

# PALMDALE WATER DISTRICT WATER SYSTEM MASTER PLAN

Final Program EIR  
State Clearinghouse No. 2017021042

Prepared for  
Palmdale Water District

November 2018





# PALMDALE WATER DISTRICT WATER SYSTEM MASTER PLAN

Final Program EIR  
State Clearinghouse No. 2017021042

Prepared for  
Palmdale Water District

November 2018



626 Wilshire Boulevard  
Suite 1100  
Los Angeles, CA 90017  
213.599.4300  
[www.esassoc.com](http://www.esassoc.com)

Bend

Camarillo

Delray Beach

Destin

Irvine

Oakland

Orlando

Pasadena

Petaluma

Portland

Sacramento

San Diego

San Francisco

Santa Monica

Sarasota

Seattle

Tampa

D160836

**OUR COMMITMENT TO SUSTAINABILITY** | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

# Table of Contents

## PWD Water System Master Plan FPEIR

	<u>Page</u>
<b>Chapter 1: Introduction .....</b>	<b>1-1</b>
1.1 Overview of Final PEIR.....	1-1
1.2 Public Review of Draft PEIR.....	1-1
<b>Chapter 2: Comment Letters .....</b>	<b>2-1</b>
Letter 1 – San Manuel Band of Mission Indians	
Letter 2 – U.S. Fish and Wildlife Service	
Letter 3 – Southern California Gas Company	
Letter 4 – The City of Palmdale	
Letter 5 – Lahontan Regional Water Quality Control Board	
Letter 6 – Southern California Edison	
Letter 7 – California Department of Transportation	
Letter 8 – California Department of Fish and Wildlife	
Letter 9 – Southern California Regional Rail Authority	
Letter 10 – Sanitation Districts of Los Angeles County	
Letter 11 – Division of Oil, Gas, and Geothermal Resources	
Letter 12 – State Clearinghouse	
<b>Chapter 3: Response to Comments .....</b>	<b>3-1</b>
Letter 1 – San Manuel Band of Mission Indians.....	3-2
Letter 2 – U.S. Fish and Wildlife Service.....	3-4
Letter 3 – Southern California Gas Company .....	3-6
Letter 4 – The City of Palmdale.....	3-7
Letter 5 – Lahontan Regional Water Quality Control Board .....	3-9
Letter 6 – Southern California Edison .....	3-14
Letter 7 – California Department of Transportation .....	3-16
Letter 8 – California Department of Fish and Wildlife .....	3-18
Letter 9 – Southern California Regional Rail Authority .....	3-31
Letter 10 – Sanitation Districts of Los Angeles County .....	3-32
Letter 11 – Division of Oil, Gas, and Geothermal Resources.....	3-36
Letter 12 – State Clearinghouse .....	3-37
<b>Chapter 4: Errata to the Draft PEIR.....</b>	<b>4-1</b>
4.1 Introduction to Errata Revisions.....	4-1
4.2 Errata Revisions .....	4-1

### Tables

2-1 List of Comment Letters.....	2-1
----------------------------------	-----

This page left intentionally blank

# CHAPTER 1

---

## Introduction

### 1.1 Overview of Final PEIR

Per California Environmental Quality Act Guidelines (CEQA) Guidelines Section 15132, this Final Program Environmental Impact Report (Final PEIR) contains a list of persons, organizations, public agencies who commented on the Palmdale Water District (PWD) Water System Master Plan (WSMP or proposed project) Draft Program Environmental Impact Report (Draft PEIR); comments received on the Draft PEIR (Chapter 2); and responses to significant environmental points raised in the review and communication process (Chapter 3). Additionally, PWD has chosen to include a chapter of changes and revisions made to the Draft PEIR in response to comment letters received (Chapter 4). Together with the Draft PEIR, the contents of this document constitute the Final PEIR pursuant to CEQA Guidelines Section 15132.

### 1.2 Public Review of Draft PEIR

In accordance with Section 15105 of the CEQA Guidelines, a public review and comment period was provided for the Draft PEIR, beginning on July 30, 2018 and ending on September 13, 2018.

One public meeting was held during the public review period to present the results of the Draft PEIR and allow for the submittal of verbal or written comments. This meeting was held on August 29, 2018 at the Palmdale Water District Board Room (2029 East Avenue Q, Palmdale, CA 93550). No public comments were received at this meeting.

A total of 11 written comment letters were received by PWD on the Draft PEIR. The comments are included in Chapter 2, and the responses are included in Chapter 3.

This page left intentionally blank

# CHAPTER 2

---

## Comment Letters

This chapter contains the comment letters received on the PWD WSMP Draft PEIR. Each letter, as well as individual comments within the letter, has been given an assigned letter and number for cross-referencing. **Table 2-1** lists all comment letters received on the Draft PEIR.

**TABLE 2-1**  
**LIST OF COMMENT LETTERS**

<b>Letter #</b>	<b>Commenter</b>	<b>Date of Comment</b>
1	San Manuel Band of Mission Indians	July 30, 2018
2	U.S. Fish & Wildlife Service	August 2, 2018
3	Southern California Gas Company	August 3, 2018
4	City of Palmdale	August 23, 2018
5	Lahontan Regional Water Quality Control Board	August 28, 2018
6	Southern California Edison	August 30, 2018
7	California Department of Transportation	September 12, 2018
8	California Department of Fish & Wildlife	September 13, 2018
9	Southern California Regional Rail Authority	September 13, 2018
10	Sanitation Districts of Los Angeles County	September 13, 2018
11	Division of Oil, Gas, and Geothermal Resources	September 17, 2018
12	State Clearinghouse	September 18, 2018

**Sarah Spano**

**From:** James Riley <jriley@palmdalewater.org>  
**Sent:** Monday, July 30, 2018 11:18 AM  
**To:** Sarah Spano; Jennifer Jacobus  
**Subject:** FW: PWD ES-03 Testing Report and ES-01 Supplemental Survey Report

**From:** Dennis LaMoreaux  
**Sent:** Monday, July 30, 2018 11:16 AM  
**To:** James Riley <jriley@palmdalewater.org>  
**Subject:** FW: PWD ES-03 Testing Report and ES-01 Supplemental Survey Report

FYI

**Dennis D. LaMoreaux**

*General Manager*



PALMDALE WATER DISTRICT  
 2029 East Avenue Q, Palmdale, CA 93550  
 d: 661-456-1017 • c: 661-917-3031 • f: 661-947-8604  
[dlaumoreaux@palmdalewater.org](mailto:dlaumoreaux@palmdalewater.org) • [www.palmdalewater.org](http://www.palmdalewater.org)



**From:** Jessica Mauck <[JMauck@sanmanuel-nsn.gov](mailto:JMauck@sanmanuel-nsn.gov)>  
**Sent:** Monday, July 30, 2018 11:15 AM  
**To:** Candace Ehringer <[CEhringer@esassoc.com](mailto:CEhringer@esassoc.com)>  
**Cc:** Dennis LaMoreaux <[dlaumoreaux@palmdalewater.org](mailto:dlaumoreaux@palmdalewater.org)>  
**Subject:** RE: PWD ES-03 Testing Report and ES-01 Supplemental Survey Report

Hi Candace,

I received the draft PEIR and have the following comments:

1. The “Native American Consultation” response date is incorrect, though I completely understand why, as there seems to be 2 notices from the City and then our record of response within our administrative files is incomplete. What I do have is the initial letter from March 23, 2017, and Tribe’s response on May 2, 2017. Consultation occurred between Dr. Schneider (SMBMI) and the Agency in June, and then Dr. Schneider sent a follow-up letter on July 14 – the last date is what the PEIR has as the response date from SMBMI. Once Tribe received the documents she requested in August, I then took over as POC. 1-1
  
2. On page 3.5-22, there is a typo at the bottom of the page, in which “Indians” is accidentally spelled “Indianans” (typos are always funny). 1-2

3. Tribe concurs with TCR-1 concerning future consultation notices for the long-term. However, Tribe does request the following language be used to update CUL-5 (or placed within the TCR section) with regard to notification/treatment/etc. of inadvertent discoveries:

1. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

2. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input. The archaeologist shall complete an isolate record for the find and submit this document to the applicant and Lead Agency for dissemination to the San Manuel Band of Mission Indians.

3. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.

a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).

b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

Please let me know if you have any questions!

Regards,

**Jessica Mauck**  
CULTURAL RESOURCES ANALYST  
O: (909) 864-8933 x3249  
M: (909) 725-9054  
26569 Community Center Drive, Highland California 92346  


**From:** Ray Bransfield <ray\_bransfield@fws.gov>  
**Sent:** Thursday, August 2, 2018 5:19:00 PM  
**To:** James Riley  
**Cc:** Brian Croft  
**Subject:** DEIR for the Water System Master Plan Draft Program Environmental Impact Report

James,

I am a biologist with the U.S. Fish and Wildlife Service's Palm Springs Fish and Wildlife Office. I reviewed the referenced draft environmental impact report to determine whether the proposed action would affect the Service's trust

2-1

resources.

I have three comments regarding the document.

1. In section 3.4.2 Regulatory Framework, the discussion of the Federal Endangered Species Act contains several misstatements. I have attached a corrected version of this section in which I have tried use plain language to correctly explain how the Federal Endangered Species Act works. To be clear, the Service does not have any concerns with regard to the proposed action and federally listed species; I am merely offering information on the Endangered Species Act.
2. In the following section of the draft environmental impact report, the information on the Migratory Bird Treaty Act is outdated. The U.S. Fish and Wildlife Service issued new guidance regarding the take of migratory birds this year. I have suggested edits to this section to reflect current policy.
3. Even though the Fish and Wildlife Service has altered its position with regard to the incidental take of migratory birds, these species remain an important trust resource for our agency. Consequently, the Fish and Wildlife Service appreciates the inclusion of Mitigation Measure BIO-3 in the draft environmental impact report and the Palmdale Water District's commitment to protecting nesting migratory birds.

2-2

2-3

2-4

We appreciate the opportunity to review the draft environmental impact report. If you have any questions, please contact me at (805) 677-3398 or [ray\\_bransfield@fws.gov](mailto:ray_bransfield@fws.gov).

2-5

Sincerely,

Raymond Bransfield  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Palm Springs, California

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## 3.4.2 Regulatory Framework

### Federal

Endangered Species Act (USC, Title 16, § 1531 through 1543): The Federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. The FESA also ~~Secretary of the Interior or the Secretary of Commerce, as appropriate, provides a program for the conservation and to develop and implement recovery plans of for~~ threatened and endangered species ~~as well as the conservation of designated critical habitat that~~ USFWS determines is required for the survival and recovery of these listed species.

Section 9 lists those actions that are prohibited under the FESA. Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity. Section 9 prohibits the take of listed species of fish and wildlife, and establishes other protections for listed plants. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in CCR Title 50, Part 402. The biological opinion issued at the conclusion of consultation will include an incidental take statement; if the biological opinion concludes that the proposed otherwise legal activity is not likely to jeopardize the continued existence of the listed species, the incidental take statement acknowledges that ensuing incidental take is no longer prohibited, authorizing “take” (i.e., to harass, harm, pursue, hunt, wound, kill, etc.) that may occur incidental to an otherwise legal activity.

Section 10 provides a means whereby a nonfederal action ~~with the potential that is reasonably certain to~~ result in take of a listed species can be allowed under an incidental take permit. Application procedures are found at 50 CFR 13 and 17 for species under the jurisdiction of USFWS and 50 CFR 217, 220, and 222 for species under the jurisdiction of NMFS (ESA 2018).

Migratory Bird Treaty Act (16 USC 703 through 711): The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to purposefully take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States (ESA 2018).

**Commented [BR1]:** The ESA doesn't have a “program” for the recovery of listed species. Also, the Fish and Wildlife Service considers critical habitat to be a tool to assist in the recovery of listed species. Our goal is to recover the species for which we have designated critical habitat; it is not to conserve the critical habitat itself.

**Commented [BR2]:** I moved the section 9 information up here. It is out of order numerically but it sets the table for the discussions of section 7 and 10.

**Commented [BR3]:** This sentence is very misleading, absent the discussion of sections 7 and 10.

**Commented [BR4]:** Section 9 of the ESA treats listed plants differently than listed animals.

**Commented [BR5]:** The point here is that we do NOT authorize the incidental take. If we issue a non-jeopardy biological opinion, the ESA allows for the take to occur, as long as the action proceeds as analyzed during the consultation process.

**Commented [BR6]:** No need to have define take here, because It is now defined above.

**Commented [BR7]:** Recent guidance has altered this interpretation of the Migratory Bird Treaty Act. See attached. I have inserted language that conveys our current guidance.



In Reply Refer To:  
FWS/AMB/067711

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

APR 11 2018



### Memorandum

To: Service Directorate

From: Principal Deputy Director 

Subject: Guidance on the recent M-Opinion affecting the Migratory Bird Treaty Act

To ensure consistency with the recently issued M Opinion, the U.S. Fish and Wildlife Service (FWS) is modifying some policies and practices within its programs. This memorandum provides guidance to clarify what constitutes prohibited take, what actions must be taken when conducting lawful intentional take (e.g., obtain a permit via 50 C.F.R. Part 21), and what changes to prior practice should be made in light of the M-Opinion.

The M-Opinion concludes that the take of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds. We interpret the M-Opinion to mean that the MBTA's prohibitions on take apply when the *purpose* of an action is to take migratory birds, their eggs, or their nests. Conversely, the take of birds, eggs or nests occurring as the result of an activity, the purpose of which is not to take birds, eggs or nests, is not prohibited by the MBTA.

The mission of the Service is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. Migratory bird conservation remains an integral part of our mission. Further:

1. The Endangered Species Act (16 U.S.C. 35 § 1531 et seq.; ESA) and Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668c; Eagle Act), as well as some State laws and regulations are not affected by the M-Opinion.
2. The National Environmental Policy Act (NEPA, 42 U.S.C. § 4321 et seq.) provides a process under which federal agencies must evaluate the impacts of their actions on the human environment [including the natural and physical environment and relationship of people with that environment (40 C.F.R. § 1508.14)] and provide transparency to the American public. Birds are part of the human environment, and should be included in relevant environmental review processes as directed by NEPA.

The Service will continue to work with any partner that is interested in voluntarily reducing impacts to migratory birds and their habitats. We will continue to develop best management practices to protect migratory birds and their habitats in partnership with any industry, federal, state, and tribal entity as interest dictates, and in the course of project review, will continue to

provide recommendations through our advisory role under other authorities, including NEPA and the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-667e). The Service will clearly communicate relevant authorities under which we make our recommendations. The Service will ensure that our comments, recommendations, or requirements are not based on, nor imply, authority under the MBTA to regulate incidental take of migratory birds. Furthermore, the Service will not withhold a permit, request, or require mitigation based upon incidental take concerns under the MBTA. Attached is a set of questions and answers that serve to clarify the effect of the M-Opinion.

If you have additional questions, please contact the Migratory Bird Program, 202-208-1050.

Attachment

## ATTACHMENT

### FREQUENTLY ASKED QUESTIONS REGARDING IMPLEMENTATION OF THE M-OPINION

1. **Clarity on the distinction between *intent* to take a bird versus *knowing* a bird will be taken. Does the underlying legality of an activity that takes birds affect that distinction and does *reducing a bird to possession* have any bearing on the situation? The following examples are real situations the Service may face under the new M-Opinion:**

- a. **A State Department of Transportation wants to paint a bridge. Prior to painting the bridge, all Barn Swallow nests are pressure washed off the bridge, which would result in destruction of eggs and death of nestlings. Is the intentional removal of nests prior to painting the bridge intentional take and does it require a permit prior to the action?**

Answer: Yes. The intentional removal of active barn swallow nests, killing eggs and nestlings, is an affirmative act that has the taking of active nests and contents as its purpose. Because this example stipulates that the removal of nests prior to painting was purposeful, a permit would be required to legally authorize this activity. If the intent was to simply paint the bridge and the nests were accidentally destroyed incidental to that process, that destruction would not violate the MBTA.

- b. **A homeowner knows that Chimney Swifts are nesting in their chimney. If the homeowner lights a fire and destroys the nests, is this considered intentional take or incidental take under the M-Opinion?**

Answer: Possibly either, but more information is needed to determine whether the homeowner lit the fire to intentionally destroy swift nests or simply lit the fire to heat the house. The difference between this activity and the previous example is the subjective purpose of the activity. The intentional destruction of chimney swift nests by lighting a fire would constitute an intentional act, the purpose of which is to destroy nests. Whether lighting the fire violates the MBTA in that scenario would also depend on whether nests are active and contain eggs, young, or adult birds that could not escape quickly enough. A permit would be required to legally authorize this activity if the purpose is to destroy nests and they are active. A permit would not be needed if the homeowner lit the fire for the purpose of heating the house regardless of whether they were aware of swift nests in the chimney. Note that although knowledge of the presence of a nest or nests before lighting a fire would not be enough by itself to constitute a violation of the Act, it could be used as evidence to show the homeowner did in fact light the fire with the purpose of destroying the nests.

- c. Is removing a structure (e.g., dilapidated barn) with known nesting owls in the barn, which will die with the destruction of the barn, a violation of MBTA? How does knowledge or reasonable foreseeability that that an activity will kill birds affect whether that action violates the MBTA?**

Answer: This would not be a violation of the MBTA. Removing or destroying the structure would rarely if ever be an act that has killing owl nestlings as its purpose. Again, the purpose of the activity determines whether this is an MBTA violation. Unless the purpose of removing the structure was in fact to kill the owls, their deaths would be incidental to the activity of removing the barn. The landowner's knowledge, or whether it was reasonably foreseeable, that destroying the barn would kill the owls is not relevant. All that is relevant is that the landowner undertook an action that did not have the killing of barn owls as its purpose.

This same analysis would apply to other structures, such as bridges.

- d. A rancher shoots Black Vultures on his property without obtaining a depredation permit (50 C.F.R. § 21.41 – Depredation Permits). The rancher leaves the dead birds without subsequently collecting (possessing) them. Does the desire to, or failure to reduce a bird to possession affect whether that action violates the MBTA?**

Answer: Shooting Black Vultures without a permit violates the MBTA because it is an affirmative action that has killing birds as its purpose. The traditional definition of the term "take" includes reducing wildlife to human control, as noted in the M-Opinion. However, purposeful killing does not necessarily require any desire or affirmative action to gain possession of the birds. Shooting and killing migratory birds renders them subject to human control whether or not the shooter physically takes possession of the bodies. In fact, this issue was expressly addressed in footnote 132 of the M-Opinion: "We note that this language makes clear that the sort of 'human control' referred to by Justice Scalia includes the act of intentionally killing even in the absence of further intent to reduce the particular animal to human possession. Thus, intentional killing is itself a form of 'human control'." Note that shooting at and missing a black vulture would also be a violation (attempt), which obviously could not result in reducing the bird to possession.

- 2. How does the legality of an activity affect the determination of whether it is an MBTA violation or not? For example, if an illegal activity kills birds, but that was not the intent of the activity (e.g., using a banned pesticide, or without following application labels in violation of Federal Insecticide Fungicide Rodenticide Act (FIFRA)) is this still considered an incidental taking that is not a violation of the MBTA?**

Answer: The legality of an activity does not affect the determination of whether it results in an MBTA violation. Thus, if the landowner in the example used the pesticide with specific intent to kill birds, it would violate the MBTA. However, if the landowner used a pesticide to purposely kill something other than migratory birds, it would not be a violation if birds die as

a result because the purpose of the act was not taking of birds. If the landowner used a pesticide with the general intent of killing wildlife, and the pesticide killed protected bird species, that could be a violation of the MBTA but liability would likely turn on the facts of the specific case. Note, applying a pesticide illegally in a way that ends up killing birds when they are not the intended target may not be an MBTA violation, but the fact that birds died may still provide additional evidence for prosecuting the FIFRA violation.

**3. How does the M-Opinion affect existing statutory amendments to the MBTA that specifically address incidental take, such as P.L. 107-314, Sec. 315 and subsequent regulation (50 C.F.R. § 21.15 – Authorization of take incidental to military readiness activities) or P.L. 114-94, Sec. 1439 (the FAST Act)?**

Answer: The M-Opinion does not affect the military-readiness rule at 50 C.F.R. § 21.15, which was the result of Congress's direction to the Secretary of the Interior to prescribe regulations authorizing incidental take of migratory birds during military-readiness activities. Thus, the Secretary could only withdraw the rule if directed to do so through subsequent legislation. As the M-Opinion explains, "Congress was acting in a limited fashion to preempt a specific and immediate impediment to military-readiness activities." M-Opinion, p. 31. FWS and the Department of Defense (DOD) should continue to follow the requirements of the military-readiness rule. Nonetheless, incidental take of migratory birds by DOD does not violate the MBTA, regardless of whether DOD is complying with the terms of the military-readiness rule.

The FAST Act authorizes take of nesting swallows that interfere with bridge construction in certain circumstances. In most circumstances, such take would be considered purposeful and thus prohibited by the MBTA. Accordingly, the M-Opinion should not affect authorization of the take of active swallow nests. To the extent the FAST Act was intended to authorize incidental take, the terms of that statute should still be complied with for the same reasons discussed above for the military-readiness rule legislation.

**4. What effect does the M-Opinion have on current settlement agreement negotiations to address incidental take of migratory birds or court-mandated permits resulting from past settlement agreements?**

Answer: Current settlement agreement negotiations should not address incidental take of migratory birds for purposes of enforcing the MBTA, but may still include measures necessary to comply with other relevant statutes when appropriate (for example statutes implemented by the Natural Resource Damage Assessment and Restoration program (NRDAR, as explained below). The Department is currently reviewing the Service's position on current negotiations to address incidental take of bald and golden eagles under the Eagle Act. These species are also covered under the MBTA. The Service has brought seven enforcement actions against companies for incidental take of eagles since 2015, which included both MBTA and Eagle Act charges. Only one of these remains unresolved; the other six were resolved through settlement agreements. The Service will no longer pursue MBTA charges against projects that cause eagle deaths, but the M-Opinion does not affect the Service's ability to bring Eagle Act claims in these cases.

We are not aware of any court-authorized settlement agreements that mandate obtaining a permit to cover future incidental take of migratory birds under the MBTA. Since 2013, the Department of Justice has brought two prosecutions for take of eagles and species protected only by the MBTA. These prosecutions were resolved at the request of defendants based on MBTA violations only, although the conduct could also have been charged under the Eagle Act with regard to the eagle deaths. These plea agreements provided that companies must implement plans aimed at preventing bird deaths at eight commercial wind projects and apply for eagle permits to cover incidental take of eagles under the Eagle Act. The Service Chief of Law Enforcement's Directive applying to civil administrative enforcement of avian take at wind projects includes a limited option for settlements to resolve violations of the MBTA. However, that option is no longer operable after issuance of the M-Opinion. We are currently determining whether the M-Opinion will require the Service to revisit past settlement agreements that require ongoing implementation of best management practices to avoid or reduce incidental take of migratory birds by wind-energy facilities and other industrial activities.

**5. How does the M-Opinion affect the Natural Resources Damage Assessment program (i.e., specifically related to oil spills)?**

Answer: The M-Opinion does not directly affect the NRDAR program because statutory authorities that provide the basis for the program do not include the MBTA. Pursuant to Comprehensive Environmental Response Compensation and Liability Act, Oil Pollution Act, and Clean Water Act, the Department is authorized to assess injury to natural resources caused by releases of hazardous substances and discharges of oil to compensate the public for lost natural resources and their services. The Department's assessment of natural resource injuries under the NRDAR program include any injury to migratory birds, which in many cases could otherwise be classified as incidental take.

In practice, however, the M-Opinion will have an effect on future claims seeking fines or penalties for violations of the MBTA from companies responsible for oil spills and hazardous releases. In addition to pursuing damage claims under the NRDAR program, the Department has pursued MBTA claims against companies responsible for oil spills that incidentally killed or injured migratory birds. That avenue is no longer available.

**6. How does the M-Opinion affect consultations or habitat conservation plans under sections 7 and 10 of the ESA?**

Answer: When processing Habitat Conservation Plans under Section 10 or consulting on Section 7 of the ESA, incidental take coverage should only include listed species listed under the ESA. As concluded in the M-Opinion, incidental take of migratory birds is not prohibited so no restrictions, minimization measures, or mitigation should be part of an incidental take permit or an incidental take statement for purposes of the MBTA (rather than the ESA). An applicant or federal government action agency can take voluntary measures related to migratory birds but it must be made clear that no such actions are required by the MBTA.

**7. How does the M-Opinion affect technical assistance under the Avian and Bat Conservation Plans?**

Answer: Technical assistance can still be given in development of Avian and Bat Conservation Plans. However, any suggestions or guidance related to migratory birds must be relayed as completely voluntary actions. Part of the technical assistance should include the statement that incidental take of migratory birds is not prohibited by the MBTA.



James Chuang  
Senior Environmental Specialist

Southern California Gas Company  
Sempra Energy utilities  
GT02A2  
555 Fifth Street  
Los Angeles, Ca. 90013  
Tel: 213-244-5817  
Fax: 323 518 2324

August 3, 2018

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

**Re: Water System Master Plan Draft Program Environmental Impact Report**

Dear Mr. James Riley:

Southern California Gas Company (SoCalGas) appreciates the opportunity to review and respond to the Project’s Draft Program Environmental Impact Report. SoCalGas understands that the proposed project would implement the CIP included in the WSMP. The recommended projects in the CIP would allow PWD to address existing hydraulic system deficiencies, replace aging infrastructure, and provide the facilities necessary to meet future growth. The major categories of facilities in the proposed project consist of distribution pipelines, storage tanks, and pump stations. Additionally, PWD is proposing a headquarters expansion at its current headquarters located at the corner of E. Avenue Q and 20<sup>th</sup> Street. Projects are categorized into two planning stages: by 2020 and after 2020. Projects addressed by 2020 are considered near-term project components and will be evaluated at a project level in the PEIR, while projects addressed after 2020 are considered long-term project components and will be evaluated at a programmatic level in the PEIR.

3-1

We respectfully request that the following comments be incorporated into the Final Program Environmental Impact Report:

- Should it be determined that the proposed project may require SoCalGas to abandon and/or relocate or otherwise modify any portion of its existing natural gas lines, SoCalGas respectfully requests that the County and/or the project proponent coordinate with us by emailing [SoCalGasTransmissionUtilityRequest@semprautilities.com](mailto:SoCalGasTransmissionUtilityRequest@semprautilities.com) for transmission line issues or [NorthwestDistributionUtilityRequest@semprautilities.com](mailto:NorthwestDistributionUtilityRequest@semprautilities.com) for distribution lines issues.

3-2

Once again, we appreciate the opportunity to comment on the Project’s Draft Program Environmental Impact Report. If you have any questions, please feel free to contact SoCalGas Environmental Review at [Envreview@semprautilities.com](mailto:Envreview@semprautilities.com) or (213) 244-5817.

3-3

Sincerely,

James Chuang  
Senior Environmental Specialist  
Southern California Gas Company



# PALMDALE

*a place to call home*

August 23, 2018

JAMES C. LEDFORD  
*Mayor*

JUAN CARRILLO  
*Mayor Pro Tem*

LAURA BETTENCOURT  
*Councilmember*

AUSTIN BISHOP  
*Councilmember*

STEVEN D. HOFBAUER  
*Councilmember*

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

**RE: Water System Master Plan Draft Program Environmental Impact Report**

Dear Mr. Riley:

Thank you for the opportunity to comment on the Palmdale Water District Water System Master Plan Draft Program Environmental Impact Report (EIR). The City of Palmdale (City) would like to provide additional project information related to the Cumulative Analysis provided in Table 4-2 of the EIR (attached). The City understands that the base year for the EIR is 2016 and that the projects listed in the attachment are for subsequent years.

4-1

If you have any questions about the project list, please contact me by phone at 661-267-5200, email at [csaxton@cityofpalmdale.org](mailto:csaxton@cityofpalmdale.org), or fax at 661-267-5233.

Sincerely,

Carlene Saxton  
Senior Planner

Enclosure

*Auxiliary aids provided for*

*communication accessibility*

*upon 72 hours notice and request.*



This page left intentionally blank

PROPOSED AMENDMENT TO TABLE 4-2

Project No.	Lead Agency	Name	Location	Project Type	Applicant	Project Description	Status
1	City of Palmdale	TPM 62220 / TTM 54328 / PD 04-02 / ZC / GPA	North side of Ave S, east of the alignment with 20th Street West	Residential and Commercial	Royal Investors Group LLC	Residential and Commercial	Applied 5/16/2017
2	City of Palmdale	GPA 18-001 ZC 18-001 PD 18-001 TTM 65813	South of Avenue S; 1.2 miles west of SR-14	Residential and Commercial	Stephan Jenkins	Residential and Commercial	Applied 10/10/2017
3	City of Palmdale	GPA 17-003 / ZC 17-018 / CUP 17-020 / SPR 17-007 / PD 17-001 / TTM 82010	NWC and NEC of Tierra Subida and Avenue S	Residential and Commercial	Caliber Retail Properties Gr	Residential and Commercial	Applied 12/19/2017
4	City of Palmdale	SPR 18-008	South of Avenue S on the west side of 47th Street East	A proposal to construct a commercial shopping center	Intertex Companies	A proposal to construct a commercial shopping center	Applied 4/25/2018
5	City of Palmdale	PA 17-038	South of Avenue Q-4 between 11th and 12th Streets East	Multi-Family	McClellan Badiya Associate	A request to develop two acres into a multi-family residential use consisting of one building totaling approximately 67,103 square feet	Applied 10/31/2017
6	City of Palmdale	CUP 18-012 / SPR 18-023	South side of Palmdale Boulevard, East of 30th Street East	Auto Repair	John Santurian	Auto Repair	Applied 08/02/2018

4-1  
cont.





**Lahontan Regional Water Quality Control Board**

August 28, 2018

File: Environmental Document Review  
Los Angeles County

James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550  
[jriley@palmdalewater.org](mailto:jriley@palmdalewater.org)

**Comments – Draft Program Environmental Impact Report for the Water System Master Plan, Palmdale Water District, Palmdale, Los Angeles County, State Clearinghouse Number 2017021042**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) reviewed the Draft Program Environmental Impact Report (DPEIR) for the Water System Master Plan by Palmdale Water District (Project), received on August 2, 2018. The DPEIR was prepared by Palmdale Water District (District) as the lead agency and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096.

5-1

**PROJECT DESCRIPTION**

The District proposed to implement the 2016 Water System Master Plan developing District’s potable water system in order to meet water needs anticipated to double over the next 25 years. The primary three sources of water supply are imported water from the State Water Project, local groundwater, and local surface water from Littlerock Dam Reservoir, the dam storage capacity of 1.1 billion gallons.

The Project includes the construction of five new production wells located in the northern and eastern portion of the project area. The northern two wells would be located near the Palmdale Regional Airport. The eastern three wells would be located in the east of the District service boundary. Water discharged during well drilling could be recycled back into the well borehole during drilling or discharged to a nearby storm drain after drilling is complete. The duration of the construction is estimated at approximately three months. The adjudicated District portion of the Antelope Valley Groundwater Basin native yield is 2,770 acre-feet per year.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

### WATER BOARD AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for the protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

5-1

The Water Quality Control Plan for the Lahontan Region (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at:

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

### COMMENTS

We recommend that the following issues be considered in preparation of the Project.

1. **Mitigation Measures, BIO-5: Jurisdictional Waters Delineation and State Permitting.** – Whether pipelines cross jurisdictional waters or not, the Project may be required to obtain a CWA, section 401 water quality certification, or Waste Discharge Requirements by Water Board and implemented mitigation measures.

5-2

2. **Mitigation Measures, HYD-1: Post-Construction Stabilization.** – The Project needs to obtain a CWA, section 401(p) stormwater permit when the construction activity will disturb less than 1 acre but is part of a “larger common plan of development.” Along with Mitigation Measures, GEO-1, the upper six inches of topsoil should be retained onsite and used as a final cover over temporary impact areas. This topsoil contains the native seed bank and soil microbes necessary to help re-establish vegetation post-construction.

5-3

5-4

3. **Impact 3.14-1: The proposed project could exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.** – The Project should apply for coverage under Statewide National Pollutant Discharge Elimination System (NPDES) Order WQ 2014-0194-DWQ and implement required mitigations.

5-5

4. **Impact 3.14-2: The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.** – The Project would result in the expansion of the existing wastewater treatment system, the capacity of 12 million gallons per day

5-6



(mgd), due to the increase in water usage as result of economic growth. The DPEIR must evaluate the different aspects of the population growth, water demand increase, etc. and provide the appropriate mitigation measures to accommodate increased growth. This includes potential expansion of the wastewater and collection and treatment facilities operated by the Sanitation Districts of Los Angeles County, District No. 20, Palmdale.

↑  
5-6  
cont.

5. The Project is required to consider the incidental soil and groundwater contamination resulting from spills or leaks of hazardous materials. If the pump stations have backup generators with onsite fuel storage, spill prevention and an emergency response plan as mitigation measures is required.

5-7

6. The construction and post-construction stormwater management must be considered a significant Project component, and best management practices (BMPs) that effectively treat post-construction stormwater runoff should be included as part of the Project. Of particular concern are the collection of stormwater runoff and the concentrated discharge of that stormwater to stream channels. Design alternatives that are compatible with low impact development (LID) should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for stormwater management and onsite infiltration. Temporary BMPs will need to be implemented for each construction phase until such time that permanent BMPs are in-place and functioning.

5-8

7. The Project is required to implement (1) erosion control measures to prevent erosion from the construction site during ground disturbance construction activities; (2) sediment control measures to prevent sedimentation impacts off the construction site; (3) waste and materials management measures to avoid unauthorized releases to and from the construction site; and (4) non-stormwater management measures to reduce or limit potential stormwater exposure to construction-related pollutants.

5-9

**PERMITTING REQUIREMENTS**

A number of activities that will be implemented under the Project have potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

5-10

1. Streambed alteration and/or discharge of dredge and/or fill material to a surface water, including water diversions, may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.) or dredge and fill Water Discharge Requirements for impacts to non-federal waters.

5-11

2. Land disturbance of more than 1 acre may require a CWA, section 402(p) stormwater permit, including an NPDES General Construction Storm Water Permit,

↓  
5-12

Water Quality Order (WQO) 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-006-DWQ obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board.

↑  
5-12  
cont.

3. Discharges from drinking water systems to surface waters in California are subject to waste discharge requirements as outlined in Statewide NPDES Order WQ 2014-0194-DWQ, General Order No. CAG140001. This Order provides regulatory coverage for short-term or seasonal planned and emergency (unplanned) discharges.

5-13

4. Discharge of low threat wastes to land, including clear water discharges, small dewatering projects, and inert wastes, may require General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality issued by the Lahontan Water Board.

5-14

Project proponents should consult with Water Board staff early on should project implementation result in activities that trigger these permitting actions. Information and application forms for these permits can be found at <http://www.waterboards.ca.gov/lahontan>.

5-15

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report. If you have any questions regarding this letter, please contact me at 760-241-3408, [woonhoe.kim@waterboards.ca.gov](mailto:woonhoe.kim@waterboards.ca.gov) or Jehiel Cass, P.E., Senior Water Resource Control Engineer at 760-241-2434, [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov).

Please send all future correspondence regarding this Project to the Water Board's email address at [lahontan@waterboards.ca.gov](mailto:lahontan@waterboards.ca.gov) and be sure to include the State Clearinghouse No. (2017021042) and Project name (Palmdale Water District Water System Master Plan) in the subject line.



Woonhoe Kim, Ph.D.  
Water Resource Control Engineer

cc: State Clearinghouse, [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Sent via electronic mail to [jriley@palmdalewater.org](mailto:jriley@palmdalewater.org)

August 30, 2018

James Riley  
Palmdale Water District  
2029 E Avenue Q  
Palmdale CA 93550

RE: Notice of Availability for the Draft Program Environmental Impact Report for the Water System Master Plan Program

Dear Mr. Riley:

Southern California Edison (SCE) is pleased to submit the following comments on Notice of Availability for the Draft Program Environmental Impact Report (DPEIR) for the Water System Master Plan Project. The Palmdale Water District outlined a programmatic plan to meet water needs for the PWD customers into 2040 and beyond by constructing various aboveground facilities and support infrastructure including storage tanks, pump stations, pipelines and wells.

6-1

On page 2-18 and others, the PEIR states "Proposed facilities in the PWD service area would be supplied with electrical power from Southern California Edison." However, the DPEIR does not go into further detail within the project description or the supporting environmental analysis of how those interconnections would occur. Please note, to avoid additional separate, lengthy permitting through the California Public Utilities Commission (CPUC), SCE requests that any new electrical infrastructure or relocation of existing facilities at 50 kilovolts (kV) or above be included both in the Project Description and in the environmental analysis. Resources that could be impacted by inclusion of the SCE scope could include, but are not limited to, aesthetics, air quality, traffic, noise and biological resources (i.e., nesting birds).

6-2

6-3

#### **Development within SCE's Rights-of-Way and Access Roads**

Please note that the proposed project should not unreasonably interfere with SCE's ability to access, maintain, and operate its current and future facilities. Additionally, if any development which includes permanent, temporary or grading within the SCE Rights-of-Way are planned within SCE's corridors, a written consent agreement signed between the developer and SCE is required.

6-4

SCE's rights-of-way and fee-owned properties are used by SCE to operate and maintain its present and future facilities. SCE will review any proposed use on a case-by-case basis. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right-of-way constraints and rights. Please forward five (5) sets of plans depicting SCE's facilities and associated land rights to the following location:

Real Properties Department  
Southern California Edison Company  
2 Innovation Way  
Pomona, CA 91768

#### **General Order 95**

Please also note that in the event any SCE distribution facilities are impacted or need to be relocated, SCE must comply with General Order (GO) 95, which establishes rules and regulations

6-5

for the overhead line design, construction, and maintenance. GO 95 also includes vertical clearance requirements from thoroughfares, ground, and railroads, as well as specific minimum clearances from tree branches, vegetation around overhead wires, and other wires. The project's design should not conflict with SCE's existing and proposed transmission line designs.

↑  
6-5  
cont.

### **Method of Service**

In order to determine electrical infrastructure necessary to support the proposed project, the project proponent must submit a signed Method of Service agreement to SCE and pay engineering fees for an electric service study to be completed. Infrastructure necessary to support this project is subject to licensing and permitting authority of the CPUC.

6-6

### **General Order 131-D and Other Permits**

Finally, if the construction, modification, and relocation of SCE transmission lines, or electrical facilities that are designed to operate at or above 50 kilovolts (kV) they may be subject to the California Public Utilities Commission's (CPUC) General Order 131-D<sup>1</sup>. As the construction, modification, or relocation of SCE transmission lines may require CPUC and/or other state or federal permits, the construction of SCE facilities needed to interconnect the project should be identified and discussed in the Final PEIR. If not, SCE may be required to pursue separate, mandatory California Environmental Quality Act or National Environmental Policy Act review through the applicable permitting agency, which could delay approval of the SCE transmission line portion of the project for two years or longer if required. Analysis should include construction impacts of SCE work on resources such as aesthetics, air quality, noise, traffic and biological resources (i.e., nesting birds).

6-7

### **Permit to Construct (PTC) & Certificate of Public Convenience and Necessity (CPCN)**

As stated above, please note that SCE is subject to California Public Utilities Commission General Order 131-D (GO 131-D). Electric facilities between 50kV and 200kV are subject to the CPUC's Permit to Construct (PTC) review. For facilities subject to PTC review, or for over 200kV electric facilities subject to Certificate of Public Convenience and Necessity (CPCN) requirements, the CPUC reviews utility PTC or CPCN applications pursuant to CEQA and serves as Lead Agency under CEQA.

6-8

SCE appreciates the opportunity to comment on the Water System Master Plan Project. SCE looks forward to working and collaborating with the Water District. If you have any questions regarding this letter, please contact me at heather.neely@sce.com or (626) 476-7839.

6-9

Regards,

Heather Neely  
Third Party Environmental Reviews  
Environmental Services  
Southern California Edison  
2244 Walnut Grove Avenue  
Rosemead CA 91770

<sup>1</sup> <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/589.PDF>

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7 – OFFICE OF REGIONAL PLANNING

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 897-0673

FAX (213) 897-1337

www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

Comment Letter 7
------------------

September 12, 2018

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

RE: Palmdale Water District (PWD) Water  
System Master Plan (WSMP)  
Draft Environmental Impact Report (DEIR)  
GTS # 07-LA-2017-01782-FL  
SCH # 2017021042  
Vic. LA/ 138/ PM 45.71 and various  
locations within PWD boundary

Dear Mr. Riley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project proposed to provide cost-effective water services to accommodate projected population growth, and ensure potable water supply can meet annual water demand over the next 25 years.

7-1

Implementation actions under this WSMP would require the construction of various above-ground facilities and support infrastructures including storage tanks, pump stations, pipelines and wells. Additionally, PWD is proposing a headquarters building expansion at its current headquarters located at the corner of East Avenue Q and 20<sup>th</sup> Street East.

After reviewing this DEIR, as indicated on page ES-4, during the Notice Of Preparation (NOP) public review period that “concerns were raised regarding potential adverse impacts to... traffic and transportation...”, and Caltrans concurs that there may be potential impacts at certain spot locations along SR-14 and SR-138 only during construction of the water system improvements.

7-2

Therefore, per Mitigation Measure TR-1 on page ES-23 and ES-24 of this report, “PWD shall require the construction contractor to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the City of Palmdale and/or the County of Los Angeles prior to construction...”; similarly, Caltrans would request that Traffic Control/Traffic Management Plan be provided to Caltrans for approval as well, prior to any construction at and in the vicinity of any State Highway facilities.

Please be reminded that transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Please limit large size truck trips to off-peak commute periods.

7-3

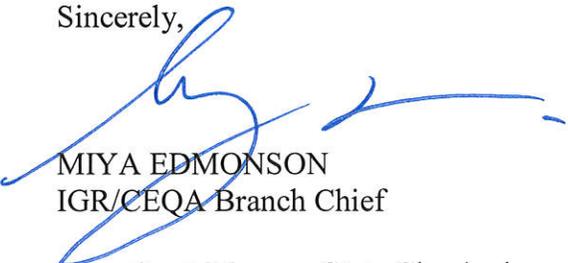
Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of your need to discharge clean run-off water and it is not permitted to discharge onto State highway facilities.

7-4

If you have any questions or concerns regarding these comments, please feel free to contact the project coordinator, Frances Lee, at (213) 897-0673 or electronically at [frances.lee@dot.ca.gov](mailto:frances.lee@dot.ca.gov).

7-5

Sincerely,



MIYA EDMONSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
 CHARLTON H. BONHAM, Director



Comment Letter 8

September 13, 2018

Mr. James Riley  
 Palmdale Water District  
 2029 East Avenue Q  
 Palmdale, CA 93550  
 E-mail: [jriley@palmdalewater.org](mailto:jriley@palmdalewater.org)

**Subject: Draft Program Environmental Impact Report (DPEIR) for the Water System Master Plan, Los Angeles County, SCH # 2017021042**

Dear Mr. Riley:

The California Department of Fish and Wildlife (CDFW or Department) received a Notice of Availability of a DPEIR from the Palmdale Water District (PWD), as lead agency, for the Water System Master Plan (WSMP or Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted comments dated March 9, 2017, in response to the Notice of Preparation of the DPEIR.

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 them in trust by statute for all the people of the state (Fish & Game Code, §§ 711.7, subd. [a] & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subd. [a]). As trustee, CDFW 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). For purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review, focusing on Projects/activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code § 21069; CEQA Guidelines § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration (LSA) regulatory authority (Fish & Game Code, § 1600 *et seq.*). 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 & Game Code, § 2050 *et seq.*) or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 *et seq.*) authorization from CDFW as provided by the applicable Fish and Game Code will be required.

8-1

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Palmdale Water District or “PWD”

**Objective:** The WSMP would implement a Capital Improvement Plan (CIP) recommending Projects in the CIP that would allow PWD to address existing hydraulic system deficiencies, replace aging infrastructure, and provide the facilities necessary to meet future growth. Implementation of actions under this WSMP would require the construction of various above-ground facilities and support infrastructure including storage tanks, pump stations, pipelines and wells. Projects are both near-term (by 2020) and long-term (after 2020).

The near-term Projects would include construction and operation of three storage tanks, three booster pump stations, and segments of transmission pipelines. The long-term Project components would include the construction and operation of six storage tanks, seven new pumps at five existing pump stations, six new pump stations, five production wells, and over 700,000 feet of transmission pipelines. Additionally, PWD is proposing to construct a headquarters expansion at its current headquarters located at the corner of E. Avenue Q and 20th Street to serve the water system in the long-term (after 2020). Near-term Projects in the CIP are evaluated at a project level, while long-term Projects are considered at the programmatic level in this DPEIR. Much of the near-term and long-term Project activities will take place within existing roadway rights-of-way and developed and disturbed areas. However, portions of the near-term and long-term proposed project will take place within or adjacent to undisturbed native vegetative communities. Long-term Project locations identified at this time may also change based upon further analysis.

Preliminary Project site impact assessments for special status botanical and wildlife species were based on literature searches and reconnaissance level surveys designed to inform future pre-construction focused surveys for species expected to occur on the Project sites. As acknowledged in the DPEIR, the Project may include activities within streams that could be subject to CDFW jurisdiction under Fish & Game Code, § 1600 *et seq.* and associated avoidance and mitigation considerations.

The DPEIR includes a discussion of two alternatives to the proposed WSMP. They are as follows:

- **Alternative 1:** No Project Alternative
- **Alternative 2:** Reduced Project Alternative A

**Location:** The PWD service area is located in southern California, approximately 60 miles northeast of the City of Los Angeles, within the Antelope Valley. The PWD’s primary service area includes the majority of the City of Palmdale and portions of unincorporated Los Angeles County (County). The District is bordered to the south and west by the San Gabriel Mountain Range, the north by the City of Lancaster, and the east by the unincorporated community of Littlerock. The District encompasses 47 square miles of mainly developed areas of the City of Palmdale and its sphere of influence, which is surrounding by agricultural uses. The proposed Project includes facilities that would be located outside of PWD boundaries in either the City of Palmdale or unincorporated County.

**Timeframe:** Projects are both near-term (by 2020) and long-term (after 2020).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist PWD in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish, wildlife, and botanical (biological) resources. Editorial comments or other suggestions may also be

included to improve the document.

For impacts demonstrated to be unavoidable in the DPEIR, the Department recommends measures or revisions below that PWD should include in a science-based monitoring and management program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code 21081.6 and CEQA Guidelines Section 15097).

8-1  
cont.

## I. Project Description and Related Impact Shortcoming

### Comment #1: Impacts to Special Status Plant Species

**Issue:** The DPEIR describes that a literature search and reconnaissance survey was conducted in the Project footprint area to determine the probability of occurrences of special status plant species. BIO-1 in the DPEIR *Executive Summary* describes pre-construction survey method proposals intended to inform avoidance and restoration measures for various proposed Project activities. BIO-1 states, “[t]he following measures are recommended to avoid and/or reduce potential impacts to special-status plants as a result of proposed project activities for near-term Project components and long-term Projects in undeveloped portions of the Project area with suitable habitat: A floristic survey focusing on the four special-status species (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) with some potential to occur should be conducted by a qualified biologist for the aforementioned nearterm Project components and the long-term Project components that are located in the San Andreas Rift Zone and the hilly topography south of it. The surveys should take place from April to May to cover the blooming period of the four species.”

8-2

CDFW is concerned that additional special status plants may be missed within the Project area footprint during the proposed pre-construction survey for the four referenced species as described in BIO-1. The botanical survey methodology described in BIO-1 also do not appear to follow the CDFW's recent updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018). The protocols are available at the following website: <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>.

The CDFW updated protocol states, “[b]otanical field surveys should be conducted in a manner which maximizes the likelihood of locating special status plants and sensitive natural communities that may be present. Botanical field surveys should be floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. Focused surveys that are limited to habitats known to support special status plants or that are restricted to lists of likely potential special status plants are not considered floristic in nature and are not adequate to identify all plants in a Project area to the level necessary to determine if they are special status plants.”

8-3

CDFW recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity and the results be incorporated into the environmental documentation for the Project. The Manual of California Vegetation, second edition, along with the above referenced protocols for special status native plant populations and natural communities should also be used to inform this mapping and assessment (Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

8-4

**Specific impact:** Temporary or permanent population declines, or local extirpation of special status plant species may result from implementation of the Project. The capability of the site to support special status plant species may be diminished or eliminated with the Project.

8-5

**Why impact would occur:** Activities described in the Project include habitat modification from grading, trenching, and other heavy equipment use. Modification of habitat for water conveyance infrastructure purposes has the potential for killing or injuring special status plants and/or altering soil and drainage elements for botanical habitat. Dust from the Project activities may also compromise special status plant pollination, photosynthesis and seed dispersal on and off-site of the Project.

Special status plants may go undetected on the Project site and be subject to adverse Project impacts because the botanical surveys do not maximize detection and only focus on four species during the months of April and May. Conclusions in the DPEIR regarding the presence or absence of special status plants rely on literature searches and a reconnaissance level survey within areas that have not historically been heavily inventoried for actual occurrences of rare botanical species and communities and could meet the CEQA definition of rare or endangered (CEQA Guidelines §§ 15125[c] and 15380).

**Evidence impact would be significant:** The Project may have a substantial adverse effect, either directly or through habitat modifications, on plants species identified as a candidate, sensitive, or special-status species.

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

Mitigation Measure #1: CDFW recommends avoidance of special status plant species. To mitigate for any unavoidable adverse impacts to special status plant species detected within the Project footprint to below a level of significance under CEQA, CDFW recommends off-site acquisition and any necessary restoration/enhancement of occupied habitat.

8-6

Enhancement efforts should focus on exotic weed control, which will facilitate recovery of any existing occupied habitats selected for avoidance. Areas targeted as mitigation for special status plant species should be situated adjacent to protected open space and not result in isolated islands of habitat. Mitigation should also include preparation of a restoration plan, to be approved by the Lead Agency and CDFW, that contains restoration and monitoring methods, annual success criteria, contingency actions should success criteria not be met, long-term management and maintenance goals, and a sufficient funding mechanism to assure that management and reporting requirements occur in perpetuity.

Project-related unavoidable incidental take of NPPA or CESA-listed plants may only be permitted through an incidental take permit or other authorization issued by CDFW. Please contact CDFW prior to ground disturbance activities if any NPPA or CESA listed species are identified within the vicinity of the Project to further develop avoidance or mitigation measures

Mitigation Measure #2: Areas proposed as mitigation lands for special status plants should be protected in perpetuity with a conservation easement and dedicated to a local land conservancy. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands approved by the Lead Agency.

## **Comment #2: Impacts to Mohave Ground Squirrel (*Xerospermophilus mohavensis*)**

**Issue:** Section 3.4 of the DPEIR states, “Mohave ground squirrel (MGS) is not expected in the Project area. Protocol trapping efforts in northeastern Los Angeles County from 2008–2012 have failed to find the species (Leitner 2015). Just as in the previous 10-year period, the only positive records were at several sites within or very close to Edwards Air Force Base (Leitner 2015).”

Portions of the Project appear to be within the range of MGS. CDFW is concerned that the DPEIR relies primarily on older past trapping and other occurrence records for MGS, rather than on habitat attributes at the site and adjacent areas and/or current survey records. As concluded in the DPEIR, many of the Project activity sites may lack habitat for or provide marginal habitat for MGS. However, some of the Project sites may allow movement for MGS between Project sites and adjacent habitats. Without current valid protocol survey results conducted within suitable habitats, the presence or absence of MGS on the Project sites and adjacent habitats cannot be confirmed for the purposes of impact analysis.

**Specific impact:** The Project may result in mortality or injury to MGS and their habitat resulting in further declines within the range for this species.

8-7

**Why impact would occur:** Use of heavy equipment and other ground disturbance may kill or injure MGS, alter natural behavior, and deposit dust on MGS food plants such as creosote (*Larrea tridentata*), winter fat (*Krascheninnikovia lanata*), spiny hop-sage (*Grayia spinosa*) and saltbush (*Atriplex* spp.).

Open trenches and other Project related excavations could result in entrapment of MGS where they are exposed to extreme temperatures, drowning, increased predation, deprivation of food and water and being buried by backfilling activities. Open trenches and excavations also pose movement barriers preventing access to habitat.

**Evidence impact would be significant:** Project construction may result in 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 USFWS.

### **Recommended Feasible Mitigation Measure(s):**

Mitigation Measure #1: MGS surveys should be conducted wherever the Project is taking place in appropriate habitat within the range of MGS. Focused MGS surveys should follow the Department’s 2003 Trapping and Survey Guideline (see <https://www.dfg.ca.gov/wildlife/nongame/MGS/>) trapping survey guidelines). If MGS is observed on site or captured during any of the trapping sessions, the Project proponent shall secure a California Incidental Take Permit (ITP) for MGS before ground/vegetation disturbance activities commence. The ITP will specify avoidance, minimization and mitigation conditions for temporary and/or permanent impacts to MGS including habitat acquisition at a CDFW approved location and mitigation ratio.

If a survey conducted according to CDFW guidelines results in no capture or observation of MGS on a Project site, this is not necessarily evidence that the MGS does not exist on the site or that the site is not actual or potential habitat of the species. However, in the circumstance of such a negative result, the CDFW will stipulate that the Project site harbors no MGS. This stipulation will expire one year from the ending date of the last trapping on the Project site conducted according to these guidelines. However, If MGS or other listed species are discovered on the Project site, avoiding take

of a listed species and or securing authorization for incidental take of a listed species pursuant to Fish and Game Code Section 2081(b) *et seq.* remains the responsibility of the Project proponent.

Alternatively, PWD may choose to forgo focused MGS presence/absence surveys and assume presence of MGS on site. Under this option PWD will be issued a California ITP for MGS prior to ground/vegetation disturbance activities. The Operator shall mitigate for temporary and/or permanent impacts to MGS habitat as specified in conditions of the ITP through habitat acquisition at a CDFW approved location and mitigation ratio.

Mitigation Measure #2: Please refer to Comment #6 below that recommends wildlife entrapment hazard minimization measures.

**Comment #3: Impacts to Desert Tortoise (*Gopherus agassizii*).**

**Issue:** Section 3.4 of the DPEIR states, “[d]esert tortoise is not expected to occur in the Project area. Desert tortoise does not have any records within the CNDDDB queried area. The nearest CNDDDB record, from 1990, for the species is located approximately eight miles to the northeast of the study area near populations of the species and there are few large areas of creosote bush scrub in the study Lake Los Angeles. The study area is primarily urbanized and lacks connectivity with known area.”

Portions of the Project appear to be within the range of the desert tortoise. CDFW is concerned that the DPEIR relies primarily on occurrence records for desert tortoise, rather than on habitat attributes at the site and adjacent areas and/or current survey records. Some of the Project sites may allow movement between Project sites and adjacent habitats for desert tortoise. Without current valid protocol, survey results the presence or absence of desert tortoise on the Project sites and adjacent habitats cannot be confirmed.

**Specific impact:** The Project may result in mortality or injury to desert tortoise resulting in further declines within the range for this species.

**Why impact would occur:** Use of heavy equipment and other ground disturbance and ongoing operations could result in direct mortality or injury, alter natural behavior and deposit dust on desert tortoise food plants.

Open trenches and other Project related excavations could result in entrapment of desert tortoise where they are exposed to extreme temperatures, drowning, increased predation, deprivation of food and water and being buried by backfilling activities. Open trenches and excavations also pose movement barriers preventing access to habitat.

**Evidence impact would be significant:** Project construction and ongoing operations may result in 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 USFWS.

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

Mitigation Measure #1: To reduce impacts to less than significant, CDFW recommends that focused protocol surveys be conducted within and adjacent to appropriate habitat for any aspect of the Project taking place within the range of desert tortoise. Surveys should be conducted prior to Project ground disturbances. CDFW recommends that surveys adhere to the current Service protocol

8-7  
cont.

8-8

“Preparing for any action that may occur within the range of the Mojave Desert Tortoise” (See [http://www.fws.gov/Ventura/species\\_information/protocols\\_guidelines/index.html](http://www.fws.gov/Ventura/species_information/protocols_guidelines/index.html)), as results are only valid for one year from the date of survey.

**Mitigation Measure #2:** Erecting United States Fish and Wildlife Service (USFWS) approved exclusionary fencing around the Project site for desert tortoise will restrict desert tortoise from entering the Project site if protocol surveys resulted in negative results. Fencing will avoid the necessity of repeating surveys on an annual basis.

**Mitigation Measure #3:** Take of desert tortoise is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.) Consequently, if the Project, Project construction, or any Project-related activity will result in take of desert tortoise under CESA, CDFW recommends that the Project proponent seek CESA authorization prior to implementing the Project because it will be required if tortoise relocation off-site or other unavoidable take is needed anytime during the life of the Project. If desert tortoise is present on the Project site or observed on the Project site during surveys or otherwise though the life of the Project, any ITP issued by CDFW for take of this species may condition the acquisition and protection in perpetuity of acceptable replacement mitigation habitat to be managed by a land conservancy approved by CDFW.

**Mitigation Measure #4:** Please refer to Comment #6 below that recommends wildlife entrapment hazard minimization measures.

**Comment # 4: Impacts to American badger (*Taxidea taxus*) and desert kit fox (*Vulpes macrotis*)**

**Issue:** CDFW is concerned that the DPEIR does not discuss measures to avoid take of desert kit fox and American badger.

American badger and desert kit fox are considered fur bearing mammals for which take is prohibited (Cal. Code Regs., tit. 14, § 460). American badger is also a California species of special concern. Loss of breeding, foraging and movement (dispersal) habitat for to desert kit fox and American badger or other special status species (including plants) should be considered a significant direct and cumulative adverse effect under CEQA without implementing appropriate avoid and/or mitigation measures (CEQA Guidelines §§ 15064, 15065, 15125[c] and 15380).

**Specific impacts:** The Project may result in direct mortality or injury of American badger and desert kit fox and the disruption of breeding behavior contributing to significant cumulative statewide population declines for these species. In particular, desert kit fox have limited representation as a resident mammal in the County because of the limited habitat supporting this species that continues to experience solar energy industrialization and other forms of urbanization.

**Why impact would occur:** Impacts to American badger, desert kit fox and their habitat could result from vegetation clearing and other ground disturbances from water conveyance infrastructure. The Project may require periodic control of burrowing mammals and may include rodenticides or other chemical controls that could result in direct or secondary poisoning of American badger and desert kit fox.

Open trenches and other Project related excavations could result in entrapment of American badger and desert kit fox where they are exposed to extreme temperatures, drowning, increased predation, deprivation of food and water and being buried by backfilling activities. Open trenches and excavations also pose movement barriers preventing access to habitat.

8-8  
cont.

8-9

**Evidence impact would be significant:** Project impacts may continue to result in substantial adverse effects, 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 USFWS.

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

Mitigation Measure #1: To reduce Project impacts to American badger and desert kit fox to less than significant, CDFW recommends that all survey efforts should be conducted prior to any Project disturbance activities including initial construction and any ongoing operations.

Mitigation Measure #2: Passive relocation of American badger and desert kit fox should not take place while young are still in dens and dependent on the parents for food, or while females may be pregnant, (either could directly cause death of pups). This most likely rules out passive relocation between mid-January through June or July, or until biologists can document that pups are independent enough to travel with the parents off-site. Accordingly, it is imperative to know in advance how many burrows are within the Project construction footprint, how many are active and inactive, and what the construction schedule is for the Project, so adequate time is allowed for passive relocation planning and implementation.

Mitigation Measure #3: Please refer to Comment #6 below that recommends wildlife entrapment hazard minimization measures.

Mitigation Measure #4: Use of anticoagulant, or other rodenticides that could result in secondary poisoning or other mortality of non-target species including but not limited to American badger and desert kit fox should be prohibited from use during the life of the Project and future Project maintenance activities.

**Comment #5: Wildlife Entrapment Hazards**

**Issue:** DPEIR, Section 2.6 entitled *Project Implementation* states, “[c]onstruction of proposed potable water pipelines would involve trenching using a conventional cut and cover technique, jack-and-bore or directional drilling techniques where necessary to avoid sensitive land features or roadway intersections. Trenches would be backfilled at the end of each work day or temporarily closed by covering with steel trench plates.”

CDFW concurs that backfilling or covering of open trenches can avoid hazardous conditions while work has been ceased for the day. However, CDFW remains concerned that the DPEIR does not specifically acknowledge that trenching or other excavations from Project activities will pose an entrapment hazard for wildlife. CDFW is also concerned that the DPEIR lacks a specific discussion on best management practices designed to assure that special status species and other common wildlife species do not perish or become injured should they become entrapped when trenches remain an open hazard.

**Specific impact:** The Project may result in mortality, injury or a movement impediment for wildlife (including special status species) resulting in declines within the range for these species.

**Why impact would occur:** Open trenches and other Project related excavations could result in entrapment of wildlife where they are exposed to extreme temperatures, drowning, increased predation, deprivation of food and water and being buried by backfilling activities. Open trenches and excavations pose movement barriers preventing wildlife access to habitat.

8-9  
cont.

8-10

**Evidence impact would be significant:** Project construction and ongoing operations may result in 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 USFWS.

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

Mitigation Measure #1: To reduce Project impacts to wildlife to less than significant, CDFW recommends that all trenches, pits or other depressions that are not in active use be backfilled or covered immediately after use to prevent wildlife entrapment. In addition, measures 2-7 below should also be implemented.

Mitigation Measure #2: A qualified biological monitor should inspect all depressions prior to backfilling to salvage any entrapped species observed.

Mitigation Measure #3: If depressions cannot be immediately backfilled or covered, a qualified biological monitor should periodically inspect the depressions to remove any entrapped species. The frequency of inspection of depressions by the biological monitor would be dependent on ambient temperature and precipitation conditions because high heat levels or flooding may result in mortality of entrapped wildlife.

Mitigation Measure #4: Depressions that cannot be immediately back filled or covered should be provided with escape ramps that could allow some mobile entrapped wildlife to escape.

Mitigation Measure #5: All stockpiled pipe interiors should be inspected for wildlife presence by a qualified biological monitor immediately prior to pipe laying. Any wildlife observed seeking refugia inside a pipe should be safely evicted.

Mitigation Measure #6: Open-ended terminal pipes within any pipeline laying operation should be temporarily sealed if left unattended, to prevent wildlife from entering and becoming entrapped.

Mitigation Measure #7: Handling of CESA listed species entrapped in depressions shall only occur by entities possessing an ITP for that species.

**III. 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 (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. 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).

8-10  
cont.

8-11

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife resources, 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 & Game Code, § 711.4; Public Resources Code, § 21089).

8-12

## CONCLUSION

CDFW appreciates the opportunity to comment on the DPEIR to assist PWD in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Scott Harris, Environmental Scientist, at phone number: (805) 644-6305 or e-mail [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov).

8-13

Sincerely,



Erinn Wilson  
Environmental Program Manager I

ec: Ms. Erinn Wilson, CDFW, Los Alamitos  
Mr. Scott Harris, CDFW, Ventura  
Office of Planning and Research, State Clearinghouse, Sacramento

## References:

CDFW. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. <http://www.dfg.ca.gov/habcon/plant/>. .

Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. *A manual of California Vegetation*, 2<sup>nd</sup> ed. ISBN 978-0-943460-49-9.



**METROLINK.**

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY  
900 Wilshire Blvd. Suite 1500 Los Angeles, CA 90017

metrolinktrains.com

September 13, 2018

James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

RE: Water System Master Plan Draft Program Environmental Impact Report (DPEIR)

Dear Mr. Riley:

The Southern California Regional Rail Authority (SCRRA) has received the DPEIR for the Palmdale Water District's Water System Master Plan project. Thank you for the opportunity to comment on key issues relative to SCRRA and operations of the railroad within the project limits. As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (Metro ), San Bernardino County Transportation Authority (SBCTA), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and Ventura County Transportation Commission (VCTC). The railroad right of way where Metrolink operates within the District Boundary is owned by Metro.

9-1

Initial general comments on our Draft Program EIR are as follows:

1. SCRRA currently operates 20 Metrolink passenger trains and UPRR operates 5 freight trains within the District Boundary.
2. Trains generate noise and vibrations as noted on Page 3.10-4 in the DPEIR. Thank you for acknowledging this and for referencing Policy N1.2.4 in that acoustical analysis and appropriate mitigation for noise-sensitive sources such as railroad should be required.
3. Metrolink Antelope Valley Line and station near the intersection of E Avenue Q and Sierra Highway. Thank you for noting this in your document in the Public Transportation section on page 3.12-4.
4. Construction of some of the proposed facilities would occur adjacent to segments of the Metrolink Antelope Valley Line. Some involve storage tank locations or pipeline crossings of the rail line, specifically in the vicinity of storage tank ES-03 as described on page 3.5-21 and shown on Figure 3b. SCRRA has Engineering Standards for pipeline crossings as well as right of way encroachment approval procedures that can be found on the Metrolink website at [www.metrolinktrains.com/aboutus/engineering](http://www.metrolinktrains.com/aboutus/engineering). We are encouraged to see that

9-2

9-3

9-4

9-5



---

your document (page 3.5-30) mentions the jack and bore method for installation of the pipelines under the rail lines for minimal disruption to rail traffic.

↑  
9-5  
cont.

Palmdale Water District shall provide timely notice, in accordance with Public Resources Code Section 21092.5 and State CEQA Guideline Section 15088, of the written proposed responses to our comments on this environmental document and the time and place of any scheduled public meetings or public hearings by the agency decision makers at least 10 days prior to such a meeting.

9-6

Thank you again for cooperating with SCRRA to help ensure the development of a successful project. If you have any questions regarding these comments please contact me at (213) 452-0456 or via e-mail at [mathieur@scrra.net](mailto:mathieur@scrra.net).

Sincerely,



Ron Mathieu  
Planning Manager II

Cc: Roderick Diaz, SCRRA  
Justin Fornelli, SCRRA  
Jeanet Owens, Metro



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

GRACE ROBINSON HYDE  
Chief Engineer and General Manager

September 13, 2018

Ref. Doc. No.: 4666784

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

Dear Mr. Riley:

### Draft PEIR Response to the Water System Master Plan

The Sanitation Districts of Los Angeles County (Districts) received a Draft Program Environmental Impact Report (Draft PEIR) for the subject project on July 30, 2018. The project area is located within the jurisdictional boundaries of Districts Nos. 14 and 20. We offer the following comments:

- 1. 3.4.3 Impacts and Mitigation Measures, *page 3.4-31*, TABLE 3.4-4 – Pipeline FF-01 – Please clarify how was the determination made that the “Groundwater levels in the area are also affected by seepage from Sanitation Districts of Los Angeles County facility to the north.” Groundwater flow in the vicinity is generally to the north and Districts groundwater monitoring efforts have indicated that if the Districts facility (presumably, this statement is in reference to the Palmdale WRP facility) was experiencing seepage, it would unlikely affect groundwater to the south. This comment also applies to the similar statement in Table 6, Page 42 of Biological Resources Technical Report. 10-1
- 2. 3.14.1 Water Supply, *page 3.14-1*, TABLE 3.14-1 – The Recycled Water projected water supply and demand for 2035 is 6,000 AFY. 10-2
- 3. 3.14.1 Wastewater Treatment, *page 3.14-3*, third paragraph – The Palmdale Water Reclamation Plant (WRP) currently provides tertiary treatment for approximately 9.65 million gallons per day (mgd) of wastewater generated in and around the City of Palmdale. The Palmdale WRP currently produces an effluent of 8.12 mgd of recycled water on average. 10-3
- 4. 3.14.1 Wastewater Treatment, *page 3.14-3*, third paragraph, last two sentences – The reference cited, LACSD 2017a, uses a very conservative scenario to calculate project future basin conditions. Actual operations are more accurately represented by the following: “All wastewater treated at the Palmdale WRP is treated to tertiary level and is reused or stored within or in close proximity to the PWD service boundaries. Currently, the tertiary-treated recycled water is beneficially reused for agricultural, municipal and industrial purposes, or evaporates during holding time in lined storage reservoirs.” 10-4

- 5. 3.14.1 Wastewater Treatment, *page 3.14-3*, TABLE 3.14-2 – The effluent flow for the Palmdale WRP was approximately 9,200 AFY in 2015. | 10-6
- 6. 3.14.4 References, *page 3.14-18* – The listed reference of LACSD 2017a appears to be inaccessible or perhaps there is a typographical error in the reference. Please verify that the following link is the actual intended webpage:  
[https://sdlac.org/wastewater/wwfacilities/antelope\\_valley\\_water\\_reclamation\\_plants/palmdale\\_wrp.asp](https://sdlac.org/wastewater/wwfacilities/antelope_valley_water_reclamation_plants/palmdale_wrp.asp) | 10-7
- 7. 5.3.2 Water Supply and Demand, *page 5-4*, TABLE 5-2 – The Recycled Water projected water supply and demand for 2035 is 6,000 AFY. | 10-8
- 8. 5.3.2 Water Supply and Demand, *page 5-4*, last paragraph, fourth sentence – For clarification and accuracy, please consider revising the sentence to state, “PWD, in conjunction with LACSD and other stakeholder agencies, collectively proposed a Recycled Water Backbone System, ...” | 10-9
- 9. 5.3.2 Water Supply and Demand, *page 5-4*, last paragraph, fifth sentence – The effluent flow for the Palmdale WRP was approximately 9,200 AFY in 2015. | 10-10

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717. | 10-11

Very truly yours,



Adriana Raza  
Customer Service Specialist  
Facilities Planning Department

AR:ar



September 17, 2018

**VIA EMAIL**

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550  
Email: [JRiley@PalmdaleWater.org](mailto:JRiley@PalmdaleWater.org)

Dear Mr. Riley:

**DEIR – DRAFT ENVIRONMENTAL IMPACT REPORT  
WATER SYSTEM MASTER PLAN  
SCH: 2017021042**

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project for impacts with Division jurisdictional authority. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

11-1

The project area is in Los Angeles County and is not within the administrative field boundary. Division records indicate that there are possibly six plugged and abandoned oil and gas wells located within the project boundary as identified in the application. Division information can be found at: [www.conservation.ca.gov](http://www.conservation.ca.gov). Individual well records are also available on the Division's web site, or by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov).

The scope and content of information that is germane to Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code, and administrative regulations under Title 14, Division 2, Chapters 2, 3 and 4 of the California Code of Regulations.

If any wells, including any plugged, abandoned or unrecorded wells, are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements and approval to perform remedial operations.

11-2

The possibility for future problems from geothermal wells that have been plugged and abandoned, or reabandoned, to the Division's current specifications are remote. However, the Division recommends that a diligent effort be made to avoid building over any plugged and abandoned well.

Questions regarding the Division's Construction Site Well Review Program can be addressed to the local Division's office in Cypress by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov) or by calling (714) 816-6847.

11-3

Sincerely,



Grace P. Brandt  
Associate Oil and Gas Engineer

cc: The State Clearinghouse in the Office of Planning and Research  
Christine Hansen, DOC OGER  
Kyle VanRensselaer, DOC  
Naveen Habib, DOC OGER  
Jan Perez, DOGGR CEQA Unit  
Chris McCullough, Facilities and Environmental Supervisor  
Environmental CEQA File



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

September 18, 2018

James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550

Subject: Palmdale Water District Water System Master Plan  
SCH#: 2017021042

Dear James Riley:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 12, 2018. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2017021042) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

12-1

VAAE  
9/12/18  
E

Edmund G. Brown Jr., Governor



State of California • Natural Resources Agency  
Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
Southern District  
5816 Corporate Avenue • Suite 100  
Cypress, CA 90630  
(714) 816-6847 • FAX (714) 816-6853

September 17, 2018

**VIA EMAIL**

Governor's Office of Planning & Research

SEP 17 2018

STATE CLEARINGHOUSE

Mr. James Riley  
Palmdale Water District  
2029 East Avenue Q  
Palmdale, CA 93550  
Email: [JRiley@PalmdaleWater.org](mailto:JRiley@PalmdaleWater.org)

Dear Mr. Riley:

**DEIR – DRAFT ENVIRONMENTAL IMPACT REPORT  
WATER SYSTEM MASTER PLAN  
SCH: 2017021042**

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project for impacts with Division jurisdictional authority. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

The project area is in Los Angeles County and is not within the administrative field boundary. Division records indicate that there are possibly six plugged and abandoned oil and gas wells located within the project boundary as identified in the application. Division information can be found at: [www.conservation.ca.gov](http://www.conservation.ca.gov). Individual well records are also available on the Division's web site, or by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov).

The scope and content of information that is germane to Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code, and administrative regulations under Title 14, Division 2, Chapters 2, 3 and 4 of the California Code of Regulations.

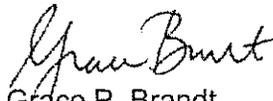
If any wells, including any plugged, abandoned or unrecorded wells, are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements and approval to perform remedial operations.

The possibility for future problems from geothermal wells that have been plugged and abandoned, or reabandoned, to the Division's current specifications are remote. However, the Division recommends that a diligent effort be made to avoid building over any plugged and abandoned well.

SCH No. 2017021042  
WATER SYSTEM MASTER PLAN  
September 17, 2018  
Page 2

Questions regarding the Division's Construction Site Well Review Program can be addressed to the local Division's office in Cypress by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov) or by calling (714) 816-6847.

Sincerely,



Digitally signed by Grace Brandt  
DN: cn=Grace Brandt, o=DOGGR, ou=Construction Site Well  
Review, email=grace.brandt@conservation.ca.gov, c=US  
Date: 2018.09.17 14:05:37 -0700'

Grace P. Brandt  
Associate Oil and Gas Engineer

cc: The State Clearinghouse in the Office of Planning and Research  
Christine Hansen, DOC OGER  
Kyle VanRensselaer, DOC  
Naveen Habib, DOC OGER  
Jan Perez, DOGGR CEQA Unit  
Chris McCullough, Facilities and Environmental Supervisor  
Environmental CEQA File

This page left intentionally blank

# CHAPTER 3

---

## Response to Comments

In accordance with CEQA Guidelines Section 15132(d), this chapter contains responses to “significant environmental points” that were raised in comments received on the PWD WSMP Draft PEIR. Each individual comment has been given an assigned number which can be cross-referenced to each comment letter included in Chapter 2. Responses are sequenced to reflect the order of comments within each letter.

Where the responses indicate additions or deletions to the text of the Draft PEIR, additions are included as underlined text, deletions as ~~stricken text~~. The revisions included in this chapter do not significantly alter the conclusions in the Draft PEIR.

## Letter 1 – San Manuel Band of Mission Indians

### Comment 1-1

The commenter states that the Native American Consultation response date listed in the Draft PEIR is incorrect, and explains why the discrepancy occurred.

### Response 1-1

PWD thanks the San Manuel Band of Mission Indians for their comments on the Draft PEIR. The Draft PEIR text on page 3.13-5 has been updated as follows:

The San Manuel Band of Mission Indians responded in a letter dated ~~July 14~~ May 2, 2017 requesting consultation.

### Comment 1-2

The commenter states that there is a typo on page 3.5-22.

### Response 1-2

The Draft PEIR text on page 3.5-22 has been updated as follows:

- Level of proposed ground disturbance – typically projects that require little or shallow ground disturbance are considered less likely to encounter subsurface resources, particularly in areas where there was good ground surface visibility during the survey.
- Input received from the San Manuel Band of Mission ~~Indians~~ Indians.

### Comment 1-3

The commenter concurs with the long-term consultation notices described in Mitigation Measure TCR-1, but requests an update to CUL-5 text, or alternatively, that the update is placed within the TCR section.

### Response 1-3

The Draft PEIR text of Mitigation Measure CUL 5 on page 3.5-35 has been updated as follows:

**CUL 5: Inadvertent Discovery of Archaeological Resources:** For all near-term and long-term projects, in the event of the unanticipated discovery of archaeological materials and/or Native American cultural resources, regardless of location, PWD shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by the Qualified Archaeologist. The San Manuel Band of Mission Indians shall be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the qualified archaeologist makes his/her assessment, so as to provide Tribal input. Construction shall not resume until the Qualified Archaeologist has conferred with PWD and the San Manuel Band of Mission Indians on the significance of the resource.

If it is determined that ~~the a~~ discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, or a discovered Native American cultural resource constitutes a historical resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, ~~an Archaeological a Cultural~~ Resources Research Design and Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with PWD and the San Manuel Band of Mission Indians. ~~that~~ The plan shall provide for the adequate recovery of the scientifically consequential information contained in the archaeological resource. PWD shall consult with interested tribal groups the San Manuel Band of Mission Indians in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered, and the draft Treatment Plan shall be provided to the San Manuel Band of Mission Indians for review and comment prior to implementation. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).

The Qualified Archaeologist in consultation with the San Manuel Band of Mission Indians shall also determine the level of archaeological monitoring that is warranted during future ground disturbance in the area, and if work may proceed in other parts of the project area while treatment for ~~archaeological-cultural~~ resources is being carried out.

The disposition and treatment of any artifacts or other cultural materials encountered during project implementation shall be determined by PWD in consultation with the San Manuel Band of Mission Indians.

The Draft PEIR text of Mitigation Measure CUL-10 on page 3.5-41 has been updated as follows:

**CUL-10: Inadvertent Discovery of Human Remains:** If human remains or funerary objects are encountered during any activities associated with the project, then PWD shall halt work in the vicinity (within 100 feet) of the discovery and contact the County Coroner in accordance with Public Resources Code section 5097.98 and Health and Safety Code section 7050.5. If the County Coroner determines the remains are Native American, then the Coroner shall notify the California Native American Heritage Commission in accordance with Health and Safety Code subdivision 7050.5(c), and Public Resources Code section 5097.98. The California Native American Heritage Commission shall designate a Most Likely Descendant for the remains per Public Resources Code section 5097.98. Until the landowner has conferred with the Most Likely Descendant, the contractor shall ensure the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.

## Letter 2 – U.S. Fish and Wildlife Service

### Comment 2-1

The commenter, as a biologist with the U.S. Fish and Wildlife Service’s (USFWS) Palm Springs Fish and Wildlife Office, states the purpose of this letter is to review the Draft PEIR to determine if the proposed action would affect resources under the jurisdiction of the USFWS.

### Response 2-1

PWD thanks the USFWS Palm Springs Fish and Wildlife Office for their comments on the Draft PEIR, responses to which are included below.

### Comment 2-2

The commenter states that Section 3.4.2, Regulatory Framework, of the Draft PEIR contains several misstatements in its discussion of the Federal Endangered Species Act (FESA). The commenter has provided a corrected version of Section 3.4.2 that uses updated FESA information, and emphasized that the USFWS does not have any concerns with regard to the proposed action and federal listed species.

### Response 2-2

Section 3.4.2 (page 3.4-11) of the Draft PEIR has been updated as follows:

#### 3.4.2 Regulatory Framework

##### Federal

Endangered Species Act (USC, Title 16, § 1531 through 1543): The Federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. ~~The FESA also~~ Secretary of the Interior or the Secretary of Commerce, as appropriate, provides a program for the conservation and develops and implements recovery plans of for threatened and endangered species ~~as well as the conservation of designated critical habitat that USFWS determines is required for the survival and recovery of these listed species.~~

Section 9 lists those actions that are prohibited under the FESA. ~~Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity.~~ Section 9 prohibits take of listed species of fish, and wildlife, and establishes other protections for listed plants without special exemption. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in CCR Title 50, Part 402. The biological opinion issued at the conclusion of consultation will include an incidental take statement; if the biological opinion concludes that the proposed otherwise legal activity is not likely to jeopardize the continued existence of the listed species, the incidental take statement acknowledges that ensuing incidental take is no longer prohibited, authorizing “take” (i.e., to harass, harm, pursue, hunt, wound, kill, etc.) that may occur incidental to an otherwise legal activity.

Section 10 provides a means whereby a nonfederal action ~~with the potential that is~~ reasonably certain to result in take of a listed species can be allowed under an incidental take permit. Application procedures are found at 50 CFR 13 and 17 for species under the jurisdiction of USFWS and 50 CFR 217, 220, and 222 for species under the jurisdiction of NMFS (ESA 2018).

Migratory Bird Treaty Act (16 USC 703 through 711): The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. ~~The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season.~~ The MBTA makes it unlawful to purposefully take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States (ESA 2018).

### Comment 2-3

The commenter states that Section 3.4-2 of the Draft PEIR contains outdated information on the Migratory Bird Treaty Act (MBTA) and suggested edits.

### Response 2-3

Section 3.4.2 (page 3.4-11) of the Draft PEIR has been updated as follows:

Migratory Bird Treaty Act (16 USC 703 through 711): The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. ~~The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season.~~ The MBTA makes it unlawful to purposefully take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States (ESA 2018).

### **Comment 2-4**

The commenter states that USFWS appreciates the inclusion of Mitigation Measure BIO-3 in the Draft PEIR and PWD's commitment to protecting nesting migratory birds.

### **Response 2-4**

PWD appreciates USFWS's concurrence with Mitigation Measure BIO-3. The comment is noted for the record.

### **Comment 2-5**

The commenter states that USFWS appreciates the opportunity to review the Draft PEIR and requests that PWD direct any questions about this letter to the assigned Fish and Wildlife Biologist.

### **Response 2-5**

PWD thanks the USFWS Palm Springs Fish and Wildlife Office for their comments on the Draft PEIR.

## **Letter 3 – Southern California Gas Company**

### **Comment 3-1**

The commenter states understanding of the project and includes a summary of project description included in PWD's WSMP Draft PEIR.

### **Response 3-1**

PWD thanks the Southern California Gas Company (SoCalGas) for their comments on the Draft PEIR. The comment is noted for the record.

### **Comment 3-2**

The commenter requests that the County and/or project proponent coordinate with SoCalGas should it be determined that the proposed project may require SoCalGas to abandon and/or relocate or otherwise modify any portion of its existing natural gas lines.

### **Response 3-2**

PWD will notify SoCalGas prior to and during construction if any existing natural gas lines need to be modified in any way.

### **Comment 3-3**

The commenter requests that PWD direct questions to SoCalGas Environmental Review.

### **Response 3-3**

PWD thanks SoCalGas for their comments on the Draft PEIR. The comment is noted for the record.

## Letter 4 – The City of Palmdale

### Comment 4-1

The commenter has provided additional project information related to the Cumulative Analysis provided in Table 4-2 of the Draft PEIR.

### Response 4-1

PWD thanks the City of Palmdale for their comments on the Draft PEIR. The cumulative projects are relevant to the cumulative analysis presented in the Draft PEIR. As a result, five of the projects have been added to the cumulative scenario and the text of Table 4-2 on page 4-6 is revised in the Draft PEIR below. Figure 4-1 has also been updated to show these projects. Additionally, the text of Chapter 4 has been updated to reflect these projects on pages 4-17, 4-19, and 4-20. Due to the large amount of development projects that are approved, planned, or under construction within and around the project area, projects which are relatively small in size (i.e., a residential project consisting of one dwelling unit or a commercial project consisting of one store) have been excluded from environmental analysis. As a result, the City of Palmdale's recommended addition of the CUP 18-012 / SPR 18-023 (Auto Repair) project has not been included in the cumulative scenario and according analysis.

The Draft PEIR text on page 4-17 has been revised as follows:

In particular, projects 1, 2, 5, 6, 7, 8, 10, 12, 13, 14, 27, ~~and 28,~~ and 30-34 would be located in the vicinity of proposed pipelines and storage tanks in the project area.

The Draft PEIR text on page 4-19 has been revised as follows:

Projects 1, 2, 5, 6, 7, 8, 10, 12, 13, ~~and 14,~~ and 30-34 would be located in the vicinity of proposed pipelines and storage tanks in the project area.

As a result of adherence to these regulations, the combined effects from the construction of Projects 1, 2, 4, 5, 6, 7, 8, 10, 12, 13, ~~and 14,~~ and 30-34 within the geographic scope related to water quality, drainage, and groundwater would not be considered cumulatively significant.

The Draft PEIR text on page 4-20 has been revised as follows:

Many of the projects in the cumulative scenario would be residential developments (Projects 2, 3, 4, 8, 10, 12, 17, 18, 30, 31, 32, 34) that would require expanded recreational opportunities for new residents.

**TABLE 4-2  
RELATED PROJECTS FOR CUMULATIVE ANALYSIS**

<b>Project No.</b>	<b>Lead Agency</b>	<b>Name</b>	<b>Location</b>	<b>Project Type</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Status</b>
28	Palmdale Water District	Regional Recharge and Recovery Project	Northeast City of Palmdale (south of East Avenue L, west of 110th Street East, north of Avenue M, and east of 95th Street)	Water supply	PWD	Groundwater recharge project. Project would include a new 80-acre recharge basin on an undeveloped 160-acre site, a 2-acre distribution site, 16 recovery wells, and 25 miles of pipeline.	Final EIR published in June 2016
29	Palmdale Water District	Strategic Plan	Various locations in the City of Palmdale	Water supply	PWD	A variety of water supply projects including improving existing Palmdale Water Treatment Plant, groundwater storage, recycled water, development of a headquarters/maintenance yard.	2017-2019
<u>30</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>North Side of Ave S, east of the alignment with 20th Street West</u>	<u>Commercial and Residential</u>	<u>Royal Investors Group LLC</u>	<u>Residential and Commercial</u>	<u>Applied 5/16/2017</u>
<u>31</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>South of Avenue S; 1.2 miles west of SR-14</u>	<u>Commercial and Residential</u>	<u>Stephan Jenkins</u>	<u>Residential and Commercial</u>	<u>Applied 10/10/2017</u>
<u>32</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>NWC and NEC of Tierra Subida and Avenue S</u>	<u>Commercial and Residential</u>	<u>Caliber Retail Properties Group</u>	<u>Residential and Commercial</u>	<u>Applied 12/19/2017</u>
<u>33</u>	<u>City of Palmdale</u>	<u>Commercial Shopping Center</u>	<u>South of Avenue S on the west side of 47th Street East</u>	<u>Commercial</u>	<u>Intertex Companies</u>	<u>A proposal to construct a commercial shopping center</u>	<u>Applied 4/25/2018</u>
<u>34</u>	<u>City of Palmdale</u>	<u>Multi-Family</u>	<u>South of Avenue Q-4 between 11th and 12th Streets East</u>	<u>Residential</u>	<u>McClellan Badiya Associate</u>	<u>A request to develop two acres into a multi-family residential use consisting of one building totaling approximately 67,103 square feet</u>	<u>Applied 10/31/2017</u>

## **Letter 5 – Lahontan Regional Water Quality Control Board**

### **Comment 5-1**

The commenter states a summary of the project description included in PWD’s WSMP Draft PEIR. The commenter also cites State Law and Federal Law as their source of authority over water quality in the Lahontan Region, and describes use of the Water Quality Control Plan for the Lahontan Region (Basin Plan) and other laws to protect water quality within the Lahontan Region.

### **Response 5-1**

PWD thanks the Lahontan Regional Water Quality Control Board (LARWQCB) for their comments on the Draft PEIR. The comment is noted for the record.

### **Comment 5-2**

Referring to Mitigation Measure BIO-5, Jurisdictional Waters Delineation and State Permitting, the commenter recommends that PWD consider that, whether pipelines cross jurisdictional waters or not, the project may be required to obtain a Clean Water Act (CWA), Section 401 water quality certification, or Waste Discharge Requirements by Water Board and implement mitigation measures.

### **Response 5-2**

PWD acknowledges starting on page 3.8-11 of the Draft PEIR the potential for Waste Discharge Requirements, specifically via the Lahontan’s Limited Threat Discharge Permit, to be required for some components of the WSMP. As stated on page 3.8-5 of the Draft PEIR, Section 401 Water Quality Certification is not required because there are no Waters of the United States in the project subject to the federal Clean Water Act. PWD will obtain all necessary permits from LARWQCB as required by state and federal laws and implement associated mitigation measures that are conditions of such permits. Mitigation Measure BIO-5 identifies the necessary steps for determining the need for, and process for obtaining, Waste Discharge Requirements for near-term and long-term components.

### **Comment 5-3**

Referring to Mitigation Measure HYD-1, Post-Construction Stabilization, the commenter states that the project needs to obtain a CWA, Section 401(p) stormwater permit when the construction activity will disturb less than 1 acre but is part of a “larger common plan of development.”

### **Response 5-3**

The comment’s reference to a Section 401(p) stormwater permit and to construction activities disturbing less than 1 acre but being part of a “larger common plan of development” suggests compliance with the Construction General Permit. As stated on page 3.8-5 of the Draft PEIR, the Construction General Permit is not applicable to the proposed project area since the area does not

contain waters of the United States. As stated on page 3.8-8 of the Draft PEIR, the project would comply with Los Angeles County Local Storm Water Pollution Prevention Plan (LSWPPP) requirements, which similar to the requirements of the Construction General Permit with regard to water quality. Compliance with these LSWPPP requirements will be sufficient to protect water quality. No modification to the Draft PEIR is made in response to this comment.

#### **Comment 5-4**

The commenter states that, for Mitigation Measures HYD-1 and GEO-1, the upper six inches of topsoil should be retained onsite and used as a final cover over temporary impact areas to help re-establish vegetation post-construction.

#### **Response 5-4**

In response to the comment, the text of Mitigation Measure GEO-1 on page 3.6-15 (and within the Executive Summary) has been updated as follows:

**GEO-1: Topsoil Preservation.** All topsoil stripped from the ground surface during construction shall be used, to the extent feasible, for construction of other project elements and not hauled offsite. The upper six inches of topsoil shall be used as final cover to help re-establish vegetation post-construction as applicable. Temporary stockpiles shall be managed through the use of best management practices, which shall include but not be limited to wetting and/or covering stockpiles to prevent wind erosion.

#### **Comment 5-5**

Referring to Impact 3.14-1 in the Draft PEIR, the commenter recommends that the project apply for coverage under Statewide National Pollutant Discharge Elimination System (NPDES) Order WQ 2014-0194-DWQ and implement required mitigations.

#### **Response 5-5**

The order cited by the commenter pertains to discharges from drinking water systems to Waters of the United States. Specifically, the order covers seasonally planned and emergency discharges resulting from essential operations of a water purveyor. This Order does not apply to impacts related to wastewater treatment requirements as evaluated under Impact 3.14-1 in the Draft PEIR. As stated on page 3.8-5 of the Draft PEIR, there are no Waters of the United States in the project area, therefore this order is not applicable to the WSMP project.

#### **Comment 5-6**

In response to Impact 3.14-2 in the Draft PEIR the commenter states that the proposed project would result in the expansion of the existing wastewater treatment system due to the increase in water usage as a result of economic growth. The commenter recommends a re-evaluation of the various aspects of population growth, water demand increase, etc. and states that the Draft PEIR must provide the appropriate mitigation measures to accommodate increased growth (i.e. expansion of the wastewater and collection treatment facilities operated by Sanitation District No. 20, Palmdale).

## Response 5-6

Chapter 5 of the Draft PEIR includes an analysis of growth inducement potential of the WSMP. Implementation of the project would not have a direct impact on growth inducement, as it does not propose development of new housing that would attract additional population to the area. Additionally, the Draft PEIR looks at the indirect growth inducement potential of the project. Chapter 5 determines that because the WSMP does not include creation or expansion of a new water supply, an indirect growth inducement potential would not result from project implementation. Rather, as a capital improvement plan, the WSMP improvements would accommodate the population growth already planned by SCAG and the City of Palmdale such that water infrastructure reliability would not be an impediment to already-planned growth.

The comment pertains to growth inducement potential associated with expansion of wastewater treatment. The growth inducing impacts associated with wastewater infrastructure are the responsibility of the Sanitation Districts of Los Angeles County. As such, it is not the responsibility of this PEIR to mitigate for potential impacts associated with planned population growth in the project area pertaining to the expansion of wastewater and collection treatment facilities.

## Comment 5-7

The commenter states that the project is required to consider the incidental soil and groundwater contamination resulting from spills or leaks of hazardous materials, and that spill prevention and an emergency response plan is required as mitigation if the pump stations have backup generators with onsite fuel storage.

## Response 5-7

In response to the comment, the text of Mitigation Measure HYD-2 is revised in the Draft PEIR on page 3.8-14 as follows:

**HYD-2: Source Control BMPs.** PWD shall implement source control BMPs for all activities at project sites, including but not limited to accidental spills and leaks, outdoor equipment operations, and building and grounds maintenance. Source control BMPs shall be designed to prevent chemicals associated with these activities from coming into contact with stormwater. PWD shall implement all pertinent source control BMPs listed in the latest version of the California Stormwater Quality Association's Construction BMP Online Handbook during project operation to avoid impacts from spills or leaks of fuel or hazardous materials. Pertinent BMPs include but are not limited to WM-4: Spill Prevention and Control and WM-6: Hazardous Waste Management. If backup generators with onsite fuel storage will be included on pump station sites, PWD shall design a spill prevention and emergency response plan to implement in the event of a fuel spill to mitigate potential impacts to soil and groundwater.

## Comment 5-8

The comment states that construction and post-construction stormwater management must be considered a significant project component, and that best management practices (BMPs) to effectively treat post-construction stormwater runoff should be included as part of the project.

The comment recommends that PWD considers design alternatives compatible with low impact development (LID) that would minimize impacts associated with the collection of stormwater runoff and the concentrated discharge of stormwater to stream channels. LID components are described by the commenter.

### **Response 5-8**

In response to the comment, the text of Mitigation Measure HYD-1 is revised in the Draft PEIR on pages ES-19 and 3.8-14 as follows:

**HYD-1: Post-Construction Stabilization.** The project shall be designed to maintain natural drainage paths and landscape features to the maximum extent possible to slow and filter runoff and maximize groundwater recharge. Following implementation of project facilities, areas of disturbance that do not contain aboveground structures shall be restored to pre-construction conditions with regard to vegetation cover. If no vegetation was present prior to construction, the site shall be compacted to achieve soil stabilization. To ensure immediate soil stabilization of revegetated areas, a soil binder shall be applied following planting of vegetation.

### **Comment 5-9**

The commenter states that the project is required to implement erosion control measures to prevent erosion from the construction site during ground disturbance construction activities; sediment control measures to prevent sedimentation impacts off the construction site; waste and materials management measures to avoid unauthorized releases to and from the construction site; and non-stormwater management measures to reduce or limit potential stormwater exposure to construction-related pollutants.

### **Response 5-9**

The project would be required to implement a LSWPPP. As stated on page 3.8-8, “The LSWPPP plan must include appropriate BMPs for: general site management, construction materials and waste management, and erosion and sediment controls.” This satisfies the above-described requirements to reduce impacts to water quality.

### **Comment 5-10**

The commenter states that there are a number of activities that will be implemented under the project that have the potential to impact waters of the state and, therefore, may require permits issued by either the State Water Board or the LARWQCB. The commenter then subsequently lists specific permit obligations.

### **Response 5-10**

Specific responses to the permit requirements listed are included in Response 5-11 through Response 5-14 below.

**Comment 5-11**

The commenter states that streambed alteration and/or discharge of dredge and/or fill material to a surface water, including water diversions, may require a CWA, Section 401 water quality certification for impacts to federal waters (waters of the U.S.) or dredge and fill Water Discharge Requirements for impacts to non-federal waters.

**Response 5-11**

Please see Response 5-2.

**Comment 5-12**

The commenter states that land disturbance of more than 1 acre may require a CWA, Section 402(p) stormwater permit, including an NPDES General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-006-DWQ obtained from the State Water Board, or an individual stormwater permit obtained from the LARWQCB.

**Response 5-12**

Please see Response 5-3 for a response pertaining to applicability of the Construction General Permit to the project and compliance with Los Angeles County LSWPPP requirements to protect water quality.

**Comment 5-13**

The commenter states that discharges from drinking water systems to surface waters in California are subject to Waste Discharge Requirements as outlined in Statewide NPDES Order WQ 2014-0194-DWQ, General Order No. CAG140001. This Order provides regulatory coverage for short term or seasonal planned and emergency (unplanned) discharges.

**Response 5-13**

Please see the Response 5-5 for a response pertaining to Order 2014-0194-DWQ.

**Comment 5-14**

The commenter states that discharge of low threat wastes to land, including clear water discharges, small dewatering projects, and inert wastes, may require General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality issued by the LARWQCB.

**Response 5-14**

As stated in Response 5-2 and in the Draft PEIR starting on page 3.8-11, PWD will comply with Waste Discharge Requirements via the Lahontan's Limited Threat Discharge Permit.

Please see Response 5-2 for a response pertaining to potential Waste Discharge Requirements required for the project.

### **Comment 5-15**

The commenter requests that project proponents consult with LARWQCB staff early on should project implementation result in activities that trigger these permitting actions.

### **Response 5-15**

PWD thanks the LARWQCB for their comments on the Draft PEIR. The comment is noted for the record.

## **Letter 6 – Southern California Edison**

### **Comment 6-1**

The commenter summarizes the contents of PWD’s Draft PEIR for the proposed project.

### **Response 6-1**

PWD thanks Southern California Edison (SCE) for their comments on the Draft PEIR.

### **Comment 6-2**

The commenter states that, on page 2-18 and others, the Draft PEIR states that proposed facilities in the PWD service area would be supplied with electrical power from SCE, but does not go into further detail of how those interconnections would occur.

### **Response 6-2**

As stated on page 3.14-15 to -16 of the Draft PEIR, PWD would work closely with electricity providers, like SCE, to make sure the project’s energy consumption would be handled by lines and interconnections within the existing electricity grid. If additional interconnections are needed as WSMP projects are implemented over a 20-year timeframe, PWD would work with SCE to conduct the appropriate level of environmental review on additional interconnections.

### **Comment 6-3**

The commenter requests that PWD includes any new electrical infrastructure or relocation of existing facilities at 50 kilovolts (kV) or above, in both the Project Description and in the environmental analysis, in order for PWD to avoid additional separate, lengthy permitting through the California Public Utilities Commission (CPUC).

### **Response 6-3**

As discussed in the Draft PEIR on pages 3.14-15 to -16, PWD does not anticipate that implementation of WSMP projects would result in construction or operation of new power generation facilities (regardless of the voltage). PWD acknowledges that interconnections to existing SCE infrastructure may be needed in the future based on a variety of currently unknown factors. If, over the 20-year timeline for implementation of WSMP projects, PWD identifies a need for additional energy infrastructure to operate its facilities, PWD will work with SCE

(and/or the CPUC, if projects require over 50 kV) to conduct the appropriate level of environmental review on additional power generation facilities and/or interconnections.

#### **Comment 6-4**

The commenter states that the proposed project should not unreasonably interfere with SCE's ability to access, maintain, and operate its current and future facilities. The commenter states that a signed written consent agreement between the developer and SCE is required if any planned development includes permanent or temporary grading within the SCE rights-of-way.

#### **Response 6-4**

As stated on page 3.14-15 to -16 of the Draft PEIR, PWD would work closely with electricity providers, like SCE, during planning any implementation of WSMP facilities. If any planned development would occur within SCE's rights-of-way, PWD would follow the instructions outlined by SCE in the comment letter.

#### **Comment 6-5**

The commenter states that in the event that SCE distribution facilities are impacted or need to be relocated, SCE must comply with General Order (GO) 95, which establishes rules and regulations for the overhead line design, construction, maintenance; clearance requirements from thoroughfares, ground, and railroads; as well as specific minimum clearances from tree branches, vegetation around overhead wires, and other wires. Additionally, the commenter states that the project's design should not conflict with SCE's existing and proposed transmission line designs.

#### **Response 6-5**

Neither construction nor operation of the proposed WSMP facilities are anticipated to result in any disruption to existing SCE overhead transmission line facilities. All construction activities would generally involve terrestrial activities such as trenching, installation of new infrastructure, and drilling for new wells. Operation of facilities would require less disturbance than construction. While disruption to any future overhead facilities are not anticipated, PWD would work closely with SCE during planning any implementation of WSMP facilities to ensure future SCE facilities are not compromised.

#### **Comment 6-6**

The commenter states that in order to determine electrical infrastructure necessary to support the proposed project, the project proponent must submit a signed Method of Service agreement to SCE and pay engineering fees for an electric service study to be completed.

#### **Response 6-6**

PWD will comply with all required applications and agreements set forth by SCE to use SCE's equipment.

### **Comment 6-7**

The commenter states that the construction, modification, and relocation of SCE transmission lines, or electrical facilities may be subject to the CPUC's General Order 131-D if they are designed to operate at or above 50 kilovolts (kV), and would require permits and potential environmental review.

### **Response 6-7**

The commenter is referred to responses 6-2, 6-3, and 6-5 for a discussion of impacts to existing and future SCE facilities. At this time, it is not anticipated that any additional SCE facilities or interconnections would be required to support the WSMP, therefore the permit cited and additional environmental review is not needed. If new facilities are needed, PWD would work with SCE and CPUC to secure the cited permits and approvals.

### **Comment 6-8**

The commenter restates that SCE is subject to CPUC GO 131-D. The commenter adds that electric facilities between 50kV and 200kV are subject to the CPUC's Permit to Construct review, and electric facilities over 200kV are subject to CPUC's Certificate of Public Convenience and Necessity review.

### **Response 6-8**

The commenter is referred to responses 6-2, 6-3, and 6-5 for a discussion of impacts to existing and future SCE facilities. At this time, it is not anticipated that any additional SCE facilities or interconnections would be required to support the WSMP, therefore the permit cited and additional environmental review is not needed. If new facilities are needed, PWD would work with SCE and CPUC to secure the cited permits and approvals.

### **Comment 6-11**

The commenter states that SCE appreciates the opportunity to comment on the project and looks forward to collaborating with PWD.

### **Response 6-11**

PWD thanks SCE for their comments on the Draft PEIR. The comment is noted for the record.

## **Letter 7 – California Department of Transportation**

### **Comment 7-1**

The commenter expresses thanks for PWD's inclusion of the California Department of Transportation (Caltrans) in the project's environmental review process. The commenter also states understanding of WSMP objectives and a brief summary of the WSMP Project Description.

### **Response 7-1**

PWD thanks Caltrans for their comments on the Draft PEIR.

## Comment 7-2

The commenter states agreement with Mitigation Measure TR-1, however, the commenter requests that the Traffic Control/Traffic Management Plan be provided to Caltrans for approval as well, prior to any construction at and in the vicinity of any State Highway facilities.

## Response 7-2

To recognize Caltrans' jurisdiction over State highways within the project area, PWD has modified Mitigation Measure TR-1 to include Caltrans as having approval authority over the Traffic Control/ Traffic Management Plan. In response to the comment, Mitigation Measure TR-1 is revised in the Draft PEIR on pages ES-23 and 3.12-10 as follows:

**TR-1:** PWD shall require the construction contractor to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the City of Palmdale, Caltrans, and/or the County of Los Angeles prior to construction. The plan shall include traffic counts on intersections near the proposed project facilities to determine existing traffic conditions. Based on these traffic counts, the Plan shall recommend mitigation to avoid impacts to existing traffic conditions. These mitigation measures shall include but shall not be limited to: [...]

## Comment 7-3

The commenter reminds PWD that transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a Caltrans transportation permit, and requests that PWD limits large size truck trips to off-peak commute periods.

## Response 7-3

As stated on page 3.12-13 of the Draft PEIR, PWD would be required to comply with all applicable Caltrans requirements applicable to licensing, size, weight, load, and roadway encroachment, which would include securing of all relevant permits. In addition, this specific permit has been added to the Draft PEIR Table 2-5 on page 2-19 as shown below:

**TABLE 2-5  
REGULATORY REQUIREMENTS AND AUTHORIZATIONS**

<b>Agency</b>	<b>Type of Approval</b>
Antelope Valley Air Quality Management District	Permit to Construct and Operate
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement
California Department of Transportation	Encroachment Permit <u>Transportation Permit</u>
City of Palmdale	Encroachment Permit
County of Los Angeles	Encroachment Permit
Regional Water Quality Control Board	Clean Water Act Section 401 Certification; Discharge requirements during construction
State Water Resources Control Board	Construction General Permit/SWPPP approval

Agency	Type of Approval
California Department of Water Resources	Encroachment Permit for facilities that cross the California Aqueduct
U.S. Army Corps of Engineers	Clean Water Act Section 404 Permit

**Comment 7-4**

The commenter states that water run-off is a sensitive issue for Los Angeles and Ventura counties, and requests that PWD is mindful of their need to discharge clean run-off water, as it is not permitted to discharge onto State highway facilities.

**Response 7-4**

Runoff resulting from project implementation is discussed on page 3.8-19 of the Draft PEIR. The WSMP projects are not expected to generate a large amount of runoff during construction compared to existing stormwater runoff conditions that would exceed the capacity of existing stormwater drainage systems. The existing stormwater drainage system would be expected to collect all runoff generated from the project, and it is not anticipated that any project-related runoff would discharge onto State highway facilities.

**Comment 7-5**

The commenter requests that PWD directs any questions or concerns regarding this letter to the Caltrans project coordinator.

**Response 7-5**

PWD thanks Caltrans for their comments on the Draft PEIR. The comment is noted for the record.

**Letter 8 – California Department of Fish and Wildlife**

**Comment 8-1**

The California Department of Fish and Wildlife (CDFW) provides information on it’s role in the CEQA review process and a summary of the WSMP.

**Response 8-1**

The comment is noted for the record.

**Comment 8-2**

The commenter quotes text from Mitigation Measure BIO-1 and expresses concern that additional special status plants may be missed during the proposed pre-construction survey for the four referenced species in the Draft PEIR.

## Response 8-2

Mitigation Measure BIO-1 has been revised to indicate that preconstruction surveys for special-status plants shall be timed to coincide with the blooming periods of all special-status plants that have potential to occur in the project area, based on the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) inventories.

**BIO-1: Pre-Construction Focused Surveys for Rare Plants.** The following measures are recommended to avoid and/or reduce potential impacts to special-status plants as a result of proposed project activities for near-term project components and long-term projects in undeveloped portions of the project area with suitable habitat. The preconstruction surveys for special-status plants shall follow CDFW's recent updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018).

A floristic survey ~~focusing on the four special-status species (slender mariposa lily, Robbins' nemacladus, short joint beavertail, and Mason's neststraw)~~ with some for special-status plant species having potential to occur within and adjacent to the project area should be conducted by a qualified biologist for the aforementioned near-term project components and the long-term project components that are located in the San Andreas Rift Zone and the hilly topography south of it. ~~The surveys should take place from April to May to~~ shall cover the blooming period of the four species all special-status plant species having potential to occur. The results of the survey should be documented in a report that will be submitted to CDFW.

If the floristic survey is positive for any of the four species (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) special-status plant species, and the avoidance of the special-status plant species is not feasible, coordination with CDFW would be required to determine suitable mitigation. The mitigation strategy may include avoidance, on-site or off-site restoration/enhancement areas, translocation, and/or seed collection, and exotic weed control. Restoration/enhancement areas for special status plant species should be situated adjacent to protected open space and not result in isolated islands of habitat. If restoration and/or translocation are needed, a restoration/revegetation plan must be prepared and approved by CDFW. At a minimum, the plan should include a description of the existing conditions, site selection criteria, site preparation and planting methods, maintenance and monitoring schedule, performance standards, adaptive management strategies, contingency actions should success criteria not be met, and identification of responsible parties, and a sufficient funding mechanism to assure that management and reporting requirements occur in perpetuity.

## Comment 8-3

The commenter states that the botanical survey methodology described in Mitigation Measure BIO-1 does not appear to follow the CDFW's recent updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018).

### Response 8-3

Mitigation Measure BIO-1 has been revised to indicate that preconstruction surveys for special-status plants shall follow CDFW's recent updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). Please see the revisions to Mitigation Measure BIO-1 in Response 8-2 above.

### Comment 8-4

The commenter recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the project site and neighboring vicinity and the results be incorporated into the environmental documentation for the project. The commenter also states that adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site.

### Response 8-4

The appropriate vegetation alliance, as defined in the Manual of California Vegetation (Sawyer et. al 2008), that is located at each project component, is indicated in Table 3.4-1 on page 3.4-7 of the Draft PEIR. As explained in Appendix BIO, the USGS GAP Land Cover Data Set was used to obtain an overview of the land cover within the study area, including identification of sensitive natural communities (Figure 4). Figures 5 and 6 within Appendix BIO include a detailed vegetation mapping and assessment of the near-term project components that would be located in undisturbed areas more likely to contain sensitive natural communities. The Draft PEIR has been updated to clarify that the detailed vegetation assessment would be required to be conducted for all long-term facilities located in undisturbed areas.

The Draft PEIR text on page 3.4-35 is updated as follows:

**BIO-6: Native Desert Vegetation Removal Survey and Permit. Prior to ground disturbance, a vegetation survey shall be conducted to characterize, map and quantify the amount of native desert vegetation, including sensitive natural communities, that would be disturbed by project components. This shall include all areas within a minimum of 100-feet from the project's impact limits.**

If project components, near-term or long-term, within the boundaries of the City of Palmdale cannot be sited to avoid impacts to native desert vegetation species including sensitive natural communities as defined by CDFW, then a native desert vegetation removal permit will be necessary. This specifically applies to removal of Joshua trees and/or California junipers on project sites with a density equal to or greater than two individuals per acre (per the Joshua Tree and Native Desert Vegetation Preservation Ordinance. The PWD shall comply with all terms and conditions of the permit, including preparation and implementation of a desert vegetation preservation plan. Associated conditions and measures could include but are not limited to: [...]

### Comment 8-5

The commenter states that temporary or permanent population declines, or local extirpation of special status plant species, may result from implementation of the project. The commenter states that the project may have a substantial adverse effect, either directly or through habitat

modifications, on plants species identified as a candidate, sensitive, or special-status species, because special status plants may go undetected on the project site and be subject to adverse project impacts because the botanical surveys do not maximize detection and only focus on four species during the months of April and May. The commenter goes on to state that conclusions in the Draft PEIR regarding the presence or absence of special status plants rely on literature searches and a reconnaissance level survey within areas that have not historically been heavily inventoried for actual occurrences of rare botanical species and communities and could meet the CEQA definition of rare or endangered (CEQA Guidelines §§ 15125[c] and 15380).

### **Response 8-5**

As explained and shown in Response 8-2 above, Mitigation Measure BIO-1 has been revised to indicate that preconstruction surveys for special-status plants shall be timed to coincide with the blooming periods of all special-status plants that have potential to occur in the project area.

### **Comment 8-6**

The commenter recommends two mitigation measures. The first recommended mitigation measures is avoidance of special status plant species, and where avoidance cannot occur, CDFW recommends off-site acquisition and any necessary restoration/enhancement of occupied habitat. In addition, an incidental take permit or other authorization from CDFW would be required for unavoidable impacts to any California's Native Plant Protection Act-listed or California Endangered Species Act (CESA)-listed plant species. The second recommended mitigation measure states that areas proposed as mitigation lands for special status plants should be protected in perpetuity with a conservation easement and dedicated to a local land conservancy.

### **Response 8-6**

As shown in Response 8-2, Mitigation Measure BIO-1 has been revised to incorporate the suggested mitigation measures. Note that the Biological Technical Report (Draft PEIR, Appendix BIO) does not identify any federal-listed or state-listed endangered or threatened plant species that would necessitate an incidental take permit for the project. Nonetheless, PWD would comply with all regulations and requirements in the event that such a species is encountered at a WSMP project site.

### **Comment 8-7**

The commenter states that portions of the project appear to be within the range of Mohave ground squirrel. The comment states that CDFW is concerned that the Draft PEIR relies primarily on older past trapping and other occurrence records for Mohave ground squirrel, rather than on habitat attributes at the site and adjacent areas and/or current survey records. Some of the project sites may allow movement for Mohave ground squirrel between project sites and adjacent habitats. The commenter states that without current valid protocol survey results conducted within suitable habitats, the presence or absence of Mohave ground squirrel on the project sites and adjacent habitats cannot be confirmed for the purposes of impact analysis. The commenter further recommends two mitigation measures. The first recommended mitigation measure is that Mohave ground squirrel surveys should be conducted wherever the project is taking place in

appropriate habitat within the range of Mohave ground squirrel. The second recommended mitigation measure recommends wildlife entrapment hazard minimization measures.

### Response 8-7

In response to the comment, the Draft PEIR has been revised and mitigation measures have been added to reduce impacts to Mohave ground squirrel to a less than significant level. Specifically, Mitigation Measures BIO-4a has been added to first require a habitat assessment by a qualified biologist to determine whether suitable habitat for special-status wildlife, including Mohave ground squirrel, is present at applicable project sites; if such habitat is found, then BIO-4a requires protocol surveys to be conducted, followed by consultation with CDFW if Mohave ground squirrel are present to determine appropriate mitigation. Mitigation Measure BIO-4b has been added to require a Worker Education Awareness Program (WEAP) as requested.

Table 3.4.3 on page 3.4-25 of the Draft PEIR has been revised to include Mohave ground squirrel as follows:

**TABLE 3.4.3  
STATUS OF POTENTIALLY OCCURRING SPECIAL-STATUS WILDLIFE SPECIES WITHIN THE PROJECT AREA AND AT NEAR-TERM PROJECT COMPONENTS**

Common Name Scientific Name	Federal/State/ CDFW <sup>1</sup> Status	General Habitat <sup>2</sup>	Micro-Habitat <sup>2</sup>	Potential to Occur within the Project Area	Potential to Occur at Near-Term Project Components
<b>Mammals</b>					
<u>Mohave ground squirrel</u> <u><i>Spermophilus mohavensis</i></u>	<u>None/Threatened/None</u>	<u>Sandy-to-gravelly soils in open desert scrub, alkali scrub, and Joshua tree woodland.</u>	<u>Finds cover and nests in burrows at the base of shrubs, and eats a wide variety of green seeds, and fruits.</u>	<u>Low potential. Suitable habitat conditions are present within undisturbed portions of the project area that includes Sandy-to-gravelly soils in open desert scrub, alkali scrub, and Joshua tree woodland.</u>	<u>Low potential. Suitable habitat conditions are present at the near-term storage tanks and pipelines.</u>

The Draft PEIR has been revised on page 3.4-26 to 3.4-28 as follows:

Mohave ground squirrel (*Xerospermophilus mohavensis*) has a low potential to occur is not expected in the project area. Protocol trapping efforts in northeastern Los Angeles County from 2008–2012 have failed to find the species (Leitner 2015); however, this did not encompass all portions of the WSMP project site. Just as in the previous 10-year period, the only positive records nearest recorded occurrences of Mohave ground squirrel were at several sites within or very close to Edwards Air Force Base (Leitner 2015), which is located approximately 25 miles to the northeast of Palmdale. Based on communication with CDFW in September 2018, PWD understands that the WSMP components are located within the historic range for Mohave ground squirrel.

### Storage Tanks (Near-Term)

Suitable habitat for special-status plants (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) and wildlife (silvery legless lizard, coast horned lizard, southern California rufous-crowned sparrow, burrowing owl, and loggerhead shrike) is located at the proposed locations for near-term storage tanks ES-01, ES-03, and FS-01. In addition, suitable habitat for Mohave ground squirrel, desert tortoise, American badger, and desert kit fox may be present. Construction of the storage tanks could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of **Mitigation Measures BIO-1 through BIO-4d** would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a Worker Education Awareness Program (WEAP); wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

### Storage Tanks (Long-Term)

A total of 16 storage tanks could be constructed over the program's long-term planning period. The location of the proposed long-term storage tanks can be seen on Figure 2-2; however, these locations are subject to change in the future. Multiple storage tanks such as FS-06 and FS-08 would be located within undeveloped land; therefore, it is possible that the construction of the storage tanks could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

### Pumps (Near-Term)

All three proposed near-term pumps would be implemented within existing pump stations that are developed and would not support special-status plant and wildlife species. No impacts to special-status species are expected due to the implementation of the proposed project. Impacts are considered less than significant; no mitigation is required.

### Pumps (Long-Term)

The proposed project includes four new pumps at five existing pump stations, as well as six new pump stations within the project area. Although locations are preliminary in nature, the new pump stations may be located in undeveloped land; therefore, it is possible that the construction of the pump stations could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-

construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Pipelines (Near-Term)

The majority of the proposed near-term pipelines are sited within or adjacent to existing roads and would not require the removal of vegetation for construction; however, Pipeline along 47th Street East, Pipeline along Sierra Highway, and Pipeline west of Lakeview Drive are within or adjacent to undeveloped areas. Suitable habitat for special-status plants (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) and wildlife (silvery legless lizard, coast horned lizard, southern California rufous-crowned sparrow, burrowing owl, and loggerhead shrike) is present. In addition, suitable habitat for Mohave ground squirrel, desert tortoise, American badger, and desert kit fox may be present. Construction of the pipelines could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Pipelines (Long-Term)

The majority of the proposed long-term pipelines are sited within or adjacent to existing roads and would not require the removal of vegetation for construction. Any pipelines that are sited within undeveloped areas could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Wells (Long-Term)

The proposed wells would be located in the northern and eastern portion of the PWD service area. The northern two wells would be located in open space near industrial facilities and the Palmdale Regional Airport. Based on the predominately agricultural and semi-desert vegetation surrounding these northern wells and previously documented species occurrences, this area could support coast horned lizard, burrowing owl, and loggerhead shrike. The northeastern three wells would be located in an undeveloped area just east of developed land containing a high school and residential land uses (Figure 2-

2). The area has habitat that could support silvery legless lizard, coast horned lizard, burrowing owl, and loggerhead shrike. It is possible that the construction of the wells could impact special-status wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

The Draft PEIR has been revised to include the following mitigation measures starting on page 3.4-30 as follows:

**BIO-4a: Pre-construction Habitat Assessment.** Prior to ground disturbing activities for near-term storage tanks and pipelines and all long-term project components, a habitat assessment shall be conducted by a qualified biologist to determine the potential for the following special-status wildlife species to occur within project areas: Mohave ground squirrel, desert tortoise, desert kit fox, and American badger. If the habitat assessment determines there is potential for one of the special-status species to be present within a certain buffer of the construction zone, then additional measures shall be implemented as described below. For Mohave ground squirrel and desert tortoise, focused surveys shall be conducted prior to project implementation to determine presence or absence. If the habitat assessment determines there is no potential to occur, then no further mitigation is required.

- **Mohave ground squirrel** - Wherever the project is occurring in areas containing suitable Mohave ground squirrel habitat, CDFW-protocol surveys for Mohave ground squirrel shall be conducted to determine presence/absence, which shall include a 100-foot buffer surrounding the limits of disturbance; or presence may be assumed and PWD shall pay an in-lieu fee to a CDFW-approved conservation area, such as an established mitigation bank. The mitigation ration of in-lieu fee amount shall be determined through consultation with CDFW prior to any ground-disturbing activities. If surveys are conducted and presence is confirmed, an incidental take permit shall be obtained prior to any ground-disturbing actives from CDFW in accordance with Section 2081 of the California Fish and Game Code.
- **Desert tortoise** - Wherever the project is occurring in areas containing suitable desert tortoise habitat, surveys shall be conducted in accordance with the latest USFWS protocols. If desert tortoise is confirmed present, then PWD shall consult with CDFW to obtain California Endangered Species Act authorization and, if necessary, an incidental take permit prior to any ground disturbance that may impact occupied desert tortoise habitat during the life of the project. Once potential habitat is cleared of desert tortoise, or if surveys are negative, exclusionary silt fencing shall be installed around the project impact area to prevent animals from wandering onto the project site. The limits of the silt fencing shall be determined by a CDFW and/or USFWS-approved biologist to determine the maximum potential for exclusion. The fencing shall be buried a

minimum of 10-inches below the ground surface to reduce the potential for animals to move onto the project site.

- **American badger and desert kit fox** – If the habitat assessment identifies signs of occupation by American badger and/or desert kit fox (e.g., occupied or potential dens), the following measures should be implemented:
  - If species individuals are found to be present, the project area shall be avoided until the individuals are no longer present. Individuals shall be allowed to leave on its own without being harassed. If an individual does not vacate the project site, PWD would be required to coordinate with CDFW to determine the appropriate relocation methods, location, and timing.
  - If dens and signs of presence are found but no species individuals are found, a qualified biologist shall confirm the dens are no longer active. To prevent any species from entering the project site in the future, PWD and the construction contractor shall install exclusionary fencing around the project site, if feasible. A clearance survey shall be conducted prior to the restart of construction to confirm no species are present. Periodic monitoring shall be performed by a qualified biologist based on a frequency determined through consultation with CDFW.
  - PWD and the construction contractor shall follow protocols included in Mitigation Measure BIO-4c to prevent wildlife entrapment at project sites.

**BIO-4b: Worker Environmental Awareness Program.** PWD shall be required to prepare a Worker Environmental Awareness Program (WEAP) that identifies methods for avoiding inadvertent impacts to special-status wildlife, plants and native vegetation communities that have the potential to occur in the project area. The WEAP shall include a meeting facilitated by a qualified biologist and attended by all construction personnel that describes the special-status species that could occur, measures and techniques for avoiding impacts, communication protocol, stop-work thresholds, and enforcement authorities and actions should a sensitive-status species be inadvertently impacted at any point during construction activities.

**BIO-4c: Wildlife Entrapment.** During construction of all near-term and long-term components, all trenches, pits or other depressions that are not in active use be backfilled or covered immediately after use to prevent wildlife entrapment. Additionally:

- A qualified biological monitor should inspect all depressions prior to backfilling to salvage any entrapped species observed.
- If depressions cannot be immediately backfilled or covered, a qualified biological monitor should periodically inspect the depressions to remove any entrapped species. The frequency of inspection of depressions by the biological monitor would be dependent on ambient temperature and precipitation conditions because high heat levels or flooding may result in mortality of entrapped wildlife.

- Depressions that cannot be immediately back filled or covered should be provided with escape ramps that could allow some mobile entrapped wildlife to escape.
- All stockpiled pipe interiors should be inspected for wildlife presence by a qualified biological monitor immediately prior to pipe laying. Any wildlife observed seeking refuge inside a pipe should be safely evicted.
- Open-ended terminal pipes within any pipeline laying operation should be temporarily sealed if left unattended, to prevent wildlife from entering and becoming entrapped.
- Handling of California Endangered Species Act-listed species entrapped in depressions shall only occur by entities possessing an Incidental Take Permit for that species.

### Comment 8-8

The commenter states that portions of the project appear to be within the range of the desert tortoise. The comment states that CDFW is concerned that the Draft PEIR relies primarily on occurrence records for desert tortoise, rather than on habitat attributes at the site and adjacent areas and/or current survey records. Some of the project sites may allow movement between project sites and adjacent habitats for desert tortoise. The commenter states that without current valid protocol survey results the presence or absence of desert tortoise on the project sites and adjacent habitats cannot be confirmed. The commenter further recommends four mitigation measures. The first recommended measure is that focused protocol surveys be conducted within and adjacent to appropriate habitat for any aspect of the project taking place within the range of desert tortoise, prior to project ground disturbances. The second recommended mitigation measure recommends exclusions fencing be used. The third recommended measure recommends that if take of desert tortoise occurs, the project proponent seek CESA authorization prior to implementing the project because it will be required if tortoise relocation off-site or other unavoidable take is needed anytime during the life of the project. The fourth recommended mitigation measure recommends wildlife entrapment hazard minimization measures.

### Response 8-8

In response to the comment, the Draft PEIR has been revised and mitigation measures have been added to reduce impacts to desert tortoise to a less than significant level. As stated above in Response 8-7, Mitigation Measure has BIO-4a has been added to require a habitat assessment by a qualified biologist to characterize and determine the extent of suitable habitat for desert tortoise within areas that would be disturbed by the project, and measures to follow if this species is observed. Mitigation Measure BIO-4b has been added to include WEAP training for all construction personnel. Please see Response 8-7 for the full text of the mitigation measures that have been added.

The Draft PEIR text on page 3.4-26 has been revised as follows:

There is low potential for ~~D~~desert tortoise (*Gopherus agassizii*) is not expected to occur in the project area. Desert tortoise does not have any records within the CNDDDB queried

area. The nearest CNDDDB record, from 1990, for the species is located approximately eight miles to the northeast of the study project area near Lake Los Angeles. The study project area is primarily urbanized and lacks connectivity with known populations of the species and there are few large areas of creosote bush scrub in the study area; however, suitable habitat conditions may be present within undisturbed portions of the project area that includes friable soils, adequate plant cover and distribution of favorable vegetation species, suitable elevation, slope, and connectively to open space areas. Based on communication with CDFW in September 2018, PWD understands that the project area is located within the historic range for desert tortoise.

Table 3.4.3 in the Draft PEIR has been revised to include desert tortoise as follows:

**TABLE 3.4.3  
STATUS OF POTENTIALLY OCCURRING SPECIAL-STATUS WILDLIFE SPECIES WITHIN THE PROJECT AREA AND AT NEAR-TERM PROJECT COMPONENTS**

Common Name Scientific Name	Federal/State/ CDFW <sup>1</sup> Status	General Habitat <sup>2</sup>	Micro-Habitat <sup>2</sup>	Potential to Occur within the Project Area	Potential to Occur at Near-Term Project Components
<b>Reptiles</b>					
<u>desert tortoise</u> <u>Gopherus</u> <u>agassizii</u>	<u>Threatened/</u> <u>Threatened/</u> <u>None</u>	<u>Friable,</u> <u>sandy, well-</u> <u>drained soil.</u>	<u>Excavates a</u> <u>burrow under</u> <u>bushes,</u> <u>overhanging soil</u> <u>or rock</u> <u>formations, or</u> <u>digs into the soil</u> <u>in the open.</u>	<u>Low potential. Suitable</u> <u>habitat conditions are</u> <u>present within</u> <u>undisturbed portions of</u> <u>the project area that</u> <u>includes friable soils,</u> <u>adequate plant cover</u> <u>and distribution of</u> <u>favorable vegetation</u> <u>species, suitable</u> <u>elevation, slope, and</u> <u>connectively to open</u> <u>space areas.</u>	<u>Low potential. Suitable</u> <u>habitat conditions are</u> <u>present at the near-term</u> <u>storage tanks and</u> <u>pipelines.</u>

Additionally, as shown in Response 8-6, Mitigation Measure BIO-4c has been added to require that all trenches, pits or other depressions that are not in active use be backfilled or covered immediately after use to prevent wildlife entrapment.

**Comment 8-9**

The commenter expresses concern that the Draft PEIR does not discuss measures to avoid take of desert kit fox and American badger. Impacts to American badger, desert kit fox and their habitat could result from vegetation clearing and other ground disturbances from water conveyance infrastructure. The commenter further states that the project may require periodic control of burrowing mammals and may include rodenticides or other chemical controls that could result in direct or secondary poisoning of American badger and desert kit fox, and that open trenches and other project-related excavations could result in entrapment of American badger and desert kit fox. The commenter further recommends four mitigation measures. The first recommended measure is that all survey efforts should be conducted prior to any project disturbance activities

including initial construction and any ongoing operations. The second recommended measure is that passive relocation of American badger and desert kit fox should not take place while young are still in dens and dependent on the parents for food, or while females may be pregnant. The third mitigation measure recommends wildlife entrapment hazard minimization measures. The fourth is that use of anticoagulant, or other rodenticides that could result in secondary poisoning or other mortality of non-target species including but not limited to American badger and desert kit fox should be prohibited from use during the life of the project and future project maintenance activities.

## Response 8-9

As documented in the Draft PEIR on page 3.4-16, the CNDDDB was queried for special-status species occurrences within the USGS Palmdale 7.5-minute topographic quadrangle map for which the project area is located, as well as the eight surrounding quadrangle maps. Neither the American badger nor desert kit fox was identified as having previously-recorded occurrences in the project area. Neither species was encountered during field surveys of near-term WSMP components. Based on CDFW's comment, however, PWD acknowledges that the project area is within the known range of both species. In response to the comment, the Draft PEIR has been revised and mitigation measures have been added to reduce impacts to American badger and desert kit fox to a less than significant level. The text of the Draft PEIR has been modified on page 3.4-26 to include the following language:

Based on communication with CDFW in September 2018, PWD understands that the project area is located within the historic range for American badger (*Taxidea taxus*) and desert kit fox (*Vulpes macrotis*). American badger is a species of special concern in California, and desert kit fox are protected as fur bearing mammals under California Code of Regulations, Title 14, Section 460. There is potential for suitable habitat for both species to be present within the project area.

As described above for Response 8-7, Mitigation Measure BIO-4a has been added to require a habitat assessment by a qualified biologist to characterize and determine the extent of suitable habitat for American badger and desert kit fox within areas that would be disturbed by the project, and measures to follow if these species are observed directly or indirectly through evidence of occupation (e.g., dens are found). Mitigation Measure BIO-4b has been added to include WEAP training for all construction personnel. As described above for Response 8-8, Mitigation Measure BIO-4c has been added to require that all trenches, pits or other depressions that are not in active use be backfilled or covered immediately after use to prevent wildlife entrapment. Please see Response 8-7 and Response 8-8 for the full text of Mitigation Measures BIO-4a, BIO-4b and BIO-4c. **Mitigation Measure BIO-4d** has been added to the Draft PEIR on page 3.4-50 to prohibit the use of anticoagulant, or other rodenticides:

**BIO-4d: Prohibition of Anticoagulant or Rodenticides.** The use of anticoagulants and rodenticides that could result in secondary poisoning or other mortality of non-target species including but not limited to American badger and desert kit fox is prohibited during the life of the project and future project maintenance activities.

### **Comment 8-10**

The commenter expresses concern that the Draft PEIR does not specifically acknowledge that trenching or other excavations from project activities could pose an entrapment hazard for wildlife. CDFW is also concerned that the Draft PEIR lacks a specific discussion on best management practices designed to assure that special-status species and other common wildlife species do not perish or become injured should they become entrapped when trenches remain an open hazard. CDFW recommends seven mitigation measures related to avoiding wildlife entrapment hazards.

### **Response 8-10**

Please see Response 8-8 for the additional Mitigation Measure 4c that was added to the Draft PEIR, which includes all seven mitigation measures recommended by CDFW.

### **Comment 8-11**

The commenter states that CEQA requires 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, and that any special status species and natural communities be reported through the CNDDDB.

### **Response 8-11**

PWD will request that their contracting biologists report any special-status species and natural communities encountered during the life of the project through the CNDDDB.

### **Comment 8-12**

The commenter states that the project would require payment of Fish & Game Code CEQA filing fees.

### **Response 8-12**

If and when the project is approved and a Notice of Determination (NOD) is filed, PWD will submit filing fees as required.

### **Comment 8-13**

CDFW appreciates the opportunity to comment on the Draft PEIR to assist PWD in identifying and mitigating project impacts on biological resources.

### **Response 8-13**

The comment is noted for the record.

## **Letter 9 – Southern California Regional Rail Authority**

### **Comment 9-1**

The commenter states that the Southern California Regional Rail Authority (SCRRA) received the Draft PEIR for the WSMP, and expresses thanks for the opportunity to comment on the key issues relative to SCRRA and on operations of the railroad within project limit. The commenter also provides background information detailing SCRRA's role and authority in the five-county Joint Powers Authority (JPA).

### **Response 9-1**

PWD thanks the SCRRA for their comments on the Draft PEIR.

### **Comment 9-2**

The commenter states that SCRRA currently operates 20 Metrolink passenger trains and UPRR operates 5 freight trains within the District Boundary.

### **Response 9-2**

The comment is noted for the record. No further response in the PEIR is warranted.

### **Comment 9-3**

The commenter states agreement with the assessment of noise and vibrations generated by trains included on Page 3.10-4 in Draft PEIR. The commenter also states thanks for referencing Policy N1.2.4 in the acoustical analysis and for including appropriate mitigation for noise-sensitive sources.

### **Response 9-3**

PWD notes SCRRA's concurrence with the analysis included in the Draft PEIR for the record.

### **Comment 9-4**

The commenter expresses thanks PWD for including the Metrolink Antelope Valley Line and station in the Draft PEIR Traffic and Transportation section on page 3.12-4.

### **Response 9-4**

PWD notes SCRRA's concurrence with the analysis included in the Draft PEIR for the record.

### **Comment 9-5**

The commenter states that construction of project facilities (storage tank ES-03) would be located in the vicinity of existing Metrolink Antelope Valley Line segments. The commenter also is encouraged to see that page 3.5-30 of the Draft PEIR mentions use of the jack and bore method for installation of the pipelines under the rail lines for minimal disruption to rail traffic.

## **Response 9-5**

PWD notes SCRRA’s concurrence with the analysis included in the Draft PEIR for the record, specifically the inclusion of jack and bore methods to achieve minimal disruption to Metrolink rail lines. As explained on page 3.12-14, “construction of some of the proposed facilities would also occur adjacent to an existing segment Metrolink Antelope Valley Line.” Mitigation Measure TR-3 would require PWD to coordinate with Metrolink at least one month prior to construction of facilities that disrupt train service.

## **Comment 9-6**

The commenter states that PWD shall comply with Public Resources Code Section 21092.5 and State CEQA Guideline Section 15088 by providing timely notice of the written proposed responses to comments, in addition to the time and place of any scheduled public meetings by the agency decision makers, at least 10 days prior to such a meeting. The commenter expresses thanks for PWD’s cooperation with SCRRA and requests that PWD directs any questions regarding this comment letter to the assigned SCRRA planning manager.

## **Response 9-6**

PWD sent a copy of all proposed responses, as well as information of the public meeting where PEIR certification is considered, to agency commenters 10 days prior to consideration of certification of the Final PEIR, per CEQA Guidelines Section 15088. The comment is noted for the record.

# **Letter 10 – Sanitation Districts of Los Angeles County**

## **Comment 10-1**

The commenter states that the Sanitation Districts of Los Angeles County (Districts or LACSD) received the Draft Program Environmental Impact Report (Draft PEIR) for PWD’s WSMP on July 30, 2018, and states that the project area is located within the jurisdictional boundaries of Districts Nos. 14 and 20.

## **Response 10-1**

PWD thanks the Districts for their comments on the Draft PEIR.

## **Comment 10-2**

The commenter requests that PWD modify the pipeline FF-01 project component notes included in Table 3.4-4, which can found in section 3.4.3, page 3.4-31 of the Draft PEIR. Specifically, the commenter requests that PWD clarifies how the following determination was reached: “Groundwater levels in the area are also affected by seepage from Sanitation Districts of Los Angeles County facility to the north.” The commenter states that groundwater flow in the vicinity is generally to the north and Districts groundwater monitoring efforts have indicated that if the Districts facility (presumed to be the Palmdale WRP facility) was experiencing seepage, it would unlikely affect groundwater to the south. This comment also applies to the similar statement in

Table 6 on page 42 of Biological Resources Technical Report, which is included as Appendix BIO to the PEIR.

## Response 10-2

In response to the comment, the text on page 3.4-31 and page 42 of Appendix BIO is revised as follows:

Project Component	Type of Water Feature	Notes
Pipeline along 47th Street East, connecting the proposed improvements at pump station EB-01 south and then extending the pipeline west through undeveloped land to an existing deficiency recommended tank	Ephemeral stream	The proposed pipeline route crosses a potential stream toward the end of the portion of the line that goes west from 47th Street East.
Pipeline FF-01	Ephemeral canal in the southern half and meandering stream in the northern half.	Waters sources for the feature appears to be runoff from E. Ave. Q and the residential community to the south. <del>Groundwater levels in the area are also affected by seepage from Sanitation Districts of Los Angeles County facility to the north.</del> The proposed pipeline route crosses the stream several times in the northern half. The route could be sited further to the west to avoid the stream. Vegetation within the stream consists of Rubber Rabbitbrush Scrub.

## Comment 10-3

The commenter requests that PWD modify Table 3.14.1, found in section 3.14, page 3.14-1, to show that the Recycled Water amount is 2035 was 6,000 AFY.

## Response 10-3

PWD recognizes the typographical error, and in response to the comment, the text on page 3.14-1, and additionally similar text in Table 5-2 on page 5-4, is revised as follows:

**TABLE 3.14-1  
PWD CURRENT AND PROJECTED WATER SUPPLY AND DEMAND**

Source	Detail	2015	2020	2025	2030	2035	2040
Groundwater	AVGB	11,200	6,280	4,140	2,770	2,770	2,770
Groundwater	Return Flow Credit	0	5,000	5,000	5,000	5,000	5,000
Surface Water	Littlerock Reservoir	500	4,000	4,000	4,000	4,000	4,000
Imported Water	State Water Project	5,800	13,200	13,000	13,000	13,000	13,000
Imported Water	Transfer Agreement	0	6,200	6,100	6,100	6,100	6,100
Recycled Water*	PRWA/LACSD	100	2,500	5,000	5,500	6,000	6,000
<b>Total Supply</b>		<b>17,600</b>	<b>37,180</b>	<b>37,240</b>	<b>36,370</b>	<b>36,870</b>	<b>36,870</b>
<b>Total Demand</b>		<b>-</b>	<b>23,300</b>	<b>26,900</b>	<b>28,400</b>	<b>29,900</b>	<b>31,000</b>

All values are in unit AF.

SOURCE: 2015 Urban Water Management Plan for PWD, Final 2016: Table 4-2; Table 6-1.

### Comment 10-4

The commenter requests the PWD update page 3.14-3 to state that the Palmdale Water Reclamation Plant (WRP) currently provides tertiary treatment for approximately 9.65 million gallons per day (mgd) of wastewater generated in and around the City of Palmdale, and that Palmdale WRP currently produces an effluent of 8.12 mgd of recycled water on average.

### Response 10-4

PWD agrees with the suggested revisions, and as a result, the Draft PEIR text on page 3.14-3 is revised as follows:

The Palmdale WRP is located in the City of Palmdale and currently (year 2018) provides tertiary treatment for approximately ~~12,000 AFY~~ 9.65 MGD of wastewater generated in and around the City of Palmdale.

The WRP currently produces an effluent of about ~~10,700 AFY~~ 8.12 MGD of recycled water on average, ~~as shown in Table 3.14-2~~ demonstrates past (2015) and projected annual effluent flows.

### Comment 10-5

The commenter states that the reference cited on page 3.14-3 (LACSD 2017a) uses a very conservative scenario to calculate project future basin conditions, and suggests that actual operations are more accurately represented by the suggested text.

### Response 10-5

In response to the comment, the Draft PEIR has been revised on page 3.14.-3 as follows:

~~All wastewater treated at the Palmdale WRP is treated to tertiary level and is used, discharged or stored within the PWD service boundaries. Currently, the tertiary treated effluent is discharged as agricultural irrigation for land crops, evaporates, is reused, or infiltrates into the Antelope Valley Groundwater Basin~~  
All wastewater treated at the Palmdale WRP is treated to tertiary level and is reused or stored within or in close proximity to the PWD service boundaries. Currently, the tertiary-treated recycled water is beneficially reused for agricultural, municipal and industrial purposes, or evaporates during holding time in lined storage reservoirs (LACSD 2017a).

### Comment 10-6

The commenter requests that PWD updates Table 3.14-2, found in section 3.14.1, page 3.14-3, to show that the effluent flow for the Palmdale WRP was approximately 9,200 AFY in 2015.

### Response 10-6

The number presented in the Draft PEIR comes directly from PWD's 2016 Urban Water Management Plan, page 4-3. For this reason, PWD has decided not to change the value for 2015 presented in the Draft PEIR, however notes the statement from LACSD.

### Comment 10-7

The commenter states that the listed reference of LACSD 2017a, in section 3.14.4, page 3.14-18, is inaccessible and potentially has a typographical error. The commenter requests that PWD verifies that the following link is the actual intended webpage:

[https://sdlac.org/wastewater/wwfacilities/antelope\\_valley\\_water\\_reclamation\\_plants/palmdale\\_wrp.asp](https://sdlac.org/wastewater/wwfacilities/antelope_valley_water_reclamation_plants/palmdale_wrp.asp).

### Response 10-7

PWD acknowledges the typographical error and corrects the references listed on page 3.14-18 below.

LACSD 2017a. Palmdale Water Reclamation Plant. Available at:  
~~[http://www.lacsd.org/Water/WWFacilities/Antelope\\_valley\\_water\\_reclamation\\_plant/palmdale\\_wrp.asp](http://www.lacsd.org/Water/WWFacilities/Antelope_valley_water_reclamation_plant/palmdale_wrp.asp)~~  
[https://www.lacsd.org/wastewater/wwfacilities/antelope\\_valley\\_water\\_reclamation\\_plants/palmdale\\_wrp.asp](https://www.lacsd.org/wastewater/wwfacilities/antelope_valley_water_reclamation_plants/palmdale_wrp.asp). Accessed on May 11, 2017.

### Comment 10-8

The commenter requests that PWD updates Table 5-2, found in section 5.3.2, page 5-4, to show that the Recycled Water amount for 2035 is 6,000 AFY.

### Response 10-8

The commenter is referred to Response 10-3.

### **Comment 10-9**

The commenter requests that PWD considers revising section 5.3.2, *page 5-4* (last paragraph, fourth sentence) to state “PWD, in conjunction with LACSD and other stakeholder agencies, collectively proposed a Recycled Water Backbone System, ...” for clarification and accuracy.

### **Response 10-9**

In response to the comment, the Draft PEIR text on page 5-4 has been revised as follows:

PWD, in conjunction with LACSD and other stakeholder agencies, collectively ~~has~~ proposed a Recycled Water Backbone System, which would connect the Lancaster Water Reclamation Plant (WRP) and the Palmdale WRP (operated by LACSD) to allow recycled water from both plants to be used throughout the Antelope Valley.

### **Comment 10-10**

The commenter requests that PWD modifies section 5.3.2, page 5-4 (last paragraph, fifth sentence) to state that effluent flow for the Palmdale WRP was approximately 9,200 AFY in 2015.

### **Response 10-10**

The commenter is referred to response 10-6.

### **Comment 10-11**

The commenter requests that PWD directs any questions to specific LACSD staff.

### **Response 10-11**

PWD thanks LACSD for their comments on the Draft PEIR. The comment is noted for the record.

## **Letter 11 – Division of Oil, Gas, and Geothermal Resources**

### **Comment 11-1**

The commenter states that the Department of Conservation’s Division of Oil, Gas, and Geothermal Resources (DOGGR)’s role in supervising oil, gas, and geothermal wells in California. The commenter finds that the project area is in Los Angeles County and is not within the administrative field boundary, and states records indicate that there are possibly six plugged and abandoned oil and gas wells located within the project boundary as identified in the application.

### **Response 11-1**

PWD thanks DOGGR for their comments on the Draft PEIR.

**Comment 11-2**

The commenter states that remedial operations may be required if any wells are damaged or uncovered during excavation or grading, and adds that the DOGGR's district office must be contacted in such instances to obtain information on the requirements and approval to perform remedial operations.

**Response 11-2**

While not anticipated by implementation of the proposed project, PWD will coordinate with DOGGR if it is found that construction or operation of any WSMP facility would occur on any plugged or abandoned well.

**Comment 11-6**

The commenter requests that any questions regarding DOGGR Construction Site Well Review Program are addressed to the local Division's office in Cypress.

**Response 11-6**

PWD thanks DOGGR for their comments on the Draft PEIR. The comment is noted for the record.

**Letter 12 – State Clearinghouse****Comment 12-1**

The State Clearinghouse acknowledges receipt of the Draft PEIR and includes comments from DOGGR.

**Response 12-1**

Please refer to Letter 11 above which include all responses to DOGGR's letter dated September 17, 2018.

This page left intentionally blank

# CHAPTER 4

## Errata to the Draft PEIR

---

### 4.1 Introduction to Errata Revisions

Several points of clarification were raised in comment letters on the Draft PEIR which have resulted in several new revisions and points of clarification. In Addition, PWD has chosen to make certain typographic revisions that make the Draft PEIR more clear. This Errata document reflects all final changes made to the Final PEIR in ~~strikeout~~/underline text, and will be adopted as part of the Final PEIR by PWD when certifying the Final PEIR and approving the WSMP.

### 4.2 Errata Revisions

The Draft PEIR text is modified in the following sections as indicated below. Please note that the mitigation measure changes reflected below are also made to the Executive Summary of the Draft PEIR.

### Chapter 2 Project Description

The Draft PEIR text in Table 2-5 on page 2-19 has been updated as follows:

**TABLE 2-5  
REGULATORY REQUIREMENTS AND AUTHORIZATIONS**

<b>Agency</b>	<b>Type of Approval</b>
Antelope Valley Air Quality Management District	Permit to Construct and Operate
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement
California Department of Transportation	Encroachment Permit <u>Transportation Permit</u>
City of Palmdale	Encroachment Permit
County of Los Angeles	Encroachment Permit
Regional Water Quality Control Board	Clean Water Act Section 401 Certification; Discharge requirements during construction
State Water Resources Control Board	Construction General Permit/SWPPP approval
California Department of Water Resources	Encroachment Permit for facilities that cross the California Aqueduct
U.S. Army Corps of Engineers	Clean Water Act Section 404 Permit

## Section 3.4 Biological Resources

The Draft PEIR text on page 3.4-11 of the Draft PEIR has been updated as follows:

### 3.4.2 Regulatory Framework

#### Federal

Endangered Species Act (USC, Title 16, § 1531 through 1543): The Federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. ~~The FESA also~~ Secretary of the Interior or the Secretary of Commerce, as appropriate, provides a program for the conservation and develops and implements recovery plans ~~of for~~ for threatened and endangered species ~~as well as the conservation of designated critical habitat that USFWS determines is required for the survival and recovery of these listed species.~~

Section 9 lists those actions that are prohibited under the FESA. ~~Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity.~~ Section 9 prohibits take of listed species of fish, and wildlife, and establishes other protections for listed plants without special exemption. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in CCR Title 50, Part 402. The biological opinion issued at the conclusion of consultation will include an incidental take statement; if the biological opinion concludes that the proposed otherwise legal activity is not likely to jeopardize the continued existence of the listed species, the incidental take statement acknowledges that ensuing incidental take is no longer prohibited. ~~authorizing “take” (i.e., to harass, harm, pursue, hunt, wound, kill, etc.) that may occur incidental to an otherwise legal activity.~~

Section 10 provides a means whereby a nonfederal action ~~with the potential that is~~ reasonably certain to result in take of a listed species can be allowed under an incidental take permit. Application procedures are found at 50 CFR 13 and 17 for species under the jurisdiction of USFWS and 50 CFR 217, 220, and 222 for species under the jurisdiction of NMFS (ESA 2018).

Migratory Bird Treaty Act (16 USC 703 through 711): The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. ~~The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season.~~ The MBTA makes it unlawful to purposely take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States (ESA 2018).

The Draft PEIR text on page 3.4-11 has been updated as follows:

Migratory Bird Treaty Act (16 USC 703 through 711): The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the U.S. to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. ~~The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season.~~ The MBTA makes it unlawful to purposefully take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States (ESA 2018).

The Draft PEIR text in Table 3.4-2 on page 3.4-25 has been updated as follows:

**TABLE 3.4.3  
STATUS OF POTENTIALLY OCCURRING SPECIAL-STATUS WILDLIFE SPECIES WITHIN THE PROJECT AREA AND AT NEAR-TERM PROJECT COMPONENTS**

Common Name Scientific Name	Federal/ State/ CDFW <sup>1</sup> Status	General Habitat <sup>2</sup>	Micro-Habitat <sup>2</sup>	Potential to Occur within the Project Area	Potential to Occur at Near-Term Project Components
<b>Mammals</b>					
<u>Mohave ground squirrel</u> <i>Spermophilus mohavensis</i>	<u>None/Threatened/None</u>	<u>Sandy-to-gravelly soils in open desert scrub, alkali scrub, and Joshua tree woodland.</u>	<u>Finds cover and nests in burrows at the base of shrubs, and eats a wide variety of green vegetation, seeds, and fruits.</u>	<u>Low potential. Suitable habitat conditions are present within undisturbed portions of the project area that includes Sandy-to-gravelly soils in open desert scrub, alkali scrub, and Joshua tree woodland.</u>	<u>Low potential. Suitable habitat conditions are present at the near-term storage tanks and pipelines.</u>
<u>desert tortoise</u> <i>Gopherus agassizii</i>	<u>Threatened/Threatened/None</u>	<u>Friable, sandy, well-drained soil.</u>	<u>Excavates a burrow under bushes, overhanging soil or rock formations, or digs into the soil in the open.</u>	<u>Low potential. Suitable habitat conditions are present within undisturbed portions of the project area that includes friable soils, adequate plant cover and distribution of favorable vegetation species, suitable elevation, slope, and connectively to open space areas.</u>	<u>Low potential. Suitable habitat conditions are present at the near-term storage tanks and pipelines.</u>

The Draft PEIR text on page 3.4-26 has been updated as follows:

There is low potential for ~~D~~desert tortoise (*Gopherus agassizii*) is not expected to occur in the project area. Desert tortoise does not have any records within the CNDDDB queried area. The nearest CNDDDB record, from 1990, for the species is located approximately eight miles to the northeast of the study project area near Lake Los Angeles. The study project area is primarily urbanized and lacks connectivity with known populations of the species and there are few large areas of creosote bush scrub in the study area; however, suitable habitat conditions may be present within undisturbed portions of the project area that includes friable soils, adequate plant cover and distribution of favorable vegetation species, suitable elevation, slope, and connectively to open space areas. Based on communication with CDFW in September 2018, PWD understands that the project area is located within the historic range for desert tortoise.

Mohave ground squirrel (*Xerospermophilus mohavensis*) has a low potential to occur is not expected in the project area. Protocol trapping efforts in northeastern Los Angeles County from 2008–2012 have failed to find the species (Leitner 2015); however, this did not encompass all portions of the WSMP project site. Just as in the previous 10-year period, the only positive records nearest recorded occurrences of Mohave ground squirrel were at several sites within or very close to Edwards Air Force Base (Leitner 2015), which is located approximately 25 miles to the northeast of Palmdale. Based on communication with CDFW in September 2018, PWD understands that the WSMP components are located within the historic range for Mohave ground squirrel.

Based on communication with CDFW in September 2018, PWD understands that the project area is located within the historic range for American badger (*Taxidea taxus*) and desert kit fox (*Vulpes macrotis*). American badger is a species of special concern in California, and desert kit fox are protected as fur bearing mammals under California Code of Regulations, Title 14, Section 460. There is potential for suitable habitat for both species to be present within the project area.

The Draft PEIR text on page 3.4-27 to 3.4-28 has been updated as follows:

#### Storage Tanks (Near-Term)

Suitable habitat for special-status plants (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) and wildlife (silvery legless lizard, coast horned lizard, southern California rufous-crowned sparrow, burrowing owl, and loggerhead shrike) is located at the proposed locations for near-term storage tanks ES-01, ES-03, and FS-01. In addition, suitable habitat for Mohave ground squirrel, desert tortoise, American badger, and desert kit fox may be present. Construction of the storage tanks could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of **Mitigation Measures BIO-1 through BIO-4d** would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; and protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a Worker Education Awareness Program (WEAP); wildlife entrapment protocols and rodenticide prohibitions. With the

implementation of these measures, impacts would be reduced to a less than significant level.

#### Storage Tanks (Long-Term)

A total of 16 storage tanks could be constructed over the program's long-term planning period. The location of the proposed long-term storage tanks can be seen on Figure 2-2; however, these locations are subject to change in the future. Multiple storage tanks such as FS-06 and FS-08 would be located within undeveloped land; therefore, it is possible that the construction of the storage tanks could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Pumps (Near-Term)

All three proposed near-term pumps would be implemented within existing pump stations that are developed and would not support special-status plant and wildlife species. No impacts to special-status species are expected due to the implementation of the proposed project. Impacts are considered less than significant; no mitigation is required.

#### Pumps (Long-Term)

The proposed project includes four new pumps at five existing pump stations, as well as six new pump stations within the project area. Although locations are preliminary in nature, the new pump stations may be located in undeveloped land; therefore, it is possible that the construction of the pump stations could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Pipelines (Near-Term)

The majority of the proposed near-term pipelines are sited within or adjacent to existing roads and would not require the removal of vegetation for construction; however, Pipeline along 47th Street East, Pipeline along Sierra Highway, and Pipeline west of Lakeview Drive are within or adjacent to undeveloped areas. Suitable habitat for special-status plants (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) and wildlife (silvery legless lizard, coast horned lizard, southern California rufous-crowned sparrow, burrowing owl, and loggerhead shrike) is present. In

addition, suitable habitat for Mohave ground squirrel, desert tortoise, American badger, and desert kit fox may be present. Construction of the pipelines could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Pipelines (Long-Term)

The majority of the proposed long-term pipelines are sited within or adjacent to existing roads and would not require the removal of vegetation for construction. Any pipelines that are sited within undeveloped areas could impact special-status plant and wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for rare plants and special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

#### Wells (Long-Term)

The proposed wells would be located in the northern and eastern portion of the PWD service area. The northern two wells would be located in open space near industrial facilities and the Palmdale Regional Airport. Based on the predominately agricultural and semi-desert vegetation surrounding these northern wells and previously documented species occurrences, this area could support coast horned lizard, burrowing owl, and loggerhead shrike. The northeastern three wells would be located in an undeveloped area just east of developed land containing a high school and residential land uses (Figure 2-2). The area has habitat that could support silvery legless lizard, coast horned lizard, burrowing owl, and loggerhead shrike. It is possible that the construction of the wells could impact special-status wildlife species that have the potential to occur in the project area. Any impacts to special-status species would be considered significant without mitigation. Implementation of Mitigation Measures BIO-1 through BIO-4d would require pre-construction focused surveys for special-status reptiles; nesting bird surveys; ~~and~~ protocol burrowing owl surveys; habitat assessments and potential surveys for special-status wildlife; a WEAP; wildlife entrapment protocols and rodenticide prohibitions. With the implementation of these measures, impacts would be reduced to a less than significant level.

The Draft PEIR text of Mitigation Measure BIO-1 on page 3.4-29 (and within the Executive Summary) has been updated as follows:

**BIO-1: Pre-Construction Focused Surveys for Rare Plants.** The following measures are recommended to avoid and/or reduce potential impacts to special-status plants as a result of proposed project activities for near-term project components and long-term projects in undeveloped portions of the project area with suitable habitat. The preconstruction surveys for special-status plants shall follow CDFW's recent updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018).

A floristic survey ~~focusing on the four special-status species (slender mariposa lily, Robbins' nemacladus, short joint beavertail, and Mason's neststraw)~~ with some for special-status plant species having potential to occur within and adjacent to the project area should be conducted by a qualified biologist for the aforementioned near-term project components and the long-term project components that are located in the San Andreas Rift Zone and the hilly topography south of it. The surveys ~~should take place from April to May to~~ shall cover the blooming period of the four species all special-status plant species having potential to occur. The results of the survey should be documented in a report that will be submitted to CDFW.

If the floristic survey is positive for any of the four species (slender mariposa lily, Robbins' nemacladus, short-joint beavertail, and Mason's neststraw) special-status plant species, and the avoidance of the special-status plant species is not feasible, coordination with CDFW would be required to determine suitable mitigation. The mitigation strategy may include avoidance, on-site or off-site restoration/enhancement areas, translocation, and/or seed collection, and exotic weed control. Restoration/enhancement areas for special status plant species should be situated adjacent to protected open space and not result in isolated islands of habitat. If restoration and/or translocation are needed, a restoration/revegetation plan must be prepared and approved by CDFW. At a minimum, the plan should include a description of the existing conditions, site selection criteria, site preparation and planting methods, maintenance and monitoring schedule, performance standards, adaptive management strategies, contingency actions should success criteria not be met, ~~and~~ identification of responsible parties, and a sufficient funding mechanism to assure that management and reporting requirements occur in perpetuity.

The Draft PEIR text of Mitigation Measure BIO-4 on page 3.4-30 (and within the Executive Summary) has been updated as follows:

**BIO-4a: Pre-construction Habitat Assessment.** Prior to ground disturbing activities for near-term storage tanks and pipelines and all long-term project components, a habitat assessment shall be conducted by a qualified biologist to determine the potential for the following special-status wildlife species to occur within project areas: Mohave ground squirrel, desert tortoise, desert kit fox, and American badger. If the habitat assessment determines there is potential for one of the special-status species to be present within a certain buffer of the construction zone, then additional measures shall be implemented as described below. For Mohave ground squirrel and desert tortoise, focused surveys shall be conducted prior to project implementation to determine presence or absence. If the habitat assessment determines there is no potential to occur, then no further mitigation is required.

- **Mohave ground squirrel** - Wherever the project is occurring in areas containing suitable Mohave ground squirrel habitat, CDFW-protocol surveys for Mohave ground squirrel shall be conducted to determine presence/absence, which shall include a 100-foot buffer surrounding the limits of disturbance; or presence may be assumed and PWD shall pay an in-lieu fee to a CDFW-approved conservation area, such as an established mitigation bank. The mitigation ration of in-lieu fee amount shall be determined through consultation with CDFW prior to any ground-disturbing activities. If surveys are conducted and presence is confirmed, an incidental take permit shall be obtained prior to any ground-disturbing activities from CDFW in accordance with Section 2081 of the California Fish and Game Code.
- **Desert tortoise** - Wherever the project is occurring in areas containing suitable desert tortoise habitat, surveys shall be conducted in accordance with the latest USFWS protocols. If desert tortoise is confirmed present, then PWD shall consult with CDFW to obtain California Endangered Species Act authorization and, if necessary, an incidental take permit prior to any ground disturbance that may impact occupied desert tortoise habitat during the life of the project. Once potential habitat is cleared of desert tortoise, or if surveys are negative, exclusionary silt fencing shall be installed around the project impact area to prevent animals from wandering onto the project site. The limits of the silt fencing shall be determined by a CDFW and/or USFWS-approved biologist to determine the maximum potential for exclusion. The fencing shall be buried a minimum of 10-inches below the ground surface to reduce the potential for animals to move onto the project site.
- **American badger and desert kit fox** – If the habitat assessment identifies signs of occupation by American badger and/or desert kit fox (e.g., occupied or potential dens), the following measures should be implemented:
  - If species individuals are found to be present, the project area shall be avoided until the individuals are no longer present. Individuals shall be allowed to leave on its own without being harassed. If an individual does not vacate the project site, PWD would be required to coordinate with CDFW to determine the appropriate relocation methods, location, and timing.
  - If dens and signs of presence are found but no species individuals are found, a qualified biologist shall confirm the dens are no longer active. To prevent any species from entering the project site in the future, PWD and the construction contractor shall install exclusionary fencing around the project site, if feasible. A clearance survey shall be conducted prior to the restart of construction to confirm no species are present. Periodic monitoring shall be performed by a qualified biologist based on a frequency determined through consultation with CDFW.
  - PWD and the construction contractor shall follow protocols included in Mitigation Measure BIO-4c to prevent wildlife entrapment at project sites.

**BIO-4b: Worker Environmental Awareness Program.** PWD shall be required to prepare a Worker Environmental Awareness Program (WEAP) that identifies methods

for avoiding inadvertent impacts to special-status wildlife, plants and native vegetation communities that have the potential to occur in the project area. The WEAP shall include a meeting facilitated by a qualified biologist and attended by all construction personnel that describes the special-status species that could occur, measures and techniques for avoiding impacts, communication protocol, stop-work thresholds, and enforcement authorities and actions should a sensitive-status species be inadvertently impacted at any point during construction activities.

**BIO-4c: Wildlife Entrapment.** During construction of all near-term and long-term components, all trenches, pits or other depressions that are not in active use be backfilled or covered immediately after use to prevent wildlife entrapment. Additionally:

- A qualified biological monitor should inspect all depressions prior to backfilling to salvage any entrapped species observed.
- If depressions cannot be immediately backfilled or covered, a qualified biological monitor should periodically inspect the depressions to remove any entrapped species. The frequency of inspection of depressions by the biological monitor would be dependent on ambient temperature and precipitation conditions because high heat levels or flooding may result in mortality of entrapped wildlife.
- Depressions that cannot be immediately back filled or covered should be provided with escape ramps that could allow some mobile entrapped wildlife to escape.
- All stockpiled pipe interiors should be inspected for wildlife presence by a qualified biological monitor immediately prior to pipe laying. Any wildlife observed seeking refuge inside a pipe should be safely evicted.
- Open-ended terminal pipes within any pipeline laying operation should be temporarily sealed if left unattended, to prevent wildlife from entering and becoming entrapped.
- Handling of California Endangered Species Act-listed species entrapped in depressions shall only occur by entities possessing an Incidental Take Permit for that species.

**BIO-4d: Prohibition of Anticoagulant or Rodenticides.** The use of anticoagulants and rodenticides that could result in secondary poisoning or other mortality of non-target species including but not limited to American badger and desert kit fox is prohibited during the life of the project and future project maintenance activities.

The Draft PEIR text of Mitigation Measure BIO-6 on page 3.4-35 (and within the Executive Summary) has been updated as follows:

**BIO-6: Native Desert Vegetation Removal Survey and Permit.** Prior to ground disturbance, a vegetation survey shall be conducted to characterize, map and quantify the amount of native desert vegetation, including sensitive natural communities, that would be disturbed by project components. This shall include all areas within a minimum of 100-feet from the project's impact limits.

If project components, near-term or long-term, within the boundaries of the City of Palmdale cannot be sited to avoid impacts to native desert vegetation species including

sensitive natural communities as defined by CDFW, then a native desert vegetation removal permit will be necessary. This specifically applies to removal of Joshua trees and/or California junipers on project sites with a density equal to or greater than two individuals per acre (per the Joshua Tree and Native Desert Vegetation Preservation Ordinance. The PWD shall comply with all terms and conditions of the permit, including preparation and implementation of a desert vegetation preservation plan. Associated conditions and measures could include but are not limited to: [...]

The Draft PEIR text of on page 3.4-31 and page 42 of Appendix BIO have been updated as follows:

**TABLE 3.4-4  
POTENTIAL CDFW JURISDICTIONAL WATERS OCCURRING WITHIN OR ADJACENT TO  
NEAR-TERM PROJECT COMPONENTS**

<b>Project Component</b>	<b>Type of Water Feature</b>	<b>Notes</b>
Pipeline along 47th Street East, connecting the proposed improvements at pump station EB-01 south and then extending the pipeline west through undeveloped land to an existing deficiency recommended tank	Ephemeral stream	The proposed pipeline route crosses a potential stream toward the end of the portion of the line that goes west from 47th Street East.
Pipeline FF-01	Ephemeral canal in the southern half and meandering stream in the northern half.	Waters sources for the feature appears to be runoff from E. Ave. Q and the residential community to the south. <del>Groundwater levels in the area are also affected by seepage from Sanitation Districts of Los Angeles County facility to the north.</del> The proposed pipeline route crosses the stream several times in the northern half. The route could be sited further to the west to avoid the stream. Vegetation within the stream consists of Rubber Rabbitbrush Scrub.

### Section 3.5 Cultural Resources

The Draft PEIR text on page 3.5-22 has been updated as follows:

- Level of proposed ground disturbance – typically projects that require little or shallow ground disturbance are considered less likely to encounter subsurface resources, particularly in areas where there was good ground surface visibility during the survey.
- Input received from the San Manuel Band of Mission ~~Indians~~ Indians.

The Draft PEIR text of Mitigation Measure CUL 5 on page 3.5-35 (and within the Executive Summary) has been updated as follows:

**CUL 5: Inadvertent Discovery of Archaeological Resources:** For all near-term and long-term projects, in the event of the unanticipated discovery of archaeological materials and/or Native American cultural resources, regardless of location, PWD shall immediately cease all work activities in the area (within approximately 100 feet) of the discovery until it can be evaluated by the Qualified Archaeologist. The San Manuel Band

of Mission Indians shall be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the qualified archaeologist makes his/her assessment, so as to provide Tribal input. Construction shall not resume until the Qualified Archaeologist has conferred with PWD and the San Manuel Band of Mission Indians on the significance of the resource.

If it is determined that ~~the~~ a discovered archaeological resource constitutes a historical resource or unique archaeological resource pursuant to CEQA, or a discovered Native American cultural resource constitutes a historical resource pursuant to CEQA, avoidance and preservation in place shall be the preferred manner of mitigation. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, ~~an Archaeological~~ a Cultural Resources Research Design and Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with PWD and the San Manuel Band of Mission Indians. ~~that~~ The plan shall provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. PWD shall consult with ~~interested tribal groups~~ the San Manuel Band of Mission Indians in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered, and the draft Treatment Plan shall be provided to the San Manuel Band of Mission Indians for review and comment prior to implementation. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).

The Qualified Archaeologist in consultation with the San Manuel Band of Mission Indians shall also determine the level of archaeological monitoring that is warranted during future ground disturbance in the area, and if work may proceed in other parts of the project area while treatment for ~~archaeological~~ cultural resources is being carried out.

The disposition and treatment of any artifacts or other cultural materials encountered during project implementation shall be determined by PWD in consultation with the San Manuel Band of Mission Indians.

The Draft PEIR text of Mitigation Measure CUL-10 on page 3.5-41 (and within the Executive Summary) has been updated as follows:

**CUL-10: Inadvertent Discovery of Human Remains:** If human remains or funerary objects are encountered during any activities associated with the project, then PWD shall halt work in the vicinity (within 100 feet) of the discovery and contact the County Coroner in accordance with Public Resources Code section 5097.98 and Health and Safety Code section 7050.5. If the County Coroner determines the remains are Native American, then the Coroner shall notify the California Native American Heritage Commission in accordance with Health and Safety Code subdivision 7050.5(c), and Public Resources Code section 5097.98. The California Native American Heritage Commission shall designate a Most Likely Descendant for the remains per Public Resources Code section 5097.98. Until the landowner has conferred with the Most Likely

Descendant, the contractor shall ensure the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.

## Section 3.6 Geology, Soils, Seismicity and Mineral Resources

The Draft PEIR text of Mitigation Measure GEO-1 on page 3.6-15 (and within the Executive Summary) has been updated as follows:

**GEO-1: Topsoil Preservation.** All topsoil stripped from the ground surface during construction shall be used, to the extent feasible, for construction of other project elements and not hauled offsite. The upper six inches of topsoil shall be used as final cover to help re-establish vegetation post-construction as applicable. Temporary stockpiles shall be managed through the use of best management practices, which shall include but not be limited to wetting and/or covering stockpiles to prevent wind erosion.

## Section 3.8 Hydrology and Water Quality

The Draft PEIR text of Mitigation Measure HYD-2 on page 3.8-14 (and within the Executive Summary) has been updated as follows:

**HYD-2: Source Control BMPs.** PWD shall implement source control BMPs for all activities at project sites, including but not limited to accidental spills and leaks, outdoor equipment operations, and building and grounds maintenance. Source control BMPs shall be designed to prevent chemicals associated with these activities from coming into contact with stormwater. PWD shall implement all pertinent source control BMPs listed in the latest version of the California Stormwater Quality Association's Construction BMP Online Handbook during project operation to avoid impacts from spills or leaks of fuel or hazardous materials. Pertinent BMPs include but are not limited to WM-4: Spill Prevention and Control and WM-6: Hazardous Waste Management. If backup generators with onsite fuel storage will be included on pump station sites, PWD shall design a spill prevention and emergency response plan to implement in the event of a fuel spill to mitigate potential impacts to soil and groundwater.

The Draft PEIR text of Mitigation Measure HYD-1 on page 3.8-14 (and within the Executive Summary) has been updated as follows:

**HYD-1: Post-Construction Stabilization.** The project shall be designed to maintain natural drainage paths and landscape features to the maximum extent possible to slow and filter runoff and maximize groundwater recharge. Following implementation of project facilities, areas of disturbance that do not contain aboveground structures shall be restored to pre-construction conditions with regard to vegetation cover. If no vegetation was present prior to construction, the site shall be compacted to achieve soil stabilization. To ensure immediate soil stabilization of revegetated areas, a soil binder shall be applied following planting of vegetation.

## Section 3.12 Traffic and Transportation

The Draft PEIR text of Mitigation Measure TR-1 on page 3.12-10 (and within the Executive Summary) has been updated as follows:

**TR-1:** PWD shall require the construction contractor to prepare and implement a Traffic Control/Traffic Management Plan subject to approval by the City of Palmdale, Caltrans, and/or the County of Los Angeles prior to construction. The plan shall include traffic counts on intersections near the proposed project facilities to determine existing traffic conditions. Based on these traffic counts, the Plan shall recommend mitigation to avoid impacts to existing traffic conditions. These mitigation measures shall include but shall not be limited to: [...]

## Section 3.13 Tribal Cultural Resources

The Draft PEIR text on page 3.13.-5 has been updated as follows:

The San Manuel Band of Mission Indians responded in a letter dated ~~July 14~~ May 2, 2017 requesting consultation.

## Section 3.14 Utilities, Service Systems and Energy

The Draft PEIR text in Table 3.14-1 on page 3.14-1 has been updated as follows:

**TABLE 3.14-1  
PWD CURRENT AND PROJECTED WATER SUPPLY AND DEMAND**

Source	Detail	2015	2020	2025	2030	2035	2040
Groundwater	AVGB	11,200	6,280	4,140	2,770	2,770	2,770
Groundwater	Return Flow Credit	0	5,000	5,000	5,000	5,000	5,000
Surface Water	Littlerock Reservoir	500	4,000	4,000	4,000	4,000	4,000
Imported Water	State Water Project	5,800	13,200	13,000	13,000	13,000	13,000
Imported Water	Transfer Agreement	0	6,200	6,100	6,100	6,100	6,100
Recycled Water*	PRWA/LACSD	100	2,500	5,000	5,500	6,000	6,000
	<b>Total Supply</b>	<b>17,600</b>	<b>37,180</b>	<b>37,240</b>	<b>36,370</b>	<b>36,870</b>	<b>36,870</b>
	<b>Total Demand</b>	<b>-</b>	<b>23,300</b>	<b>26,900</b>	<b>28,400</b>	<b>29,900</b>	<b>31,000</b>

All values are in unit AF.

SOURCE: 2015 Urban Water Management Plan for PWD, Final 2016: Table 4-2; Table 6-1.

The Draft PEIR text on page 3.14-3 has been updated as follows:

The Palmdale WRP is located in the City of Palmdale and currently (year 2018) provides tertiary treatment for approximately ~~12,000 AFY~~ 9.65 MGD of wastewater generated in and around the City of Palmdale. In 2012, the Palmdale WRP was expanded to reach its current treatment capacity of 12 million gallons per day (MGD). The WRP currently produces an effluent of about ~~10,700 AFY~~ 8.12 MGD of recycled water on average, ~~as~~

~~shown in Table 3.14-2 demonstrates past (2015) and projected annual effluent flows. The Palmdale WRP processes all wastewater solids generated within its service area, and these solids are anaerobically digested, stored, and then dewatered into biosolids. All wastewater treated at the Palmdale WRP is treated to tertiary level and is used, discharged or stored within the PWD service boundaries. Currently, the tertiary-treated effluent is discharged as agricultural irrigation for land crops, evaporates, is reused, or infiltrates into the Antelope Valley Groundwater Basin. All wastewater treated at the Palmdale WRP is treated to tertiary level and is reused or stored within or in close proximity to the PWD service boundaries. Currently, the tertiary-treated recycled water is beneficially reused for agricultural, municipal and industrial purposes, or evaporates during holding time in lined storage reservoirs (LACSD 2017a).~~

The Draft PEIR text on page 3.14-18 has been updated as follows:

LACSD 2017a. Palmdale Water Reclamation Plant. Available at:  
~~[http://www.lacsd.org/Water/IBWR/Wwfacilities/Antelope\\_valley\\_water\\_reclamation\\_plant/palmdale\\_wrp.asp](http://www.lacsd.org/Water/IBWR/Wwfacilities/Antelope_valley_water_reclamation_plant/palmdale_wrp.asp)~~  
[https://www.lacsd.org/wastewater/wwfacilities/antelope\\_valley\\_water\\_reclamation\\_plant/palmdale\\_wrp.asp](https://www.lacsd.org/wastewater/wwfacilities/antelope_valley_water_reclamation_plant/palmdale_wrp.asp). Accessed on May 11, 2017.

## Chapter 4 Cumulative Impacts

The Draft PEIR text on page 4-17 has been revised as follows:

In particular, projects 1, 2, 5, 6, 7, 8, 10, 12, 13, 14, 27, ~~and 28,~~ and 30-34 would be located in the vicinity of proposed pipelines and storage tanks in the project area.

The Draft PEIR text on page 4-19 has been revised as follows:

Projects 1, 2, 5, 6, 7, 8, 10, 12, 13, ~~and 14,~~ and 30-34 would be located in the vicinity of proposed pipelines and storage tanks in the project area.

As a result of adherence to these regulations, the combined effects from the construction of Projects 1, 2, 4, 5, 6, 7, 8, 10, 12, 13, ~~and 14,~~ and 30-34 within the geographic scope related to water quality, drainage, and groundwater would not be considered cumulatively significant.

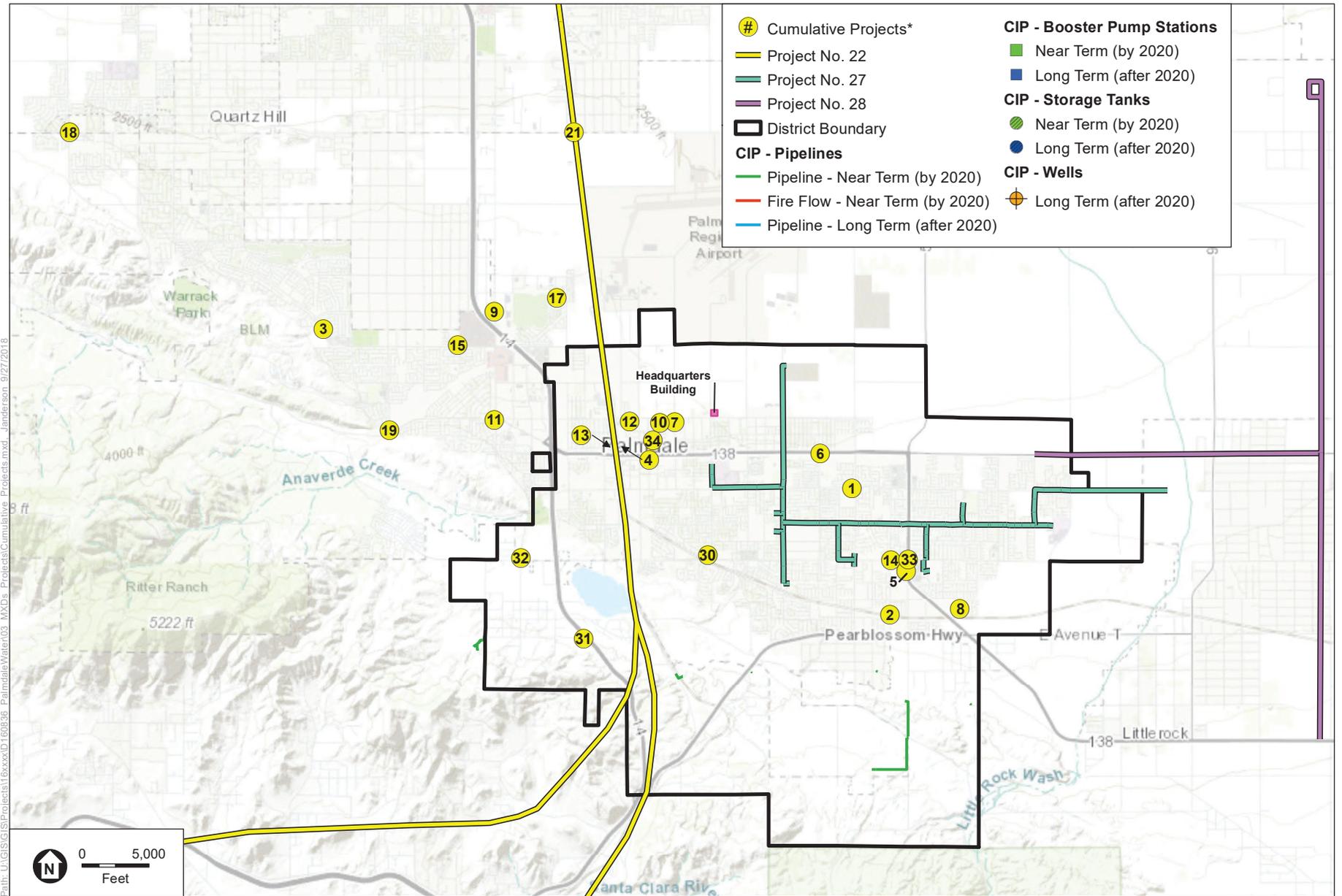
The Draft PEIR text on page 4-20 has been revised as follows:

Many of the projects in the cumulative scenario would be residential developments (Projects 2, 3, 4, 8, 10, 12, 17, 18, 30, 31, 32, 34) that would require expanded recreational opportunities for new residents.

The Draft PEIR text in Table 4-2 on page 4-6 has been updated as follows. Accordingly, the Draft PEIR Figure 4-1 has been revised as to show these cumulative projects:

**TABLE 4-2  
RELATED PROJECTS FOR CUMULATIVE ANALYSIS**

<b>Project No.</b>	<b>Lead Agency</b>	<b>Name</b>	<b>Location</b>	<b>Project Type</b>	<b>Applicant</b>	<b>Project Description</b>	<b>Status</b>
28	Palmdale Water District	Regional Recharge and Recovery Project	Northeast City of Palmdale (south of East Avenue L, west of 110th Street East, north of Avenue M, and east of 95th Street)	Water supply	PWD	Groundwater recharge project. Project would include a new 80-acre recharge basin on an undeveloped 160-acre site, a 2-acre distribution site, 16 recovery wells, and 25 miles of pipeline.	Final EIR published in June 2016
29	Palmdale Water District	Strategic Plan	Various locations in the City of Palmdale	Water supply	PWD	A variety of water supply projects including improving existing Palmdale Water Treatment Plant, groundwater storage, recycled water, development of a headquarters/maintenance yard.	2017-2019
<u>30</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>North Side of Ave S, east of the alignment with 20th Street West</u>	<u>Commercial and Residential</u>	<u>Royal Investors Group LLC</u>	<u>Residential and Commercial</u>	<u>Applied 5/16/2017</u>
<u>31</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>South of Avenue S; 1.2 miles west of SR-14</u>	<u>Commercial and Residential</u>	<u>Stephan Jenkins</u>	<u>Residential and Commercial</u>	<u>Applied 10/10/2017</u>
<u>32</u>	<u>City of Palmdale</u>	<u>Residential and Commercial</u>	<u>NWC and NEC of Tierra Subida and Avenue S</u>	<u>Commercial and Residential</u>	<u>Caliber Retail Properties Group</u>	<u>Residential and Commercial</u>	<u>Applied 12/19/2017</u>
<u>33</u>	<u>City of Palmdale</u>	<u>Commercial Shopping Center</u>	<u>South of Avenue S on the west side of 47th Street East</u>	<u>Commercial</u>	<u>Intertex Companies</u>	<u>A proposal to construct a commercial shopping center</u>	<u>Applied 4/25/2018</u>
<u>34</u>	<u>City of Palmdale</u>	<u>Multi-Family</u>	<u>South of Avenue Q-4 between 11th and 12th Streets East</u>	<u>Residential</u>	<u>McClellan Badiya Associate</u>	<u>A request to develop two acres into a multi-family residential use consisting of one building totaling approximately 67,103 square feet</u>	<u>Applied 10/31/2017</u>



SOURCE: Palmdale Water 2017  
 \* Project Nos. 20, 23, and 24 as identified in Table 4.2 of the EIR include several components covering a large area, and are thus not pictured in the above map.

Palmdale Water District

**Figure 4-1**  
 Cumulative Projects – Page 1

## Chapter 5 Growth Inducement

The Draft PEIR text in Table 5-2 on page 5-4 has been updated as follows:

**TABLE 5-2  
PWD CURRENT AND PROJECTED WATER SUPPLY AND DEMAND**

Source	Detail	2015	2020	2025	2030	2035	2040
Groundwater	AVGB	11,200	6,280	4,140	2,770	2,770	2,770
Groundwater	Return Flow Credit	0	5,000	5,000	5,000	5,000	5,000
Surface Water	Littlerock Reservoir	500	4,000	4,000	4,000	4,000	4,000
Imported Water	State Water Project	5,800	13,200	13,000	13,000	13,000	13,000
Imported Water	Transfer Agreement	0	6,200	6,100	6,100	6,100	6,100
Recycled Water*	PRWA/LACSD	100	2,500	5,000	5,500	6,000	6,000
	<b>Total Supply</b>	<b>17,600</b>	<b>37,180</b>	<b>37,240</b>	<b>36,370</b>	<b>36,870</b>	<b>36,870</b>
	<b>Total Demand</b>	<b>-</b>	<b>23,300</b>	<b>26,900</b>	<b>28,400</b>	<b>29,900</b>	<b>31,000</b>

All values are in unit AF.

SOURCE: 2015 Urban Water Management Plan for PWD, Final 2016: Table 4-2; Table 6-1.

The Draft PEIR text on page 5-4 has been updated as follows:

PWD, in conjunction with LACSD and other stakeholder agencies, collectively ~~has~~ proposed a Recycled Water Backbone System, which would connect the Lancaster Water Reclamation Plant (WRP) and the Palmdale WRP (operated by LACSD) to allow recycled water from both plants to be used throughout the Antelope Valley.