



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
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August 22, 2025

Julia Aranda
Casitas Municipal Water District
1055 Ventura Avenue
Oak View, CA 93022
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SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE CASITAS-OJAI WATER SYSTEM CONSOLIDATION PROJECT, SCH NO. 2025070808; VENTURA COUNTY, CA

Dear Julia Aranda:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the Casitas Municipal Water District (Casitas) for the Casitas-Ojai Water System Consolidation Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

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.

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Casitas Municipal Water District

Objective: The proposed Project would integrate the existing Ojai Water System (OWS) with the existing Casitas Water System to address insufficient storage capacity in the OWS and provide compatible water treatment to both systems. The Project consists of five main components: pipeline installation; tank demolition and construction; tank rehabilitation; water treatment; and booster pump station demolition and construction.

Location: The Project site is comprised of multiple areas in unincorporated Ventura County and the City of Ojai, as described below:

- **Private Drive:** The site is a private unnamed roadway extending west from Foothill Road in unincorporated Ventura County. Latitude: 34.461829, Longitude -119.256711.
- **Foothill Road:** The site is on the border of unincorporated Ventura County and the City of Ojai, at the intersection of Foothill Road and Fairview Road. Latitude: 34.460680, Longitude -119.256172.
- **Running Ridge Tanks:** The site is near private residences and located in unincorporated Ventura County. The site consists of vegetated land north of Running Ridge Trail. Latitude: 34.461372, Longitude -119.259097.
- **Arbolada Tank and Pump Station:** The site is located in the City of Ojai and is approximately 1.2 acres, south of Fairview Road. Latitude: 34.457953, Longitude -119.259697.
- **Ojai East Tank:** The site is located in unincorporated Ventura County and is approximately 3.7 acres, south of the intersection of Reeves Road and McAndrew Road. Latitude: 34.447808, Longitude -119.184714.
- **OWS Wellfield:** The site is located in the City of Ojai and is approximately 3.2 acres, south of Grand Avenue. Latitude: 34.453174, Longitude -119.221851.

Timeframe: The timeframe for the Project components vary. The pipeline installation along the Private Drive site and Foothill Road would take six to eight weeks. The Arbolada and Running Ridge tanks components would take three to four months. The

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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Ojai East Tanks component would take six to eight months. The Ojai Water System Chloramine Conversion component would take six to eight months. The Arbolada Booster Pump Station component would take six to eight months.

Biological Setting: The Project sites are characterized as rural, low-density residential, vegetated open space, and agricultural land. The developed areas consist of residential neighborhoods, paved and dirt roads, and the existing Casitas infrastructure (e.g., tanks and pump stations). Vegetation communities and land cover types include black sage (*Salvia mellifera*) – California sagebrush (*Artemisia californica*) scrub, coast live oak (*Quercus agrifolia*) woodland, and mulefat (*Baccharis salicifolia*) thickets. Coast live oak, valley oak (*Quercus lobata*), and California sycamore (*Platanus racemosa*) were observed throughout the study area. Ornamental species are present and include pepper tree (*Schinus molle*), Russian olive (*Elaeagnus angustifolia*), agave (*Agave* spp.), Mexican fan palm (*Washingtonia robusta*), and rosemary (*Rosmarinus officinalis*). The herbaceous layer is primarily bare or disturbed with non-native annual species, such as short-podded mustard (*Hirschfeldia incana*), ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), and annual yellow sweetclover (*Melilotus indicus*). Within the survey area there are two water features: San Antonio Creek and an unnamed intermittent stream. Both features are not anticipated to be impacted by Project activities.

A general survey was conducted on May 21, 2025 to document current site conditions and as part of the potential species evaluation along with desk review of various sources. Four special status species were determined to potentially occur within the survey area which include Crotch’s bumble bee (*Bombus crotchii*), California legless lizard (*Anniella* spp.), coastal whiptail (*Aspidoscelis tigris stejnegeri*), and coast patch-nosed snake (*Salvadora hexalepis virgultea*).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Casitas in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT # 1: Impacts to Crotch’s Bumble Bee

Issue: The Project has the potential to impact suitable nesting habitat and foraging opportunities for Crotch’s bumble bee or may result in direct or indirect mortality.

Specific impact: The Project may result in temporal or permeant loss of suitable nesting and foraging habitat for Crotch’s bumble bee. 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: According to CDFW’s Crotch’s Bumble Bee Range – CDFW dataset (CDFWa), the Project area is within the current range for Crotch’s bumble bee.

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The MND also acknowledges that suitable habitat for this species is near some of the Project sites. The MND specifically states that there is suitable habitat for Crotch's bumble bee near the OWS Wellfield site and the Running Ridge Tank site. The MND also states that although impacts to nesting Crotch's bumble bee is not expected, impacts to transiting bees may occur during worker presence at the Running Ridge site.

If the Project proceeds without appropriate focused surveys and mitigation, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. The Project's ground and/or vegetation disturbance activities could result in significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

For reference, Crotch's bumble bees primarily nest from late February through late October and typically nest underground in abandoned small mammal burrows. However, they may also nest under perennial bunch grasses, thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012).

Evidence impact may be significant: Crotch's bumble bee is a candidate species protected under CESA, and, as such, is granted full protection under CESA. The California Fish and Game Commission accepted a petition to list the 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. 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). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by Casitas (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Crotch's Bumble Bee

The MND should be revised to provide a thorough discussion on the Project's potential direct and indirect impacts on Crotch's bumble bee throughout the entire Project area. If the Project may impact Crotch's bumble bee, the MND should incorporate measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.

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Recommendation #2: CESA and CEQA

CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Mitigation Measure #1: Crotch's Bumble Bee Surveys

The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project area and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project ground-disturbing and/or vegetation removal activities.

Mitigation Measure #2: Incidental Take Permit

If Crotch's bumble bee is detected on site, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).

COMMENT # 2: Impacts to Western Burrowing Owl (*Athene cunicularia*)

Issue: The Project has the potential to impact wintering habitat of western burrowing owl.

Specific impact: The Project may result in the temporary loss of wintering habitat for western burrowing owl due to the demolition and construction of tanks as well as other Project ground disturbing activities.

Why impact would occur: According to CDFW's Western Burrowing Owl Range (CDFWb), the Project area lies within the current range for western burrowing owl, specifically wintering habitat. Burrowing owls are well adapted to open, dry annual and perennial grasslands, deserts, and scrublands with low-grading vegetation. They can be found on relatively flat expanses and vacant lots. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction. Loss of access to burrows may result in varying levels of increased stress on burrowing owls and could increase predation.

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Evidence impact would be significant: On October 10, 2024, the California Fish and Game Commission determined that listing of western burrowing owl as endangered as a candidate CESA species was warranted. If Project activities could result in take, appropriate CESA authorization (i.e., an ITP under Fish and G. Code, § 2081) should be obtained prior to commencement of Project activities. Take of any endangered, threatened, or 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 of individual burrowing owls and their nests is defined by Fish and Game Code, section 86, and prohibited by sections 3503, 3503.5 and 3513.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #3: Western Burrowing Owl

CDFW recommends that Casitas evaluate the direct and indirect impacts to burrowing owl within the Project areas, particularly in suitable habitat, and provide its findings in the MND. The MND should also incorporate measures to avoid, minimize, and/or mitigate potential impacts to western burrowing owl as well as its potential and/or suitable habitats.

Mitigation Measure #3: Western Burrowing Owl Surveys

Protocol-level surveys shall be conducted by a CDFW-approved Designated Biologist, following the guidelines in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) prior to ground disturbance and/or vegetation removal activities. All biologists surveying and/or monitoring for burrowing owl shall obtain a Memorandum of Understanding³ issued by CDFW. Early consultation with CDFW is encouraged to ensure all necessary permits are obtained.

Mitigation Measure #4: Incidental Take Permit

If Project activities will impact western burrowing owl and their habitat, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).

³ <https://wildlife.ca.gov/Conservation/CESA/Permitting#550391512-memorandum-of-understanding-mou--2081-a>

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COMMENT # 3: Impacts on California Species of Special Concern (Coastal Whiptail, California Legless Lizard, Coast Patch-Nosed Snake)

Issue: The mitigation measure proposed in the MND may not sufficiently minimize Project impacts on Species of Special Concern (SSC), namely coastal whiptail, California legless lizard, and coast patch-nosed snake.

Specific Impact: Direct impacts to coastal whiptail, California legless lizard, and coast patch-nosed snake could result from Project activities (e.g., equipment staging, mobilization, and grading); ground disturbance; trampling or crushing from construction equipment, vehicles, and foot traffic.

Why impact would occur: The MND states that coastal whiptail, California legless lizard, and coast patch-nosed snake have potential to occur on the Project site(s) during Project activities. To reduce Project impacts, Mitigation Measure (MM) BIO-1 Worker Environmental Awareness Program was proposed in the MND. Mitigation Measure BIO-1 states that prior to initiation of construction activities (including staging and mobilization) at only the Running Ridge Tank and OWS Wellfield sites, all personnel associated with project construction at these sites shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist. The MND did not include any preconstruction surveys for SSC or other native species. Project ground-disturbing activities such as vegetation removal and grading would result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Habitat loss on a local and regional scale is a major cause of population decline for these SSC species; removal or disturbance of confirmed SSC habitat may be considered a significant impact and should be mitigated appropriately.

Evidence impact would be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- 1) If the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- 2) If the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
- 3) If the species meets the State definition of threatened or endangered but has not formally been listed;
- 4) If the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- 5) If naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or -endangered status (CDFWc).

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CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-1: Worker Environmental Awareness Program

Casitas should revise MM BIO-1 to incorporate the underlined language and omit language in strikethrough. The current measure specifies that the WEAP training will be conducted for two sites of the Project. This training should occur for all Project sites:

Prior to initiation of ~~construction~~ Project activities (including staging and mobilization) ~~at the Running Ridge Tank and OWS Wellfield sites,~~ all personnel associated with the Project activities ~~project construction at these sites~~ shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources which may occur in the project site. This training shall include information about Crotch's bumblebee, special status reptiles (California legless lizard, coast whiptail, and coast patch-nosed snake), nesting birds, and protected trees.

The specifics of this program shall include identification of special status species and habitats, a description of the regulatory status and general ecological characteristics of special status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. Employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special status species.

Mitigation Measure #5: Pre-Work Biological Surveys

A qualified biologist shall conduct two pre-Project surveys within and adjacent to the proposed work area(s) within a one-week period prior to the start of Project-related activities. Pre-Project surveys shall include: a) general surveys for botanical and wildlife resources; b) the identification of any active bird nests, burrows, and/or woodrat nests (if active, they should be recorded, monitored for species observations, and mapped); and,

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c) work areas with flowing or standing water shall be visibly surveyed for any aquatic species that may be impacted by Project activities.

Mitigation Measure #6: Injured or Dead Wildlife

If any special status wildlife species are found harmed/injured or dead, work in the immediate area shall stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

COMMENT # 4: Nesting Bird Impacts

Issue: The Project could impact raptors or other nesting birds through direct mortality or abandonment of nests.

Specific impact: Suitable bird nesting habitat occurs adjacent to the Project sites. Indirect impacts may occur from vibration, noise, dust, and increased human activity, which could lead to nest abandonment.

Why impact would occur: The MND incorporates avian protection measures through MM BIO-2 and MM BIO-3. BIO-2 indicates that Project activities shall occur outside of the bird breeding season (February 1 through August 31), if practicable. MM BIO-3 indicates that a biological survey will occur within seven calendar days prior to the start of construction to determine the presence or absence of nests at only the Running Ridge Tank and OWS Wellfield sites. MM BIO-3 does not specify buffer distances if an active nest is observed. Without appropriate buffers or avoidance measures, Project activities may result in take of nesting birds, violating Fish and Game Code and the Migratory Bird Treaty Act.

Evidence impact may be significant: California Fish and Game Code, sections 3503, 3503.5, and 3513 require the avoidance of the incidental loss of fertile eggs or nestlings, or activities that lead to nest abandonment (Fish & G. Code, § 3503, 3503.5, and 3513 et seq.).

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-3: Nesting Bird Survey

Casitas should revise MM BIO-3 to incorporate the underlined language and omit language in strikethrough.

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If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than ~~three-seven~~ three days prior to initiation of Project activities ~~ground disturbance and vegetation removal activities~~. The nesting bird pre-construction survey shall be conducted on foot inside the project footprint, including a 100-foot buffer (300-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practicable. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer with a minimum width of 100 feet (up to 300-500 feet for special-status species and 500 feet for raptors) ~~should be established around the nest (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site)~~ shall be determined and demarcated by the qualified biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season or until the young are no longer dependent on the nest, which shall be determined by the qualified biologist. No Project ground-disturbing activities shall occur inside this buffer until the avian biologist has confirmed breeding/nesting is completed, and the young have fledged the nest. ~~Encroachment into the buffer shall occur only at the discretion of the qualified biologist.~~ A qualified biologist should be on site daily to monitor vegetation clearing and grading activities.

COMMENT # 5: Impacts on Oak Woodlands

Issue: The Project may impact coast live oak and valley oak during Project activities.

Specific Impact: The Project could result in the removal and/or death of oaks and other native trees that were not fully identified in the MND.

Why impacts would occur: The MND, Biological Resources section, page 30, states that no riparian habitat or sensitive plant communities are documented within the project site, but coast live oak woodlands are present within a 50-foot buffer of the Ojai East Tank site. On page 32, there is conflicting information where the MND states that protected trees were observed within the Project site and impacts may include construction equipment compacting soil around the trees as well as disturbance of the crown and root zone from trenching, grading, and clearance pruning. The MND incorporated MM BIO-5 Arborist Study, which states that an inventory of all trees within or adjacent to the Project footprint will be developed. MM BIO-5 also states that a Tree Protection Plan will be developed and will incorporate potential requirements for transplanting or replacement tree plantings, but no compensatory mitigation was proposed for impacts. The Project could remove or injure oak trees or other native trees, which is considered a significant impact and should be mitigated appropriately.

Evidence impacts would be significant: Removal of oaks or other native trees may introduce edge effects. Edge effects that could impact rare, special status, and sensitive

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biological resources include encroachment, introduction of non-native plants and pests, and increased fire risk. Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Oak trees provide nesting and perching habitat for approximately 170 species of birds. Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing acorns (CalPIF 2002). Oak woodlands also serve several important ecological functions within an ecosystem such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers.

CDFW considers oak woodlands to be a sensitive plant community. Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and G. Code, § 1360-1372) and Public Resources Code, section 21083.4 due to the historic and ongoing loss of these resources. Moreover, CDFW's Areas of Conservation Emphasis - Significant Habitats dataset includes oak woodlands as a Terrestrial Significant Habitat based on its priority for conservation and acquisition planning for some counties, local jurisdictions, and the Wildlife Conservation Board (CDFWd).

Valley oak and coast live oak woodland are Sensitive Natural Communities with a State rarity rank of S3. Sensitive Natural Communities are communities that are of limited distribution State-wide or within a county or region and are often vulnerable to environmental effects of projects. CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S3 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S1 has fewer than six viable occurrences (Sawyer et al. 2009). Impacts to sensitive natural communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

For reasons discussed above, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #4: Compensatory Mitigation for Impacts to Oaks

For impacts on oak woodlands, Casitas should offset the loss by no less than 3:1 of the total acreage of woodlands lost. This should include woodlands that would be subject to permanent fuel modification requirements. Casitas should restore functioning and self-sustaining woodlands of similar composition, structure, and function to woodlands impacted. Mitigation should include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted

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natural communities. Acorns and/or seedlings should originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted.

Recommendation #5: Woodland Restoration Plan

Prior to removing any oak trees or the understory vegetation, Casitas should prepare a Woodland Restoration Plan. The Woodland Restoration Plan should prescribe the following:

- 1) Species-specific planting methods;
- 2) Planting schedule;
- 3) Measures to control exotic vegetation and protection from herbivory;
- 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based onsite/habitat conditions prior to impact and/or functional local native oak shrublands/woodlands as reference sites;
- 5) Contingency measures if the success criteria is not met;
- 6) Long-term monitoring for at least 10 years;
- 7) Adaptive management techniques, including replacement plants if necessary; and,
- 8) Annual reporting criteria and requirements.

Recommendation #6: Off-site Mitigation

For off-site mitigation, to ensure permanent protection and effective long-term management of habitat, Casitas should protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity qualified and approved by CDFW to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to any ground-disturbing activities and vegetation removal.

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Casitas 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 a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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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 website](https://wildlife.ca.gov/Data/CNDDDB)⁴ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁵.

Casitas should ensure that any data collected for the MND is properly submitted.

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 to assist Casitas in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that Casitas has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).


⁴ <https://wildlife.ca.gov/Data/CNDDDB>

⁵ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Mayra Molina, Senior Environmental Scientist (Specialist)⁶.

Sincerely,

DocuSigned by:

DF423498814B441...
Heather A. Pert
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Heather Pert, Environmental Program Manager
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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #1: Crotch’s Bumble Bee</p> <p>The Project should consider the potential direct and indirect impacts on Crotch’s bumble bee throughout the entire Project area. If the Project may impact Crotch’s bumble bee, the EIR should incorporate measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #2: CESA and CEQA</p> <p>CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to Crotch’s bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Crotch’s Bumble Bee Surveys</p> <p>The Project proponent shall retain a qualified entomologist(s) with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project area and during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project ground-disturbing and/or vegetation removal activities.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency/Qualified Biologist</p>
<p>Mitigation Measure #2: Incidental Take Permit</p> <p>If Crotch’s bumble bee is detected on site, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #3: Western Burrowing Owl</p> <p>CDFW recommends that the addendums evaluate the direct and indirect impacts to burrowing owl within the proposed AWPf site and any other Project areas that may provide suitable habitat. The addendums should incorporate measures to avoid, minimize, and/or mitigate potential impacts to western burrowing owl as well as its habitat.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #3: Western Burrowing Owl Surveys</p> <p>Protocol-level surveys shall be conducted by a CDFW-approved Designated Biologist, following the guidelines in CDFW’s Staff Report on Burrowing Owl Mitigation (CDFG 2012) prior to ground disturbance and/or vegetation removal activities. All biologists surveying and/or monitoring for burrowing owl shall obtain a Scientific Collecting Permit⁷ issued by CDFW. Early consultation with CDFW is encouraged to ensure all necessary permits are obtained.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency/Qualified Biologist</p>
<p>Mitigation Measure #4: Incidental Take Permit</p> <p>If Project activities will impact western burrowing owl and their habitat, the Project proponent shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq).</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>MM BIO-1: Worker Environmental Awareness Program</p> <p>Prior to initiation of construction <u>Project</u> activities (including staging and mobilization) at the Running Ridge Tank and OWS Wellfield sites, all personnel associated with the <u>Project activities</u> project construction at these sites shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources which may occur in the project site. This training shall include information about Crotch’s bumblebee, special status reptiles (California</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

⁷ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

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Mitigation Measure	Timing	Responsible Party
<p>legless lizard, coast whiptail, and coast patch-nosed snake), nesting birds, and protected trees.</p> <p>The specifics of this program shall include identification of special status species and habitats, a description of the regulatory status and general ecological characteristics of special status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. Employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special status species.</p>		
<p>Mitigation Measure #5: Pre-Work Biological Surveys</p> <p>A qualified biologist shall conduct two pre-Project surveys within and adjacent to the proposed work area(s) within a one-week period prior to the start of Project-related activities. Pre-Project surveys shall include: a) general surveys for botanical and wildlife resources; b) the identification of any active bird nests, burrows, and/or woodrat nests (if active, they should be recorded, monitored for species observations, and mapped); and, c) work areas with flowing or standing water shall be visibly surveyed for any aquatic species that may be impacted by Project activities.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #6: Injured or Dead Wildlife</p> <p>If any special status wildlife species are found harmed/injured or dead, work in the immediate area shall stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency/Qualified Biologist</p>
<p>MM BIO-3: Nesting Bird Survey</p> <p>If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of <u>Project activities</u> ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the project footprint, including a 100-foot buffer (300-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practicable. The survey shall be conducted by a <u>qualified</u> biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer <u>with a minimum width of 100 feet (up to 300-500 feet for special-status species and 500 feet for raptors)</u> should be established around the nest (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the <u>qualified</u> biologist</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season or <u>until the young are no longer dependent on the nest, which shall be determined by the qualified biologist</u>. No Project ground-disturbing activities shall occur inside this buffer until the avian biologist has confirmed breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist. <u>A qualified biologist should be on site to monitor activity daily during vegetation clearing and grading.</u></p>		
<p>Recommendation #4: Compensatory Mitigation</p> <p>For impacts on oak woodlands, Casitas should offset the loss by no less than 3:1 of the total acreage of woodlands lost. This should include woodlands that would be subject to permanent fuel modification requirements. Casitas should restore functioning and self-sustaining woodlands of similar composition, structure, and function to woodlands impacted. Mitigation should include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted natural communities. Acorns and/or seedlings should originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>
<p>Recommendation #5: Woodland Restoration Plan</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>Prior to removing any oak trees or the understory vegetation, Casitas should prepare a Woodland Restoration Plan. The Woodland Restoration Plan should prescribe the following:</p> <ol style="list-style-type: none"> 1) Species-specific planting methods; 2) Planting schedule; 3) Measures to control exotic vegetation and protection from herbivory; 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based onsite/habitat conditions prior to impact and/or functional local native oak shrublands/woodlands as reference sites; 5) Contingency measures if the success criteria is not met; 6) Long-term monitoring for at least 10 years; 7) Adaptive management techniques, including replacement plants if necessary; and 8) Annual reporting criteria and requirements. 		
<p>Recommendation #6: Off-site Mitigation</p> <p>For off-site mitigation, to ensure permanent protection and effective long-term management of habitat, Casitas should protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity qualified and approved by CDFW to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
otherwise executed prior to any ground-disturbing activities and vegetation removal.		