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March 25, 2019

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CESPL-PDR-N
U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Blvd.
Los Angeles, CA 90017-3401

Governor's Office of Planning & Research
MAR 25 2019
STATE CLEARINGHOUSE

Dear Ms. Wong:

Subject: Prado Basin Ecosystem Restoration and Water Conservation Integrated Feasibility Study Environmental Impact Statement | Environmental Impact Report
State Clearinghouse No. 2016041002

The California Department of Fish and Wildlife (CDFW) received a Draft Integrated Feasibility Report Environmental Impact Statement | Environmental Impact Report (DEIR/EIS) from U.S. Army Corps of Engineers, Los Angeles District (Corps) and Orange County Water District (OCWD) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Prado Basin Ecosystem Restoration and Water Conservation Integrated Feasibility Study Environmental Impact Statement / Environmental Impact Report (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.

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. 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 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

The Project is located within the Prado Basin in western Riverside and San Bernardino counties, and the lower Santa Ana River in eastern Orange County. The Corps is the lead agency for the Project under National Environmental Policy Act and the Orange County Water District (OCWD) will act as the lead agency for CEQA. Three Action Alternatives were carried forward for preliminary analysis. The Project's Tentatively Selected Plan (Alternative 2) has several features associated with it: Water Conservation, Sediment Management, Chino Creek Restoration, Invasive Plant Management, Native Plantings, Riparian Edge Management, Instream Habitat Features (Upstream), Instream Habitat Features (Downstream), Cowbird Trapping, and Non-Native Aquatic Management. The Project covers approximately 4,500 acres immediately upstream of Prado Dam and extends along the Santa Ana River for 7 miles downstream of Prado Dam.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Corps and OCWD 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. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project

CDFW is concerned regarding the organization of the DEIR/EIS. It is unclear whether portions of the Project included in the DEIR/EIS are intended to be mitigation measures. Many of the "Ecosystem Restoration" portions of the project have significant impacts to the environment, particularly biological resources and may not have been adequately analyzed within the document. CDFW recommends the lead agency re-evaluate the project impacts regarding species and habitat information. CDFW is concerned regarding the adequacy of the mitigation measures proposed within Appendix F Mitigation Monitoring and Reporting Program of the DEIR/DEIS to avoid potentially significant impacts, including cumulative impacts and the ability of the project proponents to mitigate project impacts.

CDFW Comments to the Project Notice of Preparation (NOP) (See enclosure)

Within the NOP comments, CDFW specifically recommended the assessment of the various habitat types located within the project footprint, and a map that identifies the

location of each habitat type. We requested a floristic, alliance- and/or association-based mapping and assessment be completed following *A Manual of California Vegetation*, second edition (Sawyer et al. 2009).

The DEIR/EIS does not use the accepted vegetation classification, which is the National Vegetation Classification Standard.

Additionally, CDFW's NOP comment included the need for a complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code § 3511). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys required through the Western Riverside County Multiple Species Habitat Conservation Plan should be completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

The DEIR/EIS does not provide documentation that recent burrowing owl surveys, rare plant surveys, small mammal studies or fish surveys were completed within the project site. Several rare, threatened, endangered and other sensitive species are known to be within and surrounding the project area. CDFW recommends the project proponents fully analyze potential impacts to all special status species and include avoidance, minimization and mitigation measures to reduce project impacts. Without this additional information and analysis, it is unclear whether the Project could result in significant impacts to these resources.

There are no proposed mitigation measures included in the DEIR/EIS to mitigate for loss of habitat and vegetation. CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR/EIS should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include proposed land dedications including conservation easements, endowments to ensure long-term monitoring and management programs, restrictions on access, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR/EIS. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigatable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR/EIS specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

CDFW comments below are organized by Project activity.

Sediment Management

Forebay Entrainment Groin would act as a transition area from the existing grade of the Santa Ana River to the bio-engineered entrainment groin. The forebay area would be kept relatively free of vegetation and would be regularly re-graded to help split flow between the transition channel and the OCWD wetlands channel. The entrainment groin would be formed of sheet pile, rip rap and derrick stone and would be 300 feet in width and 3,300 feet in length.

CDFW understands the Forebay Entrainment Groin to be 22.73 acres. The DEIR/EIS indicates the forebay area would be kept relatively free of vegetation and maintained routinely, while the entrainment groin may be inter-bedded with native sand material and native plantings to promote riparian growth in the groin. The DEIR/EIS does not specify the location and area of maintenance impacts to the forebay area. Furthermore, the document does not identify the types of habitat that will be lost due to the Entrainment Groin construction, operation or maintenance nor how the Project proposes to avoid, minimize or mitigate those impacts. CDFW is concerned that without this information, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA. Furthermore, there are no proposed mitigation measures included in the DEIR/EIS to mitigate for loss of habitat and vegetation.

The DEIR/EIS indicates there are three fill areas that would be constructed along the transition channel to help re-direct the existing alignment of the Santa Ana River into the transition channel. The locations of the fill area would include the floodplain adjacent to the Santa Ana low flow channel, OCWD wetland channel and the transition channel. The total area of the three fill areas would be approximately 69 acres, with 4:1 side slopes and

depth ranging from 6 to 12 feet deep. The total fill volume for all three locations would be 727,840 cubic yards. Material for the three fill areas could come out of the cut volume of the OCWD wetland channel or transition channel. An additional feature of the transition channel would be the construction of a widened floodplain in an area along the northern edge of the transition channel approximately 4,300 ft. downstream of the River Road Bridge Crossing. The widened floodplain footprint would be excavated down approximately 4 ft. to allow storm flows to inundate the area more frequently and to help create higher value riparian habitat in an area that has traditionally been of lower habitat value. The new widened floodplain would have 4:1 side slopes up to the existing grade and would require approximately 209,700 cubic yards of sediment be removed.

The DEIR/EIS does not identify or analyze either permanent or temporary project impacts to vegetation communities within the project footprint. CDFW is concerned that without this information, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA.

The DEIR/EIS does not propose mitigation measures within the document nor the Mitigation Monitoring and Reporting Program to mitigate the loss of the habitat removed during the construction of the transition channel, fill areas, access roads, OCWD wetland channel, including the acres of least Bell's vireo habitat removed and number territories lost. CDFW is concerned that without this information, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA. Furthermore, there are no proposed mitigation measures included in the DEIR/EIS to mitigate for loss of least Bell's vireo habitat or nesting territories.

The DEIR/EIS does not evaluate the potential impacts and loss of habitat to tricolored blackbirds, a State listed threatened species. Tricolored blackbirds have been found in several areas surrounding the project site, and suitable habitat exists in areas proposed for disturbance. CDFW requests protocol surveys be completed to adequately analyze project impacts to the species. Without this additional data, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA. Furthermore, there are no proposed mitigation measures included in the DEIR/EIS to mitigate for loss of tricolored black bird habitat.

The DEIR/EIS does not discuss the projects impacts and habitat loss due to the channelization and concentration of the flows away from the existing adjacent habitat areas. The adjacent riparian vegetation may lose habitat functions and values with the reduced surface water availability. CDFW is concerned that without this information, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA. Furthermore, there are no proposed mitigation measures included in the DEIR/EIS to mitigate for indirect loss of riparian habitat that may results from indirect changes in surface hydrology.

Page 5-130 of DEIR/EIS states "No suckers have been reported in the Prado Basin and only a few individuals have been reported in the Santa Ana River Reach 9". Santa Ana sucker and arroyo chub have been documented within the Santa Ana River in River Road and well within the area of the Sediment Management Channel Trap Area, including the

Transition Channel, Groin Forebay and Fill areas. Furthermore, Dr. Jonathan Baskin of San Marino Environmental Associates documented in 2008, Santa Ana Sucker immediately upstream of the Old Prado Dam Tower². Additionally, Chadwick & Associates in 1997, documented within the California Natural Diversity Database (CNDDDB), the highest arroyo chub abundance in the basin with 243 fish/km in June, 2,914 fish/km in August, and 580 fish/km in November in Temescal Creek, adjacent to the Corona Reclamation Facility at Rincon Street Crossing and very close to the project. Habitat conditions in the area have not changed and no new barriers to fish passage have been installed, therefore it should be assumed that fish may still be present and have not been precluded or extirpated from the area. There may be a significant loss of fish habitat once the vegetation is removed, the Groin Forebay is installed and the Transition Channel is graded. Potential project impacts to native fishes are not clearly defined in the DEIR/EIS and it is unclear whether the Project may result in significant impacts to native fishes. Impact analysis and mitigation measures for Santa Ana sucker, but also arroyo chub, a state Species of Special Concern, need to be included within the final document. Furthermore, mitigation measures should be included if the Project has the potential to significantly impact these species or their habitats.

Based on review of materials submitted with the EIR/EIS, OCWD 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. It may also apply to work undertaken within the flood plain of a body of water.

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 your 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 DEIR 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

² Baskin, J.N. and T.R. Haglund. 2008. Fish Protection Activities at Prado Dam, Corona, CA. United States Army Corps of Engineers.

or Streambed Alteration notification package, please go to
<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Water Conservation

The DEIR/EIS proposes water conservation measures including increasing the surface water elevation of Prado Basin from 498 feet to 505 feet year-round, allowing for approximately 10,000 acre-feet of additional temporary storm water capture during flood season and an additional 6,200 acre-feet per year of water conservation and groundwater recharge. Mitigation Measure BIO-1 states, "If the Habitat Monitoring Program indicates substantial and prolonged degradation of vegetation between 498 ft. and 505 ft., the degraded habitat would be replaced at a 1:1 ratio on OCWD property." Additionally, the DEIR/EIS states, whenever water levels exceed 498 ft. for more than 10 days within a two-week period during the flood season, OCWD would work with the Corps Reservoir Regulation to calculate how long the water level would have remained above 498 ft. in the absence of water conservation operations. To the extent that habitat would have been inundated at least 10 days within a two-week period due to flood control operations alone, it would be assumed that any resulting habitat degradation would not be due to water conservation. However, if the pool would have been drained below 498 ft. earlier than 10 days if not for water conservation operations, then OCWD would monitor and if necessary mitigate impacts. However, OCWD would only be required to mitigate for impacts between 498 ft. and 505 ft.

Impacts to riparian habitat caused by prolonged inundation, whether the inundation is a result of water conservation or other efforts, should be identified, analyzed and addressed with an appropriate mitigation proposal within the DEIR/EIS. CDFW recommends the revised document identify adverse project-related impacts and propose measures to avoid, reduce and for unavoidable impacts, mitigate. CDFW recommends project impacts be roughly proportional to the level of impacts, including temporal and cumulative impacts in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15064, 15065, and 15355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

The DEIR/EIS needs to provide documentation to support the methodology used to determine the proposed mitigation obligation of OCWD. Additionally, it is unclear whether the Corps will be mitigating for loss of habitat due to inundation for flood control purposes.

Mitigation measure EC-BIO-1 states, "If the Habitat Monitoring Program indicates substantial and prolonged degradation of vegetation between 498 ft. and 505 ft., the degraded habitat would be replaced at a 1:1 ratio on OCWD property (Water Conservation Measure only)." Additionally, the EIR/EIS discusses the Habitat Monitoring Plan to be prepared by OCWD in coordination with the Corps, United States Geological Survey and the United States Fish and Wildlife Service and will include a statistically robust sampling method to measure and analyze effects of inundation on riparian vegetation. The vegetation will be monitored annually for signs of degradation. If the habitat monitoring

program indicates substantial changes (>30 percent loss of foliage) and prolonged degradation of vegetation between 498 and 505 feet, the degraded habitat will be restored within the same area if possible, within two years after the 30 percent degradation trigger is detected. Restoration can either occur through natural recruitment, non-native removal, active planting or some combination. If the degraded habitat does not recover within that 2-year timeframe, OCWD will plant and/or restore the same amount of vegetation (equal in size to the degraded area) on OCWD property that has been identified and is currently being treated to prevent the reestablishment of *Arundo donax*, and they will continue to maintain this area for a 5-year period. A 10-acre treatment area has been identified for any off-site mitigation that may be required.

CDFW is concerned that the loss of riparian habitat, monitored for two years is not adequately mitigated for by a 1:1 ratio. Within those two years, there may be a significant loss of nesting and foraging habitat, as well as the compounding reproductive loss of those two years. The temporal loss of habitat, nesting and foraging site may affect not only least Bell's vireo but also yellow warbler, yellow breasted chat and other state Species of Special Concern. CDFW is concerned that without a thorough impact analysis for riparian habitat within the basin, it is not possible to make a significance determination for impacts as required by CEQA.

Native Planting Areas

The Native Planting area within the Mill Creek focal area proposes to fill in a OCWD wetland pond, removing wetland habitat to plant riparian vegetation. CDFW is concerned regarding the potential impacts to sensitive species, particularly tricolored blackbird. CDFW recommends a requirement for focused tricolored blackbird surveys be included in the Final EIR/EIS, to ensure adequate CEQA impact analysis. The conversion of wetland habitat to riparian habitat should not be considered mitigation for habitat loss. The loss of wetland habitat resulting from fill placement and restoration activities could be considered significant and may warrant additional analysis.

Chino Creek Restoration

Section 4.3.1 of the DEIR/EIS explains the purpose of the Chino Creek Channel Restoration Measure is to restore and expand native streambed habitat and to promote riparian growth over areas that currently do not receive enough water to support riparian habitat within the Chino Creek Focal Area. Existing flows from Chino Creek would be re-routed through a new channel along the west side of the creek that would support increased acreage of native vegetation communities.

CDFW recognizes the construction of the new channel will have direct impacts to riparian habitat, particularly seasonally occupied least Bell's vireo habitat as well as potential tricolored black bird habitat. It is understood the areas will be revegetated, there will still be a temporary and permanent loss of habitat which should be identified, analyzed and mitigated. CDFW is concerned that without this information, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA.

The EIR/EIS states, section 7-8 "Biomass and debris generated from storm flows would be removed as needed from the channel annually, if needed. The maintenance road and seasonal/temporary trails through the braided channel area would be used to provide access to remove sediment and debris. Annual trimming and mowing of vegetation would provide access to areas in need of maintenance. The maintenance activities would be performed under the direction and supervision of biologists to insure maintenance activities do not diminish the habitat value of the channel and creek areas."

The DEIR/DEIS is not clear regarding annual (if needed) removal of biomass and debris within the channel. Impacts due to annual channel maintenance could be significant, particularly to sensitive species and plant communities. The document should include the estimated impacts and acreage of annual maintenance activities for the newly constructed Chino Creek.

Additionally, to proceed with routine maintenance activities, OCWD will need to notify CDFW per Fish and Game Code section 1602, which 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.

Riparian Edge Management

Riparian edge management is proposed to restore transitional habitat and supporting wildlife mobility. Riparian edge management would occur around the perimeters of all the sediment management features and the maintenance access roads in the Chino Creek area. The total area of the riparian edge would be 44.49 acres. The entire area for the riparian edge management would be cleared, grubbed and re-graded and then replanted with a combination of seeding, pole staking and container plants.

CDFW is concerned that riparian edge management is expected to be included to offset the project impacts. CDFW disagrees with the statement that the riparian edge management provides restored transition habitat and supports wildlife mobility. Edge effects and the consequential habitat fragmentation are major causes of biodiversity loss³. Lee et al. (2004)⁴ concluded that narrow buffer (15.1 -29.0 meters) are associated with greater variability in effect sizes of both large positive and large negative effects. The United States Department of Agriculture guidelines recommend a buffer width of at least 30 meters to maintain aquatic habitat functions and biodiversity⁵. It is unclear whether a

³ Ries, L., Fletcher, R.J., Battin, J. & Sisk, T.D. 2004. Ecological responses to habitat edges: mechanisms, models, and variability explained. *Annual Review of Ecology, Evolution, and Systematics*. Vol 35:491-522.

⁴ Lee, P., Smyth, C. and Boutin, S. 2004. Quantitative review of riparian buffer width guidelines from Canada and United States. *Journal of Environmental Management*. Vol: 165-180.

⁵ Bentrup, G. 2008. Conservation buffers: design guidelines for buffers, corridors, and greenways. Gen. Tech. Rep. SRS-109. Asheville, NC: Department of Agriculture, Forest Service, Southern Research Station. 110 p.

25-foot Riparian Edge Management area along maintenance roadways and channel would be effective in reducing or mitigating impacts to riparian and/or wetland habitats and may not be a worthwhile mitigation effort. CDFW is concerned that without an additional analysis of indirect and direct impacts, the DEIR/EIS analysis is incomplete and the significance of these impacts cannot be determined as required under CEQA.

Cowbird Trapping

The DEIR/DEIS does not include an evaluation of the current brown-headed cowbird population. The DEIR/EIS indicates, once the initial populations of cowbirds have been removed, regular inspections would occur to ensure that cowbirds do not re-populate.

While Cowbird trapping is an important tool for the recovery of least Bell's vireo and southwestern willow flycatcher, along with a variety of other bird species, CDFW is concerned it does not meet the mitigation need for loss of habitat.

CDFW understands the Corps Reach 9 Mainstem Project and OCWD already implements brown-headed cowbird management within the Prado Basin. Within the DEIR/EIS it is unclear how this proposed Mitigation Measure will integrate with the already active brown-headed cowbird management programs. A clear understanding of regional management efforts is needed to determine whether additional brown-headed cowbird trapping is an appropriate tool in response to project impacts.

Non-native Aquatic Management

The project proposes to control and/or remove invasive aquatic fish, such as carp, bass and catfish within the 67 acres of open water habitat created as the Sediment Channel within the Santa Ana River Mainstem Upstream Focal Area.

CDFW appreciates the control and removal of non-native aquatic species as part of the mitigation plan, however, alone it does not fulfill the mitigation necessary for habitat loss. Furthermore, several permits are required prior to this activity. USFWS requires an Endangered Species Act Section 10(a)1(A) permit for Santa Ana Sucker and CDFW requires a Scientific Collecting Permit authorizing the handling of native fish and the removal of non-native fish.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by 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 DEIR/EIS for the Prado Basin Ecosystem Restoration and Water Conservation Study Draft Integrated Feasibility Study. CDFW recommends United States Army Corps of Engineers and Orange County Water District address CDFW comments and concerns prior to recirculating the revised DEIR/EIS.

Questions regarding this letter or further coordination should be directed to Brandy Wood, Environmental Scientist at 909-483-6319 or brandy.wood@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

Enclosure:

April 27, 2016. California Department of Fish and Wildlife letter to Mr. Daniel Bott of Orange County Water District, comments on the Notice of Preparation for the Prado Basin Feasibility Study Project Draft Environmental Impact Report, State Clearinghouse No. 2016041002.

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Jeff Brandt, California Department of Fish and Wildlife
Karin Cleary-Rose, United States Fish and Wildlife Service
Kal Palenscar, United States Fish and Wildlife Service
Jason Bill, California Regional Water Quality Control Board, Santa Ana Region
Greg Woodside, Orange County Water District