



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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GAVIN NEWSOM, Governor
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September 29, 2025

Jack Gao, Senior Project Manager
Marina Coast Water District
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(831) 883-5962
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**Subject: B2 Reservoir Project (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2025081340**

Dear Jack Gao:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study (IS)/MND from the Marina Coast Water District (MCWD), as Lead Agency, for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Projects that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Projects 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 and Game 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 (*Id.*, § 1802).

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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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. As proposed, for example, activities evaluated in a project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of a 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.), related authorization as provided by the Fish and Game Code may be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Marina Coast Water District (MCWD)

Objective: The proposed Project includes installing a new 2.16-million-gallon potable water tank (B2 reservoir) adjacent to an existing 2-million-gallon water tank (B1 reservoir), and associated infrastructure including underground pipeline connecting the reservoirs, paved access road and driveway, retaining wall, percolation basin, new fencing, and small improvements to the B1 reservoir infrastructure. The proposed Project will serve current and future water demands for MCWD water users. Construction activities are expected to last approximately 18 months.

Location: The Project is located on the northwestern corner of the intersection of Colonel Durham Street and Sixth Avenue, within the City of Seaside on the California State University Monterey Bay (CSUMB) campus, within Assessor's Parcel Number (APN) 031-261-002, in Monterey County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist MCWD in adequately identifying and/or mitigating the Project's significant, or potentially

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significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the IS/MND prepared for this Project.

The Project is on the CSUMB campus and on the former Fort Ord. Per the IS/MND, MCWD must comply with the mitigation measures adopted in the Mitigation Monitoring and Reporting Program (MMRP) for the CSUMB Master Plan EIR and comply with the Fort Ord Habitat Management Plan (HMP). The site is within a designated “development” parcel under the HMP.

Based on a review of the IS/MND, California Natural Diversity Database (CNDDB) records (CDFW 2025), and the surrounding habitat, the Project site is within the geographic range of several special-status animal and plant species, and the IS/MND proposes specific mitigation measures to reduce impacts to these species to a less than significant level. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for a number of special-status animal species, including, but not limited to: the State endangered and California Rare Plant Rank (CRPR) 1B.1 seaside bird's-beak (*Cordylanthus rigidus ssp. littoralis*); the State threatened, federal endangered, and CRPR 1B.2 Monterey gilia (*Gilia tenuiflora ssp. arenaria*); the State candidate endangered Crotch's bumble bee (*Bombus crotchii*); the State species of special concern northern California legless lizard (*Anniella pulchra*) and coast horned lizard (*Phrynosoma blainvillii*); the federal endangered and CRPR 1B.1 Yadon's rein orchid (*Piperia yadonii*) and robust spineflower (*Chorizanthe robusta var. robusta*); the federal threatened and CRPR 1B.2 Monterey spineflower (*Chorizanthe pungens var. pungens*); and the CRPR 1B.1 Kellogg's horkelia (*Horkelia cuneata ssp. sericea*) and Eastwood's goldenbush (*Ericameria fasciculata*).

Crotch's Bumble Bee (CBB)

Appendix B of the IS/MND states that the CBB has a low potential to occur within the Project site since the site does not provide adequate sources of nectar for the entire life cycle of the species. CDFW disagrees with this assessment, the Project is within the range of CBB, and while dispersal and foraging distances can vary, bumble bee species can travel several miles to forage (CDFW 2023). CBB primarily nest in late February through late October and are known to inhabit a variety of habitats, including grasslands, scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (Xerces Society et al. 2018). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). Based on information provided in the IS/MND, some of these habitat elements are present within and adjacent to the Project site. Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to impact local CBB populations. To evaluate potential impacts to CBB,

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CDFW recommends conducting the following evaluation of the Project site and that the following mitigation measures be included in the MND.

Recommended Mitigation Measure 1: CBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment prior to ground-disturbing activities to determine if portions of the Project site and immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

Recommended Mitigation Measure 2: CBB Surveys

If potentially suitable habitat is identified, CDFW recommends that additional surveys be conducted for CBB, and their requisite habitat features, following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

Recommended Mitigation Measure 3: CBB Avoidance

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 4: CBB Take Authorization

If take cannot be avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

MMRP Mitigation Measures (MM)-BIO-1a: Project-Specific Biological Assessments (HMP Species); and MMRP MM-BIO-1b: Project-Specific Biological Assessments (Non-HMP State Species of Special Concern)

The Fort Ord HMP species, as described in the IS/MND, include the California tiger salamander, Smith's blue butterfly, northern California legless lizard, Monterey ornate shrew, Monterey spineflower, sand gilia, sandmat manzanita, Hooker's manzanita, Toro manzanita, Monterey ceanothus, seaside bird's-beak, coast wallflower, Eastwood's goldenbush and Yadon's piperia. Per the IS/MND, the northern California legless lizard and Monterey spineflower occur or have the potential to occur in the Project site. CDFW agrees with MMRP MM-BIO-1a requiring that a biological survey of the Project site be

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conducted by a qualified biologist, prior to any ground-disturbing activities, to determine if the proposed development could potentially impact HMP species or potential habitat. However, only botanical focused protocol-level surveys and botanical mitigation measures are included in the IS/MND, focused protocol-level surveys and avoidance measures for the northern California legless lizard are not included in the IS/MND. It is unclear if avoidance measures will be implemented for the northern California legless lizard.

MMRP BIO-1b includes the requirement of conducting biological surveys for non-HMP special status species, and if those species are observed or determined to have the potential to occur the project biologist will recommend mitigation measures. The IS/MND indicates that there is potential habitat for the Monterey dusky-footed woodrat and coast horned lizard, and they have the potential to occur in the Project site, however, the IS/MND only includes species specific measures for the Monterey dusty-footed woodrat. It is unclear if avoidance measures will be implemented for the coast horned lizard.

To evaluate potential impacts to northern California legless lizard and coast (NCLL) horned lizard (CHL) CDFW recommends the following mitigation measures be included in the MND.

Recommended Mitigation Measure 5: NCLL and CHL Focused Surveys

CDFW recommends that a qualified biologist conduct focused surveys for northern California legless lizard and the coast horned lizard, and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbances.

Recommended Mitigation Measure 6: NCLL and CHL Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians.

Special Status Plants - Monterey gilia, Seaside bird's-beak, Monterey spineflower, and CRPR plant species

The Project site is within the geographic range of several special-status plants, including Monterey gilia, seaside bird's-beak, and Monterey spineflower. The IS/MND indicates protocol level botanical surveys were conducted in 2023 and 2025, and during those surveys Monterey spineflower and Kellogg's Horkelia were detected. Detailed survey results were not included in the IS/MND, and thus the nature of the survey effort is unclear.

Monterey gilia and seaside bird's-beak are known to occur in the vicinity of the Project site (USFWS 2008, CDFW 2025). The sandy soils and maritime chaparral contain suitable habitat for the CESA-listed Monterey gilia (USFWS 2008) and seaside bird's

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beak. In addition, seeds from both of these species may be present under other vegetation types. CESA extends to all stages of the species, so its take prohibition includes seed banks. Ground-disturbing activities and development associated with the Project have the potential to impact these special-status plant species.

Mitigation Measure BIO-1, Monterey Spineflower Salvage, states that occurrences of Monterey spineflower will be avoided to the greatest extent feasible, individuals or populations that will not be impacted by the project will be protected during construction to the maximum extent possible through the use of exclusionary fencing and/or flagging. It is unclear if the fencing/flagging will include a no-disturbance buffer around the individual/population and how large that buffer will be, it is also unclear what “will not be impacted by the project” means. Individuals or populations that are not directly disturbed by ground-disturbing activities could be impacted by the Project if the surrounding habitat changes (e.g. changes in shade or sunlight, changes in hydrology, etc.). CDFW has concerns regarding the survival of individuals/populations within the Project site, since impacts to the surrounding habitat and associated impacts to the Monterey spineflower are not properly analyzed in the IS/MND.

The IS/MND does not include avoidance measures for other special status plant species, such as for the Kellogg’s Horkelia. MM BIO-3 requires the development of a Rare Plant Restoration Plan for non-HPM species that cannot be avoided, however, it is unclear if attempts will be made to fully avoid other special status plant species.

Recommended Mitigation Measure 7: Survey Results and Focused Surveys

CDFW recommends detailed survey results, including methods, datasheets, and maps are submitted to CDFW for review prior to ground-disturbing activities. If additional surveys are advised, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities” (CDFW 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 8: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

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Recommended Mitigation Measure 9: Special-Status Plant Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would need to occur through issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b).

Special Status Plant Restoration Plans

MM BIO-2 requires the development of a Monterey Spineflower Restoration Plan, and states that the impact area will be quantified during final design and Monterey spineflower will be replaced at a 1:1 ratio for the acreage or individuals impacted. It is unclear if the final impact area will also include individuals and populations that are impacted post-final design, including individuals and populations in exclusion areas that are directly impacted during ground-disturbing and construction activities, and individual/populations that are impacted due to changes in the surrounding habitats. Further, it is unclear what areas of the species' habitat are considered temporary impacts, and which areas are considered permanent impacts. CDFW has concerns regarding the proposed mitigation ratio of 1:1 for permanent impacts to this species. MM BIO-3 requires the development of a Rare Plant Restoration Plan for non-HPM species and also includes a 1:1 mitigation ratio. CDFW has the same comments and concerns as with MM BIO-2.

Recommended Mitigation Measure 10: Special-Status Plant Restoration Plans

CDFW recommends MCWD consult with CDFW during the development of their proposed Monterey Spineflower Restoration Plan and Rare Plant Restoration Plan, and that the restoration plans are finalized prior to ground-disturbing activities.

Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any

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area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean a species is not present. To adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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 CNDDB. The CNDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

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FILING FEES

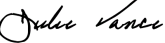
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee 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 IS/MND to assist MCWD in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist MCWD with incorporating the recommended mitigation measures provided above.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Jackson Powell, Environmental Scientist, at the address provided on this letterhead by electronic mail at Jackson.Powell@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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Julie A. Vance
Regional Manager

Attachment (MMRP)

ec: State Clearinghouse
Land Use and Climate Innovation
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REFERENCES

- California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife. March 20, 2018.
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- California Department of Fish and Wildlife. 2025. Biogeographic information and observation system. <<https://www.wildlife.ca.gov/Data/BIOS>>. Accessed 24 September 2025.
- Goulson, D. 2010. Bumblebees: behaviour, ecology, and conservation. Oxford University Press, New York. 317pp.
- U. S. Fish and Wildlife Service. 2008. Monterey Gilia Five-Year Review: Summary and Evaluation. March 2008
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: an identification guide. Princeton University Press, Princeton, New Jersey. 208pp
- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act.

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: B2 Reservoir Project (Project)
SCH# 2025081340**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Crotch’s Bumble Bee (CBB)	
Recommended Mitigation Measure 1: CBB Habitat Assessment	
Recommended Mitigation Measure 1: CBB Surveys	
Recommended Mitigation Measure 4: CBB Take Authorization	
Northern California Legless Lizard (NCLL) and Coast Horned Lizard (CHL)	
Recommended Mitigation Measure 5: NCLL and CHL Surveys	
Special-Status Plants	
Recommended Mitigation Measure 7: Survey Results and Focused Surveys	
Recommended Mitigation Measure 9: Special-Status Plant Take Authorization	
Recommended Mitigation Measure 10: Special-Status Plant Restoration Plans	
<i>During Construction</i>	
Crotch’s Bumble Bee (CBB)	
Recommended Mitigation Measure 3: CBB Avoidance	
Northern California Legless Lizard (NCLL) and Coast Horned Lizard (CHL)	
Recommended Mitigation Measure 6: NCLL and CHL Avoidance	
Special-Status Plants	
Recommended Mitigation Measure 8: Special-Status Plant Avoidance	