

**FINAL**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

for the

**SPRINGFIELD WATER SYSTEM  
IMPROVEMENTS PROJECT**

Prepared for:



Pajaro Sunny Mesa Community Services District  
136 San Juan Road  
Royal Oaks, CA 95076

Prepared by:



Denise Duffy & Associates  
947 Cass Street, Suite 5  
Monterey, CA 93940

October 2020

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## TABLE OF CONTENTS

Chapter 1.	Introduction .....	<b>Error! Bookmark not defined.</b>
Chapter 2.	Comments and Responses .....	2
Chapter 3.	Changes to the Draft IS/MND .....	4

## ATTACHMENTS

Attachment A – Comment Letters Received

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## CHAPTER 1. INTRODUCTION

**BACKGROUND:** The Pajaro/Sunny Mesa Community Services District (District) circulated an Initial Study/Mitigated Negative Declaration (IS/MND) on the Springfield Water System Improvements Project (Proposed Project) and has determined that the Proposed Project will not have a significant effect on the environment. The District will therefore consider adoption of a MND for the Proposed Project at the regularly scheduled Board hearing on October 22, 2020.

**PROJECT DESCRIPTION:** The Proposed Project involves the expansion and enhancement of the Springfield Water System and will include replacement of an existing well and water system and development of a new source of potable water supply, storage, treatment, pumping facilities, and distribution system improvements. The Project components include Moss Landing Middle School site improvements, distribution pipeline, and replacement pipeline to connect to the existing residents and mobile home park and other connection improvements.

The new facilities described above are needed to replace inadequate facilities that now serve residents in the area. The current system has consistently failed to meet water quality standards. Existing well (SW-1) and system facilities are impacted by nitrate contamination, seawater intrusion, sulfate contamination, and 1,2,3, trichloropropane contamination. Additionally, the current well location is surrounded by agricultural operations and access to this location is constrained at certain times by neighboring agricultural operations. A physical separation between the existing SW-1 well and the improved water system will be created to prevent future supply of contaminated water to the new system. As part of the Proposed Project, SW-1 will be taken out of regular service and will only be used in emergency situations. The new well (SW-2) will be located at the existing disturbed area at the Moss Landing Middle School.

**PUBLIC REVIEW PERIOD:** The 30-day public review period for the IS/MND commenced on August 13, 2020 and ended on September 11, 2020.

**COMMENTS RECEIVED:** The following lists the comment letters received to date. The comments are summarized, and responses are provided in the **Comments and Responses** section of this Final IS/MND:

- A. Local Agency Formation Commission of Monterey County
- B. California Department of Transportation, District 5
- C. California Department of Fish and Wildlife

Copies of the letters referenced above are included as **Attachment A** to this Final IS/MND.

## CHAPTER 2. COMMENTS AND RESPONSES

### Letter A: Keith McKenna, Executive Officer, Local Agency Formation Commission of Monterey County

**Comment A-1:** Although LAFCO is not a Responsible Agency under CEQA for the Proposed Project, LAFCO's policies encourage the efficient provision of government services within LAFCO-approved and mapped boundaries where sufficient capacity exists to meet service needs. The Proposed Project is consistent with these policies.

**Response A-1:** Comment noted.

### Letter B: Chris Bjornstad, Associate Transportation Planner, California Department of Transportation (Caltrans), District 5

**Comment B-1:** If any future work is completed in the State of California's (State) right-of-way, it will require an encroachment permit from Caltrans and must be done to Caltrans engineering and environmental standards, at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Caltrans Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. Additional information regarding the encroachment permit process can be found on the Caltrans Encroachment Permit Website: <http://www.dot.ca.gov/trafficops/ep/index.html>.

**Response B-1:** Comment is noted. Text has been added to the IS/MND to note requirement for an encroachment permit within State's right-of-way. See added language in the **Changes to the Draft IS/MND** Section of this Final IS/MND. All applicable permit requirements for pipeline construction within the State's right-of-way will be followed.

**Comment B-2:** Caltrans states all future work in, on, under, over, or affecting State highway right-of-way is subject to a Caltrans encroachment permit. Depending on the complexity of the Proposed Project improvements requiring an encroachment permit, Caltrans oversight may be the more appropriate avenue for project review and approval by Caltrans. Caltrans requests that the District consult with the Caltrans District 5 Permit Engineer to determine the most appropriate permitting system for the Proposed Project.

**Response B-2:** Comment noted.

**Comment B-3:** All future work will need to conform to the Caltrans Encroachment Permits Manual, Chapter 600. Additional utility installation requirements, which may apply, are found in Chapter 17 of the Project Development Procedures Manual. Deviations from Caltrans Encroachment Permit Policies may require an exception from Caltrans. This requirement and process will be outlined by the Caltrans District 5 Permit Engineer in the pre-submittal conference.

**Response B-3:** Comment noted.

**Comment B-4, B-5, and B-6:** The comment letter provides additional specifications for work within the Caltrans' right-of-way. The author outlines the requirements for encroachment permits, regulatory oversight, removal of non-operational pipes, plan review, and other related items.

**Response B-4, B-5, and B-6:** Caltrans standards and permit requirements for projects occurring in the Caltrans' right-of-way are noted.

**Letter C: Julie A. Vance, Regional Manager, California Department of Fish and Wildlife (CDFW)**

**Comment C-1:** CDFW notes recent published findings of its decision to advance the Western Bumble Bee (WBB) to candidacy as an endangered species under the California Endangered Species Act (CESA). Pursuant to Fish and Game Code section 2074.6, CDFW has initiated a status review report to inform the Fish and Game Commission's decision on whether listing of WBB, pursuant to CESA, is warranted. During the candidacy period, the status of the WBB as an endangered candidate species under qualifies it as an endangered, rare, or threatened species under CEQA. CDFW notes that take of WBB during the status review period may be prohibited unless appropriate authorization pursuant to CESA is obtained.

WBB have the potential to occur within and near the Proposed Project site. Suitable WBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. WBB primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, underbrush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014). Overwintering sites utilized by WBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with Proposed Project implementation has the potential to significantly impact local WBB populations.

CDFW identifies potential impacts to WBB can occur without appropriate avoidance and minimization measures. Identified impacts associated with Proposed Project ground- and vegetation-disturbing activities include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality in violation of Fish and Game Code.

CDFW recommends two mitigation measures to reduce potential for significant impacts to WBB which include determining if suitable habitat is present, conducting focused surveys, and potentially avoiding suitable habitat.

**Response C-1:** Potential impacts to WBB were analyzed in the Draft IS/MND; please refer to the Special-Status Species Table included as an appendix to the Biological Resources Report prepared for the project (Appendix B of the Draft IS/MND). The analysis identified that suitable habitat is present within the area surveyed for biological resources; however, the survey area is outside of the currently known range for this species. As identified by CDFW in their comment, WBB populations are now largely restricted to high elevation sites in California. As such, it was determined that WBB was unlikely to occur within the survey area and be impacted by the project. However, the avoidance and minimization measures recommended by CDFW shall be incorporated as conditions of the project as shown in this Final IS/MND. See **Changes to the Draft IS/MND** for full text of these measures (identified as for "CDFW Recommended Mitigation Measures") and a description of how these measures will be incorporated into the project.

**Comment C-2:** CDFW states that Burrowing Owl (BUOW) may occur near the Proposed Project site, due to their species range (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. The Draft IS/MND states that there are mammal burrows present throughout the Project area, however CDFW review of aerial imagery indicates that some of the Proposed Project site is bordered by

potential fallow agricultural fields and burrows may be present within the Proposed Project site. B Ground-disturbing activities associated with the Proposed Project have the potential to significantly impact local BUOW populations due to burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. Excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

The letter then goes onto recommend two mitigation measures to reduce impacts to BUOW including conducting a habitat assessment and implementing non-disturbance buffers.

**Response C-2:** Potential impacts to BUOW were analyzed in the Draft IS/MND; please refer to the Special-Status Species Table included as an appendix to the Biological Resources Report prepared for the Proposed Project (Appendix B of the Draft IS/MND). The analysis identified that marginal nesting and wintering habitat is present within and adjacent to the area surveyed for biological resources; however, no burrows of sufficient size to support this species were observed during the biological surveys conducted for the project in 2019 and 2020. As such, it was determined that BUOW had a low potential to occur within the survey area and be impacted by the Proposed Project. However, the avoidance and minimization measures recommended by CDFW shall be incorporated as conditions of the Proposed Project. See **Changes to the Draft IS/MND** for full text of these measures (identified as “CDFW Recommended Mitigation Measures”).

### **CHAPTER 3. CHANGES TO THE DRAFT IS/MND**

This section contains proposed text changes to the Draft IS/MND based on comments received during the public review period. Additions are shown in underline, while deletions are shown in ~~strikethrough~~.

**Section 2.5 Project Description, Page 11:** The second paragraph of the section is amended as follows:

Construction activities along Springfield Road and Struve Road are proposed primarily within roadway and public easement rights of way. The Proposed Project will require excavation within the Monterey County and Caltrans rights-of-way on Springfield and Struve Roads for the distribution pipeline trenching and jack and bore underneath Highway 1. The District PSMCSD will be responsible for obtaining an encroachment permit from the County of Monterey and Caltrans prior to the start of construction. The encroachment permits will require a traffic control plan.

**Section 5.2.4 Biological Resources, Page 46** The following text is added after Mitigation Measure BIO-3G.

#### *Special Status Wildlife Species – Western Bumble Bee*

WBB was once common throughout most of California. Potential impacts to WBB were analyzed in the Draft IS/MND The analysis identified that suitable habitat is present within the area surveyed for biological resources; however, the survey area is outside of the currently known range for this species. Per the Draft IS/MND and the CDFW letter, WBB populations are now largely restricted to high elevation sites in the Sierra Nevada. CDFW also identified scattered observations along the California coast (Xerces Society 2018). Analyses by the Xerces Society (2018) suggest there have been sharp declines in relative abundance by 84%. The Draft IS/MND determined that WBB was unlikely to occur within the survey area and be impacted by the project. However, CDFW commented that subsequent ground-disturbing



activities associated with the Project have the potential to impact WBB and identified specific avoidance and minimization measures. These are listed below.

CDFW Recommended Mitigation Measures, WBB

**BIO-5A** A qualified biologist shall determine if suitable habitat is present within the Project site. If suitable habitat is present, a qualified biologist shall conduct focused surveys for WBB and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance associated with the Project.

**BIO-5B** If surveys cannot be completed, all small mammal burrows and thatched/bunch grasses shall be avoided by a minimum of 50 feet to avoid and minimize take and potentially significant impacts any detection of WBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take, or if take cannot be avoided, what take authorization may be necessary to comply with CESA.

*Special Status Wildlife Species – Burrowing Owl*

BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW (Gervais et al. 2008). The Draft IS/MND analysis identified that marginal nesting and wintering habitat is present within and adjacent to the area surveyed for biological resources; however, no burrows of sufficient size to support this species were observed during the biological surveys conducted for the project in 2019 and 2020. As such, the Draft IS/MND concluded that BUOW had a low potential to occur within the survey area and be impacted by the project. However, CDFW commented that subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW’s “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA. Therefore, the following avoidance and minimization measures recommended by CDFW shall be incorporated of the project, as additional CDFW recommendations and mitigation measures for BUOW.

CDFW Recommended Mitigation Measures, BUOW

**BIO-6A** A qualified biologist shall assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, a qualified biologist shall assess the presence/absence of BUOW by conducting surveys following the California Burrowing Owl Consortium’s “Burrowing Owl Survey Protocol and Mitigation Guidelines” (CBOC 1993) and CDFW’s Staff Report on Burrowing Owl Mitigation” (CDFG 2012). Specifically, three or more surveillance surveys shall be conducted during daylight, with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

**BIO-6B** No-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Specifically, that impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

**BIO-6C** If BUOW are found within these buffers and avoidance is not possible, burrow exclusion shall be conducted by qualified biologists. Burrow exclusion shall only be conducted during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Replacement of occupied burrows with artificial burrows shall occur at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. If exclusion of nests is necessary, ongoing surveillance within 500 feet of the burrow shall be conducted for the duration of construction or until the BUOW has moved to a different breeding site, whichever occurs first.

**Section 5.2.17 Transportation, Page 80:** The second paragraph on this page is amended as follows:

The project will require excavation within the Monterey County right-of-way on Springfield and Struve Roads for the distribution pipeline trenching, and excavation within the Caltrans right-of-way for the ~~and~~ jack and bore underneath Highway 1. The Caltrans encroachment permit will be in accordance with Caltrans engineering and environmental standards. The District PSMCSD will be responsible for obtaining an encroachment permits from the County of Monterey and Caltrans prior to the start of construction. The encroachment permits will require a traffic control plan.

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## **Attachment A**

### **Comment Letters Received on Draft IS/MND**

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# LAFCO *of Monterey County*

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## LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

**2020**

**Commissioners**

**Chair**

Ian Oglesby  
*City Member*

September 10, 2020

**Vice Chair**

Christopher Lopez  
*County Member*

Judy Vasquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
136 San Juan Road  
Royal Oaks, CA 95076

Luis Alejo  
*County Member*

Christie Cromeenes  
*City Member*

**RE: Springfield Water System Improvements Project Draft Initial Study/  
Mitigated Negative Declaration**

Mary Ann Leffel  
*Special District Member*

Matt Gourley  
*Public Member*

Dear Ms. Vasquez,

Warren Poitras  
*Special District Member*

Thank you for the opportunity to review the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Springfield Water System Improvements Project. The proposed project is within the LAFCO-approved District boundary for Pajaro/Sunny Mesa Community Services District and no LAFCO actions are proposed in association with the proposed project.

Maria Orozco  
*City Member, Alternate*

Jane Parker  
*County Member, Alternate*

Although LAFCO is not a Responsible Agency under CEQA for the proposed project, LAFCO's policies encourage the efficient provision of government services within LAFCO-approved and mapped boundaries where sufficient capacity exists to meet service needs. The proposed Springfield Water System Improvements Project is consistent with these policies.

Steve Snodgrass  
*Public Member, Alternate*

Graig R. Stephens  
*Special District Member, Alternate*

Again, thank you for your efforts, and please contact us if you have any questions.

**Counsel**

Kelly L. Donlon  
*General Counsel*

Sincerely,



**Executive Officer**

Kate McKenna, AICP

Kate McKenna, AICP  
Executive Officer

132 W. Gabilan Street, #102  
Salinas, CA 93901

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www.dot.ca.gov/dist05/



Making Conservation  
a California Way of Life.

September 11, 2020

MON/1/96.109  
SCH#2020080200

Judy Vazquez  
Operations Manager  
Pajaro Sunny Mesa Community Services District  
136 San Juan Road  
Royal Oaks, CA 95076

Dear Ms. Vazquez:

COMMENTS FOR THE SPRINGFIELD WATER SYSTEM IMPROVEMENTS MITIGATED NEGATIVE DECLARATION (MND) – MOSS LANDING, CA

The California Department of Transportation (Caltrans) appreciates the opportunity to review the MND for the Springfield Water System Improvements project which includes adding piping crossing underneath State Route 1. Caltrans offers the following comments in response to the MND:

- 1. Please be aware that if any future work is completed in the State's right-of-way it will require an encroachment permit from Caltrans and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: <http://www.dot.ca.gov/trafficops/ep/index.html>.
- 2. All future work in, on, under, over, or affecting State highway right-of-way is subject to a Caltrans encroachment permit. Depending on the complexity of the project improvements requiring an encroachment permit, Caltrans oversight may be the more appropriate avenue for project review and approval by Caltrans. The District Permit Engineer has been granted authority by Caltrans to make this decision. Please consult with the District Permit Engineer to determine the most appropriate Caltrans project permitting system.
- 3. All future work will need to conform to the Caltrans Encroachment Permits Manual, Chapter 600. Additional utility installation requirements, which may apply, are found in

B-1

B-2

B-3

- Chapter 17 of the Project Development Procedures Manual. Deviations to Caltrans Encroachment Permit Policies may require an exception. This requirement and process will be outlined by the District Permit Engineer in the pre-submittal conference. | B-3 Cont.
4. All non-operational or vacated pipes shall be removed. The District Permit Engineer may grant waivers to this requirement based on an engineering evaluation. Plans shall conform to the Caltrans Plans Preparation Manual and Encroachment Permit Construction Plan Set outline. | B-4
5. The applicant will need to show all existing facilities and utilities in plan and profile where the scope of work is located. | B-5
6. General Basis of Horizontal and Vertical Control - Caltrans datums shall be used and observed for the construction of the proposed improvements. All plans shall be in US feet and follow the datums as follows: • Vertical Basis: NAVD 88 • Horizontal: NAD83 Zone 3 Santa Cruz County, Zone 4 Monterey and San Benito County, and Zone 5 San Luis Obispo and Santa Barbara County. At least two recorded, Caltrans Monuments must be referenced in the surveying basis. | B-6

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or [christopher.bjornstad@dot.ca.gov](mailto:christopher.bjornstad@dot.ca.gov).

Sincerely,

*Chris Bjornstad*

Chris Bjornstad  
Associate Transportation Planner  
District 5 Development Review





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Ave  
Fresno, California 93710  
www.wildlife.ca.gov

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 11, 2020

Judy Vazquez  
Operations Manager  
Pajaro/Sunny Mesa Community Services District  
136 San Juan Road  
Royal Oaks, California 95076

**Subject: Springfield Water System Improvements Project  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH No. 2020080200**

Dear Ms. Vazquez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Pajaro/Sunny Mesa Community Services District for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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.

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<sup>1</sup> 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.

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 2

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.), 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).

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Pajaro/Sunny Mesa Community Services District

**Objective:** The objective of the Project is to provide potable water from an existing test well at Moss Landing Middle School to Moss Landing Mobile Home Park, and new and existing connections along Springfield Road and Struve Road. The Project work will mainly be within existing road rights-of-ways of dirt roads. Primary Project activities include approximately two miles of new eight-inch water lines, approximately 3,600 feet of replacement line, water storage, treatment, and pumping facilities.

**Location:** Cross Streets: Struve Road, Springfield Road, and State Route 1. The Project starts at Moss Landing Middle School (1815 CA-1, Moss Landing, CA 95039), then West along Springfield Road, then South along Springfield-Struve Intertie on to Struve Road connecting to Moss Landing Mobile Home Park along the way.

**Timeframe:** Anticipated to begin Spring 2022

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Pajaro/Sunny Mesa Community Services 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.

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 3

Based on the information provided in the MND, CDFW is concerned regarding potential impacts to the State candidate-listed as endangered Western bumble bee (*Bombus occidentalis*), and the State species of special concern burrowing owl (*Athene cunicularia*). In order to adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol-level surveys, especially in the areas not in irrigated agriculture, and to identify any Project-related impacts under CESA and other species of concern.

#### **I. Environmental Setting and Related Impact**

**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 The United States Fish and Wildlife Service (USFWS)?**

#### **COMMENT 1: Western Bumble Bee (WBB)**

**Issue:** On June 28, 2019, the Fish and Game Commission published findings of its decision to advance WBB to candidacy as endangered. Pursuant to Fish and Game Code section 2074.6, CDFW has initiated a status review report to inform the Commission's decision on whether listing of WBB, pursuant to CESA, is warranted. During the candidacy period, consistent with CEQA Guidelines section 15380, the status of the WBB as an endangered candidate species under CESA (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. It is unlawful to import into California, export out of California, or take, possess, purchase, or sell within California, WBB and any part or product thereof, or attempt any of those acts, except as authorized pursuant to CESA. Under Fish and Game Code section 86, take means to hunt, pursue, catch, capture, or kill, or to attempt to hunt pursue, catch, capture, or kill. Consequently, take of WBB during the status review period may be prohibited unless appropriate authorization pursuant to CESA is obtained.

WBB have the potential to occur within and near the Project site. Suitable WBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. WBB primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014). Overwintering sites utilized by WBB mated queens include soft, disturbed soil

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 4

(Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to significantly impact local WBB populations.

**Specific impact:** Without appropriate avoidance and minimization measures for WBB, potentially significant impacts associated with ground- and vegetation-disturbing activities associated with construction of the Project include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, in addition to direct mortality in violation of Fish and Game Code.

**Evidence impact is potentially significant:** WBB was once common throughout most of California; WBB populations are now largely restricted to high elevation sites in the Sierra Nevada and scattered observations along the California coast (Xerces Society 2018). Analyses by the Xerces Society (2018) suggest there have been sharp declines in relative abundance by 84%.

**Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to WBB, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the MND prepared for this Project, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 1: WBB Surveys**

CDFW recommends that a qualified biologist determine if suitable habitat is present within the Project site. If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for WBB and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance associated with the Project.

**Recommended Mitigation Measure 2: WBB Take Avoidance**

If surveys cannot be completed, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid and minimize take and potentially significant impacts any detection of WBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take, or if take cannot be avoided, what take authorization may be necessary to comply with CESA.

**COMMENT 2: Burrowing Owl (BUOW)**

**Issue:** BUOW may occur near the Project site, due to their species range (CDFW 2020). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for

C-1 Cont.

C-2

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 5

nesting and cover. The MND states that there are mammal burrows present throughout the Project area. Review of aerial imagery indicates that some of the Project site is bordered by potential fallow agricultural fields and may be present within the Project site.

**Specific impact:** Potentially significant direct impacts associated with subsequent activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** BUOW rely on burrow habitat year-round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW (Gervais et al. 2008). Subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

**Recommended Potentially Feasible Mitigation Measure(s)**

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site, incorporating the following mitigation measures into the Early Consultation prepared for this Project, and that these measures be made conditions of approval for the Project.

C-2 Cont.

**Recommended Mitigation Measure 3: BUOW Surveys**

CDFW recommends that a qualified biologist assess if suitable BUOW habitat features are present within or adjacent to the Project site (e.g., burrows). If suitable habitat features are present, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's Staff Report on Burrowing Owl Mitigation" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

**Recommended Mitigation Measure 4: BUOW Avoidance**

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive

Judy Vazquez, Operations Manager  
 Pajaro/Sunny Mesa Community Services District  
 September 11, 2020  
 Page 6

methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

### **Recommended Mitigation Measure 5: BUOW Passive Relocation and Mitigation**

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

C-2 Cont.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](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](mailto: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](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 7

## 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 MND to assist Pajaro/Sunny Mesa Community Services District in identifying and mitigating Project impacts on biological resources.

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>). Please see the enclosed Mitigation Monitoring (MMRP) table which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Aimee Braddock, Environmental Scientist at (559) 243-4014 x243 or [aimee.braddock@wildlife.ca.gov](mailto:aimee.braddock@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

## Attachments

A. MMRP for CDFW Recommended Mitigation Measures

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

Judy Vazquez, Operations Manager  
Pajaro/Sunny Mesa Community Services District  
September 11, 2020  
Page 8

## REFERENCES

- California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.
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- CDFW. 2020. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed August 27, 2020.
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- 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 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. October 2018.



**Attachment 1**

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

**PROJECT: Springfield Water System Improvements Project**

**SCH No.: 2020080200**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: WBB Surveys	
Mitigation Measure 3: BUOW Surveys	
Mitigation Measure 5: BUOW Passive Relocation and Mitigation	
<i>During Construction</i>	
Mitigation Measure 2: WBB Take Avoidance	
Mitigation Measure 4: BUOW Avoidance	