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DEPARTMENT OF FISH AND WILDLIFE
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May 16, 2019

Governor's Office of Planning & Research

MAY 17 2019

STATE CLEARINGHOUSE

Mr. Brian Lockwood, General Manager
Pajaro Valley Water Management Agency
36 Brennan Street
Watsonville, CA 95076
eir@pvwater.org

Dear Mr. Lockwood:

Subject: College Lake Integrated Resources Management Project, Draft Environmental Impact Report, SCH #2017112063, Santa Cruz County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) prepared by the Pajaro Valley Water Management Agency (PV Water) for the proposed College Lake Integrated Resources Management Project (Project) located in the County of Santa Cruz. CDFW is submitting comments on the draft EIR regarding potential impacts to biological resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW offers the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The proposed Project will store water in and divert water from College Lake for treatment, transmission, and distribution for water for agricultural irrigation. College Lake is located along Salsipuedes Creek in Santa Cruz County northeast of the Watsonville city limits.

The proposed Project includes the construction of a weir structure and intake pump station downstream of College Lake within Salsipuedes Creek; a water treatment plant, and an approximately 5.5-mile-long pipeline from the proposed water treatment plant to the Coastal Distribution System and the Recycled Water Facility.

ENVIRONMENTAL SETTING

Within the proposed Project site, salmonid species, amphibian species, migratory birds, and special-status species are known to inhabit or utilize the area. The special-status species that are known to occur, or have the potential to occur in or near the Project site, include:

- Bald eagle (*Haliaeetus leucocephalus*), a state endangered species and a fully protected species;
- Burrowing owl (*Athene cunicularia*), state species of special concern;
- California red-legged frog (*Rana draytonii*), a state species of special concern and listed as threatened under the federal Endangered Species Act (ESA);
- Golden eagle (*Aquila chrysaetos*), a state fully protected species;
- San Francisco dusky-footed woodrat – (*Neotoma fuscipes annectens*), a state species of special concern;
- Steelhead – Central California Coast Distinct Population Segment (*Oncorhynchus mykiss irideus*), listed as threatened under ESA;
- Tidewater goby (*Eucyclogobius newberryi*), listed as endangered under ESA; and
- Western pond turtle (*Emys marmorata*), a state species of special concern.

COMMENTS

Comment 1: Permitting of pipeline trenchless construction

Please note that tunneling beneath Corralitos Creek, streams, and drainages may require the submission of a Notification of an LSA with CDFW. Tunneling may be considered a modification of the bed of the stream. This activity has the potential for “frac-out” (release of drilling fluid) into creeks, which would cause direct impacts to biological resources. The EIR should include preparation of a frac-out plan, which would address biological impacts and minimization practices if a frac-out event occurs.

Comment 2: Adult steelhead migration

While CDFW appreciates that steelhead passage and bypass flows were incorporated for Project operation, CDFW recommends that Adult Steelhead Migration flows be defined in the draft EIR and that such bypass flows be provided from December 15 through at least April 30 to protect salmonid resources.

In Santa Cruz County streams, steelhead run timing has been documented as having a significant portion of spawning and migration occur during the month of April (Jankovitz 2012, 2013). In 2011-2013, 38% (n=29; N=77) of fresh steelhead redds observed in San Lorenzo River watershed reaches were documented in April. Providing flows through at least April 30 would avoid impacts to steelhead during the latter part of the spawning season.

Comment 3: Smolt outmigration

In Santa Cruz County, steelhead smolt outmigration is observed from March 1 to May 31. However, since CDFW is recommending that Adult Steelhead Migration be provided through April 30 (Comment 2), smolt outmigration minimum bypass flows should be provided from May 1 to May 31 to best protect salmonid resources.

Comment 4: Mitigation Measure BR-1d: Avoidance and Minimization Measures for San Francisco Dusky-Footed Woodrat (SFDW)

If SFDW nest relocation is required, CDFW recommends that a qualified wildlife biologist, that has had at least three years' experience relocating SFDW nests, conduct relocation efforts as follows:

1. Trapping. Before relocation, the qualified biologist should conduct one night of live-trapping to capture SFDW from a nest. To capture SFDW, place four 12-inch Sherman traps at the entrances to each nest. Traps should be baited with rolled oats, wild bird seed, or peanut butter in the evening within one hour before sunset. Traps should be checked the following morning to identify if SFDW are captured. If nothing is captured, the traps should be closed during daylight hours and reopened one hour before sunset. If SFDW are captured, SFDW should be contained inside the trap and left in a shaded area until the nest is dismantled, and the artificial shelter is being installed.
 - a. If trapping occurs within the breeding/rearing cycle of SFDW (December to September), captured individuals should be checked to see if they are lactating females. If any captured SFDW are lactating individuals, they should immediately be released where they were trapped. The qualified biologist should try to determine which nest the lactating female is using. If young are detected, the qualified biologist should contact CDFW to discuss options.
2. Nest Dismantling. All nests that were trapped should be dismantled and an artificial shelter be constructed. If no SFDW are captured at a nest during live-trapping, the nest should be slowly dismantled by hand so that it is not reoccupied.
3. Artificial Shelter Location. If SFDW are captured at a nest during live-trapping than the qualified biologist should install an artificial shelter within 50 feet of the original nest location and map the location of the original nest location and artificial shelter on an aerial image of the Project site. The location of the shelter will offer a mix of sun and shade and be no closer than 20 feet from an existing SFDW nest. Proposed relocation areas will be as close as possible to the original locations in similar habitat and contain biologically-suitable habitat features (e.g., stands of poison oak, coast live oaks, and dense native brush). Once a location is selected, a handmade, vented, pine box (12 inches height and width), attached with wooden stakes and screws with two inside chambers and an offset entrance will be installed slightly below grade and secured with wooden stakes. Salvaged nest material will be placed inside the box. Existing food caches and/or supplemental food (e.g., rolled oats, wild bird seed and peanut butter) should be placed inside. Woody debris from the original nest will then be placed over and around the chamber and carefully arranged such that there is only one entrance. Additional vegetation may be used to stabilize the structure.
4. Release into Artificial Shelter. Once the artificial shelter is constructed, the live-trap with the captured SFDW should then be placed at the entrance and carefully opened such that the individual enters on its own. SFDW should not be handled. Once SFDW is inside the nest, the entrance should be loosely plugged with dirt and woody debris once the SFDW is inside.
5. Monitoring. A post SFDW relocation survey should be made at one month, six months, and one year, following the relocation effort to determine activity at each artificial shelter.

The SFDW nest relocation method above has been used throughout many LSA Agreements, and has been successful in occupancy of relocated SFDW nests.

Comment 5: Mitigation Measure BIO-2k: Western Pond Turtle (WPT) Revised

Mitigation Measure BIO-2k: WPT Revised WPT-2 states that:

A CDFW-approved biologist will survey the work site 48 hours prior to the onset of construction or maintenance activities. If WPT adults, juveniles or eggs are found, the approved biologist will determine the closest appropriate relocation site. The approved biologist will be allowed sufficient time to move them from the work site before work activities begin. Only CDFW-approved biologists will participate in activities associated with the capture, handling, and moving of WPT.

CDFW recommends that if WPT eggs are found, they are not relocated, as relocation of nests or eggs often result in decreases hatch success and nest abandonment. To protect WPT populations, CDFW recommends that if WPT eggs or nests are found, no work will be conducted within a 50-foot radius of the nest. Work can resume, within the 50-foot radius, once the eggs hatch and the juveniles have left the area.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, & CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

Lake and Streambed Alteration Agreement

CDFW will require an LSA Agreement, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

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FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 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.

Thank you for the opportunity to comment on the Project's draft EIR. If you have any questions, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or monica.oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or randi.adair@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2017112063

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REFERENCES

- Jankovitz, J. 2013. 2012-2013 Escapement Estimates for Central California Coast Coho Salmon (*Oncorhynchus kitsutch*) and Steelhead (*Oncorhynchus mykiss*) South of the Golden Gate. Pacific States Marine Fisheries Commission. Annual Report.
- Jankovitz, J. 2012. 2011-2012 Escapement Estimates for Central California Coast Coho Salmon (*Oncorhynchus kitsutch*) and Steelhead (*Oncorhynchus mykiss*) South of the Golden Gate. Pacific States Marine Fisheries Commission. Annual Report.