</i>), thread-leaved brodiaea (<i>Brodiaea filifolia</i>), and Many-stemmed dudleya, that are known to occur in the project vicinity. Focused efforts will be in areas where suitable soils are present - GaC (Garritson very fine sandy loam), Dv (Domino silt loam), buckwheat and brittlebush scrub, grassland, and ephemeral pools with vegetated areas within the project footprint. The objective of the survey will be to determine presence or absence of special-status plant species and, if present, to quantify and map the distribution of the species on the project site. All plant species detected on the site during the survey shall be identified to the extent necessary to determine rarity and listing status. The survey	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>shall be conducted during the months of April to May to coincide with the appropriate peak flowering season of the target special status species. If special-status species are identified within the project limits, coordination with the United States Fish and Wildlife Service (USFWS) or the California Department of Fish and Wildlife (CDFW) (depending on the listing status of the species) will be required to determine additional appropriate mitigation measures and either submit a formal application for an incidental take permit under CESA and a Biological Opinion under the ESA or elect to become a Participating Special Entity under the Western Riverside Multiple Species Habitat Conservation Plan. This may include the transplant of individual special-status plants, collection and dispersal of special-status plant seeds, and the purchase of compensatory mitigation lands to offset significant impacts.</p>		
<p>Crotch's Bumble Bee</p>	<p>MM-BIO-2: Crotch's bumble bee is a CDFW candidate endangered species and shall be surveyed for prior to construction. Prior to commencing construction activities, a habitat assessment for Crotch's bumble bee will be conducted within the Project Site and a qualified biologist with expertise in surveying for native bumble bees shall conduct a focused survey for Crotch's bumble bee (<i>Bombus crotchii</i> [CBB]) in areas of buckwheat scrub and grassland during the survey season before activities begin. The</p>		

	<p>qualified biologist authorized to survey for CBB by the California Department of Fish and Wildlife (CDFW) shall conduct the surveys when colonies of this species are active (typically April through August) in accordance with the most recent CDFW guidelines (Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). At least 14 days prior to the anticipated start date of the surveys, the qualified biologist shall submit a notification of intent to survey to the CDFW. The bumble bee nest survey involves systematically walking through suitable habitat areas (grassland and scrub) while looking for potential nests and for high levels of bee activity that may signal a nest site. If a CBB nest is found within or adjacent to the project area, CDFW will be notified within 3 days in accordance with CDFW survey guidelines. The foraging bee survey will consist of three site visits, 2 to 4 weeks apart. Visits must be conducted on sunny days with temperatures between 65°F and 90°F and sustained winds of less than 8 miles per hour. Visits must begin at least 1 hour after sunrise and end at least 2 hours before sunset. The surveys are conducted by walking throughout areas of suitable foraging habitat at a rate of no more than 3 acres of suitable habitat per hour to look for bumble bees. Bumble bees encountered during the survey will be captured with a net, photographed, and released on site.</p>		
--	--	--	--

	<p>If CBB is detected within the impact site and it is determined the species will be impacted by Project implementation, appropriate mitigation will be determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following:</p> <ul style="list-style-type: none">• Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven (7) days prior to the scheduled disturbance.• If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.• The Project does not have the authority to take a candidate species and shall		
--	---	--	--

	<p>obtain an Incidental Take Permit (ITP) prior to grading with CDFW. If “take” or adverse impacts to Crotch’s bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).</p> <ul style="list-style-type: none">• Any floral resource associated with Crotch’s bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch’s bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the		
--	--	--	--

	habitat is preserved.		
<p>Coastal California Gnatcatcher</p>	<p>MM-BIO-3: Focused Protocol Coastal California Gnatcatcher Survey. Prior to commencing any ground disturbing activities, a qualified biologist with a Section 10(a)(1)(A) Recovery Permit for the coastal California gnatcatcher (CAGN) shall conduct focused protocol surveys for the species within scrub habitats in and adjacent to the project site. EMWD shall impose conditions of approval on future grading permits requiring focused surveys to be conducted prior to ground disturbance or discing activities. The survey shall be conducted in accordance with the latest USFWS survey protocol for this species (dated 2019). The USFWS focused survey protocol for CAGN requires 6 survey visits at 1-week intervals if the focused survey is conducted during the breeding season (March 15 to June 30), or 9 survey visits at 2-week intervals if the focused surveys are conducted outside of the breeding season (July 1 - March 14). Surveys shall be conducted by the Designated Biologist at the appropriate time of day, during appropriate weather conditions. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and CDFW within 45 days following the field surveys, and prior to ground-disturbing activities. The results of the focused surveys shall be provided to EMWD, CDFW, and USFWS for review and approval prior to commencement of ground-disturbing activities (including, but not limited to, mowing, grubbing, and disking activities).</p> <p>In the event that the focused surveys identify the presence of California gnatcatchers, then ground disturbance or discing of the occupied areas shall be prohibited between March 1 and August 15. If an active coastal California gnatcatcher nest is located, the nest site shall be fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the nest's precise location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour prior to approaching the nest to determine status. The Designated Biologist shall use their</p>		
--	--	--	--

	<p>best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. Project contractors shall be required to ensure compliance with these requirements and permit periodic inspection of the construction site by EMWD staff or its designee to confirm compliance.</p> <p>In the event CAGN is found on or adjacent to the project site, consultation with the USFWS in accordance with Section 7 of the Endangered Species Act will be required to determine appropriate avoidance, minimization and mitigation measures. Alternatively, the District can obtain third party take authorization in compliance with the MSHCP Implementation Agreement, Section 17.</p>		
<p>Burrowing Owl</p>	<p>MM BIO-4: Burrowing Owl.</p> <p>Suitable burrowing owl habitat has been confirmed present on or adjacent to the project site, therefore focused burrowing owl surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version) prior to vegetation removal or ground disturbing activities for all phases of Project construction and surrounding 500 ft radius.</p> <p>In addition to focused breeding-season surveys, a burrowing owl take avoidance survey shall be</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>performed by a qualified biologist not more than 14 days prior to any site disturbance (grubbing, grading, and construction) in accordance with CDFW guidelines (Staff Report on Burrowing Owl Mitigation, March 7, 2012) And again within 24 hours prior to ground disturbance. Upon beginning ground disturbing activities or vegetation removal, a biologist shall be on hand to perform monitoring during all construction activities every day to ensure no impacts occur to burrowing owls as a result of the Project. If the project is in inactive for more than 5 consecutive days, take avoidance surveys shall be repeated prior to resuming Project activities.</p> <p>Should burrowing owls, active burrows, or signs thereof be confirmed during any survey or biological monitoring, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measure if avoidance is proposed. Project activities shall not</p>		
--	--	--	--

	<p>occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.</p> <p>If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Conservation or Mitigation Bank credits (if available) 2) Mitigation Credit Agreements 3) Permittee-responsible mitigation land acquisition.</p>		
<p>Lake and Streambed Alteration Agreement (LSAA)</p>	<p>MM BIO- XX: If Project activities may impact any river, stream or lake, then prior to the start of Project activities, EMWD shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>not required, or written documentation that a Streamed Alteration Agreement is not required.</p> <p>The notification to CDFW should provide the following information:</p> <ol style="list-style-type: none">1. A stream delineation including the bed, bank and channel;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 and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);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 <p>If an SAA is required, the Applicant shall provide compensatory mitigation at no less</p>		
--	---	--	--

	<p>than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.</p>		
<p>Species of Special Concern and CESA Listed Species</p>	<p>MM-BIO XX: Scientific Collecting Permit – The EMWD /qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate SSC wildlife, and to avoid harm or mortality in connection with Project construction and activities.</p> <p>If EMWD must relocate CESA- or ESA-listed species, they should obtain appropriate take authorization from CDFW and/or USFWS.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>MM-BIO XX: Western Spadefoot - Prior to ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre-construction surveys following trapping protocols acceptable to CDFW within suitable habitat . The results of the survey shall be sent to CDFW within one week of survey completion.</p> <p>If western spadefoot are found, work areas shall be fenced in a manner to exclude toads from the work area and to prevent equipment and vehicles from leaving the work area. A Toad Fencing Plan shall be submitted to CDFW for review and approval at least 30 days prior to the beginning of construction. If during construction, toads are found within a construction area, activities at that construction area shall cease until the Designated Biologist moves the toads to suitable habitat outside of the construction area. If the area was previously unfenced, the qualified biologists in consultation with CDFW will determine if additional fencing or surveys are needed.</p> <p>MM-BIO 3: Stephens' Kangaroo Rat -Prior to ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre-construction trapping surveys within suitable habitat to determine presence of Stephens' kangaroo rat following trapping protocols</p>		
--	--	--	--

	<p>acceptable to CDFW. If Stephens' kangaroo rat is present onsite, an incidental take permit and mitigation at no less than a 3:1 (replacement to impact) ratio for loss of habitat shall be required, or as determined in the appropriate CESA authorization for listed species. Construction will not proceed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.</p>		
--	--	--	--