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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
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July 28, 2026

Adrianne Carr, General Manager
North Coast County Water District
2400 Francisco Boulevard
Pacifica, CA, 94044
ACarr@nccwd.com

Subject: Fassler Tank Replacement Project, Initial Study/Mitigated Negative Declaration, SCH No. 2026070441, San Mateo County

Dear Adrianne Carr:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Initial Study/Mitigated Negative Declaration (IS/MND) from North Coast County Water District for the Fassler Tank Replacement Project (Project) pursuant 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 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, 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.) 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 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, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: North Coast County Water District

Objective: The objective of the Project is to replace the existing 0.5-million-gallon welded steel Fassler Tank with a new 1.2-million-gallon prestressed concrete water storage tank at the same site. The Project includes construction of the new tank and foundation, associated

[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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underground piping and appurtenances, stormwater drainage and biotreatment facilities, access driveway paving improvements, trail safety modifications adjacent to the Ahni Trail, groundwater monitoring wells, fencing, and landscaping. The Project would replace aging infrastructure, increase system reliability, and improve emergency and fire water storage capacity within the District's southern service area.

Location: City of Pacifica, San Mateo County, at 1186 Fassler Avenue, and Latitude 37.600507, Longitude -122.477524.

Timeframe: TBD

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the North Coast County Water District in adequately identifying 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 may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would the Project 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 CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Nesting Birds

Section 3.3.4 Biological Resources, Page 3-33

Issue: The IS/MND states that "numerous birds have potential to nest in trees or scrub habitat on or near the Project site," and that "if construction activities or removal and trimming of vegetation are scheduled at the Project site during the bird nesting season (between February 1 and August 31), nesting birds could be killed or injured, or could abandon their nests." The IS/MND includes Mitigation Measure BIO-2 to protect nesting birds, yet this measure is not sufficient to reduce potential impact to less-than-significant levels. Specifically, the nesting bird season described in the IS/MND is not inclusive of early-season owl nesting or late-season nesting of all bird species. In addition, Mitigation Measure BIO-2 does not include sufficient buffer radii to ensure all potentially impacted nesting birds will be avoided during Project construction.

If construction commences during the nesting season without sufficiently sized nest buffers in place, or if construction activities occur without a qualified biologist having performed appropriately timed breeding bird surveys, nesting birds may be impacted directly through the removal of nest structures or indirectly through localized disturbance sufficient to cause nest abandonment, a potentially significant impact under CEQA.

Specific impact, why impact would occur, and evidence impact would be significant: The federal Migratory Bird Treaty Act and California Fish and Game Code protect migratory and nesting birds, including species with potential to occur in the Project area. The nesting seasons for owls, passerines, and raptors range from January 15- September 15, February 15- August 30, and February 15- September 15, respectively. BIO-2 in the IS/MND provisions for nesting bird surveys should construction commence during the period between February 1 and July 31, and as such does not include the beginning of the owl nesting season or the end of the breeding season for any of these bird groups.

No-disturbance buffers for any bird nests identified in pre-construction surveys should be of sufficient, species-specific size to protect young birds until they have fledged and are foraging independently. Buffers for passerines, accipiters, and buteos should be a

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minimum of 250 feet, 500 feet, and 1,000 feet, respectively. The no-disturbance buffers proposed in the IS/MND nesting bird measure are not adequately sized to protect passerines or raptors.

Recommendation: CDFW recommends the IS/MND include sufficient avoidance and minimization measures to protect nesting birds by incorporating the following mitigation measure to reduce potential impacts to less-than-significant levels:

Recommended Nesting Bird Mitigation Measure: If Project activities are scheduled to take place between January 15 – September 15, a preconstruction survey of the project vicinity for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The survey shall determine if active nests are present within the planned area of disturbance or within 250 feet for passerines and 500 feet for raptors. The survey shall be performed no more than seven days prior to the commencement of construction activities. If construction activities do not commence within seven days of survey completion, then an additional preconstruction survey shall be conducted such that no more than seven days will have elapsed between the last survey and the commencement of construction activities. If a lapse of Project-related activities of seven days or longer occurs, another focused survey will be conducted before Project activities can be reinitiated.

If an active bird nest is found within survey radii, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. A protective buffer distance shall be established by a qualified biologist based on the conditions of the site, such as whether the nest is in a line of sight of the construction and the sensitivity of the birds nesting. Typical protective buffers are as follows: 1) 250 feet for passerines, 2) 500 feet for accipiters, and 3) 1,000 feet for buteos. No Project personnel or equipment shall be allowed to enter the protective buffer until the qualified biologist determines that the young have fully fledged and will no longer be adversely affected by the Project.

The qualified biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and the nest site(s) shall be monitored by the biologist periodically to determine if the birds are stressed by the construction activities and if protective buffers need to be increased. The perimeter of the nest buffer zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of Project activities in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.

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 (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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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 IS/MND to assist the North Coast County Water District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Shannon Husband, Environmental Scientist, at (707) 337-1364 or Shannon.Husband@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026070441)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov