

Chapter 3 Responses to Comments

This section provides responses to all comments received during the public review period for the Draft EIR). No comments were received after the public review period. Section 2.2.1, *Public Agencies*, provides responses to comments received from governmental agencies and Native American tribes. Section 2.2.2, *Non-Agency Individuals and Organizations*, provides responses to comments received by non-agency individuals and organizations. This section includes comments received during the virtual public meeting, all of which were from non-agency individuals. Table 3-1, *List of Comment Letters Received on the Draft EIR*, provides a list of the comment letters and authors received during the public review period and the section within this chapter where the response to the comment is located.

Table 3-1. List of Comment Letters Received on the Draft EIR

Letter Number	Commenter	Section Location of Response
<i>Public Agencies</i>		
A-01	California Department of Fish and Wildlife (CDFW) Erinn Wilson-Olgin, Environmental Program Manager I	3.1.1
A-03	California Department of Transportation Miya Edmondson, IGR/CEQA Branch Chief District 7 – Office of Regional Planning	3.3.1
A-04	City of Malibu Richard Mollica, Acting Planning Director	3.4.1
A-05	California Coastal Commission Denise Venegas, Coastal Program Analyst Walt Deppe, Coastal Program Analysis	3.5.1
<i>Non-Agency Individuals and Organizations</i>		
P-01-1	Helen Braithwaite	3.2.1
P-02-1	Nojan Boloorch	3.2.2
P-03-1	Steve Panagos	3.2.3
P-04-1	Anne Marie Tumulty	3.2.4
P-05-1	Richard Hinson	3.2.5
P-06-1	Linda Gibbs	3.2.6
P-07-1	Susan Schoen	3.2.7
P-08-1	Jo Drummond	3.2.8
P-09-1	Jeff Follert, Serra Canyon Property Owners Association	3.2.9
P-10-1	Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (1)	3.2.10
P-11-1	Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (2)	3.2.11
P-12-1	Gina Odian	3.2.12
P-13-1	Patt Healy, Malibu Coalition for Slow Growth	3.2.13
P-14-1	Georgia Goldfarb, Malibu Monarch Project	3.2.14

Letter Number	Commenter	Section Location of Response
Virtual Public Meeting		
The following comments were provided at the virtual public meeting (all non-agency individuals). A transcript of that meeting is included in Chapter 2, <i>Comments Received</i> .		
P-15-1	Anonymous	3.2.15
P-16-1	Jo Drummond	3.2.16
P-17-1	Don Schmitz	3.2.17
P-18-1	Craig Hill	3.2.18
P-19-1	Nyhar Desai	3.2.19
P-20-1	Paul Grisanti	3.2.20
P-21-1	Anonymous	3.2.21
Note: A-02 not used.		

3.1 Public Agencies

3.1.1 Commenter A-01—California Department of Fish and Wildlife

3.1.1.1 COMMENT A-01-1

Comment #1: *Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration (LSA) Agreement*

Issue: *CDFW is concerned that the Project may impact streams and riparian vegetation.*

Specific impacts: *The Project's Jurisdictional Delineation Report in Appendix C-2 identified 14 streams potentially subject to CDFW jurisdiction. According to Table 4 on page 4-5 of the Jurisdictional Delineation Report, 2.54 acres (2,920 linear feet) of streambed and riparian resources occur within the jurisdictional survey area.*

Why impacts would occur: *Project construction and activities could result in temporary or permanent impacts to streams. Vegetation removal to facilitate access improvement footprints for Creek Crossing Repairs may increase sediment, debris, and pollutant input into a stream. The Project would require a foot crew to be present in streams for pipeline repairs, removals, or replacements. Foot, vehicle, and heavy equipment may trample vegetation, cause streambed erosion, or degrade, compact, or denude soils adjacent to or within a stream. Erosion may be more likely where Project construction and activities occur in areas burned by the 2018 Woolsey Fire. Excess sediment may be transported downstream and impair waterbodies. This may impact special-status plants, wildlife, or fish species directly or indirectly through habitat modifications or habitat loss.*

Evidence impact would be significant: *The Project may impact streams, which absent specific mitigation, could result in substantial erosion or siltation on site or downstream of the Project.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *The Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).*

LSA Notification should occur prior to Project ground-disturbing activities related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive Waterline Improvements; and Las Virgenes Connection.

Mitigation Measure #2: *Where Project staging areas occur adjacent to a stream (e.g., Topanga County Beach Staging), CDFW recommends LACDPW establish appropriate setbacks from the stream and demarcate the staging area. A setback should provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging should be within the designated staging area only.*

Mitigation Measure #3: *CDFW recommends that Creek Crossing Repair improvements be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.*

Mitigation Measure #4: *CDFW recommends the LSA Notification include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report should also include a scour analysis to demonstrate that stream banks and stream bed would not erode.*

Mitigation Measure #5: *As part of the LSA Notification process, CDFW requests a map showing features potentially subject to CDFW’s broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.*

Mitigation Measure #6: *LACDWP should update its table of impacts on riparian habitat and sensitive vegetation communities prior to LSA Notification [see Comment #6 (Impacts to Sensitive Vegetation Communities)].*

Recommendation: *CDFW’s issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from LACDPW for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.*

Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSA Agreement may include further erosion and pollution control measures. To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on- or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

RESPONSE A-01-1

Los Angeles County Waterworks District 29 (Waterworks District No. 29 or Waterworks) thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment pertains to temporary and permanent impacts within CDFW Section 1600 jurisdiction and the need for a Lake and Streambed Alteration Agreement (LSA).

The project has been purposely and carefully designed to avoid temporary and permanent impacts to California Department of Fish and Wildlife (CDFW) Section 1600 jurisdiction. As a result, no modifications to the bed, bank, or channel of any CDFW-regulated stream would occur, and no Section 1600 LSA is required as a result. No mechanized ground disturbance would occur within any stream, and construction would be programmed to occur during the dry season. No temporary structures or heavy machinery would be used within the creeks, no dewatering or diversion would occur, and no vegetation would be removed. Repairs would be made by suspending personnel and equipment from the bridge deck. Supporting personnel may enter the channel on foot, but only under dry conditions, and would not perform activities that constitute a modification to the channel. The implementation of **MM BIO-1**, *Environmentally Sensitive Area Fencing*, **MM BIO-14**, *Equipment Maintenance*, **MM BIO-17**, *Preconstruction Training*, and **MM BIO-18**, *Jurisdictional Waters and Riparian Vegetation*, will ensure there are no impacts to jurisdictional aquatic resources.

The mitigation measures suggested in the comment, “**Mitigation Measure #1**” and “**Mitigation Measure #2**,” both address streambed alteration and LSAs. As discussed above, no streambed alteration would occur with the proposed project and an LSA will not be required. Therefore, although the mitigation measures suggested in the comment are feasible, they would not be necessary because they do not address significant impacts that would result from the proposed project. No additional mitigation measures are proposed.

No changes to the Draft EIR are required in response to this comment.

3.1.1.2 COMMENT A-01-2

Comment #2: Impacts to Special Status Fish

Issue: *The following species of fish occur within the Project site: southern California Distinct Population Segment of steelhead trout (*Oncorhynchus mykiss*; steelhead), tidewater goby (*Eucyclogobius newberryi*), and arroyo chub (*Gila orcuttii*). The steelhead trout and tidewater goby are Endangered Species Act (ESA)-listed endangered species. The arroyo chub is a California Species of Special Concern (SSC). Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality, reduced reproductive capacity, population declines, or local extirpation of ESA-listed fish species or SSC.*

Why impacts would occur: *The Project site contains habitat for steelhead, tidewater goby, and arroyo chub. According to the DEIR, steelhead are known to occur in Topanga Creek and Malibu Creek. Escondido Creek, Corral Canyon Creek, and Las Flores Canyon Creek provide habitat for steelhead. Tidewater goby has a high potential to occur in Malibu Lagoon or Topanga Creek. The DEIR also states that arroyo chub has a high potential to occur in Malibu Lagoon/Malibu Creek. Lastly, the DEIR states that all three fish species may be present in other streams and brackish waters within the Project site.*

Given the high potential for special-status fish species to occur, the Project may impact fish directly or through habitat modification. The Project proposes to work only when streams are dry; however, some of the streams (e.g., Zuma Creek and Topanga Creek) and waterbodies supporting tidewater goby flow year-round. Work occurring in these areas could impact fish. Crews working in streams may cause stream bank erosion, potentially resulting in crushing, burying, smothering, or displacing fish, fish fry, nesting burrows, and eggs, or microscopic flora and fauna food sources for fish and fry. Excessive sedimentation may degrade substrate and water conditions needed for reproduction, potentially causing reduced reproductive capacity and success (Reiser and White 1988; Thompson and Larson 2004; USFWS 2005; Jensen et al. 2009). The Project may require vegetation removal along stream banks, potentially resulting in additional stream bank erosion. While dewatering is not expected to occur for any Project related improvements, the DEIR states that dewatering may ultimately be needed. Subsequently, flow regime changes or changes to the streambed composition may affect the viability and reproductive capacity of special-status fish that persist in the affected streams/watershed.

Evidence impacts would be significant: *The Project has not proposed specific measures to fully avoid impacts to ESA-listed native fish species and SSC. Project construction and activities, directly or through habitat modification, may result in direct mortality or injury and reduced reproductive capacity of a threatened or endangered fish. CEQA provides protection not only for ESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or U.S. Fish and Wildlife Service (USFWS).*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that the Project be conditioned to fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work should occur in the stream channel or stream banks adjacent to streams supporting special-status fish species. If work must occur in the stream channel or stream banks, no work should occur during the winter rainy season which typically occurs between December 1 through March 31 in southern California's Mediterranean climate (NMFS 2011). Additionally, no work should occur during the combined rainy season and breeding season(s) (depending on the species potentially impacted):*

- *Steelhead: No work should occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15.*
- *Tidewater goby: No work should occur during peak breeding activities from April 1 through June 31.*
- *Arroyo chub: No work should occur from February 1 through August 31 (Tres 1992).*

Mitigation Measure #2: *If the Project cannot feasibly avoid impacts, including dewatering activities, to steelhead, tidewater goby, or arroyo chub over the life of the Project, LACDPW should consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation should occur prior to the start of any Project-related construction and activities where there may be impacts to these native fish species. Take under the federal ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS,*

in order to comply with ESA, is advised well in advance of any Project-related ground-disturbing activities where impacts to special-status fish will occur.

Mitigation Measure #3: *CDFW recommends LACDPW, in consultation with a qualified aquatic biologist, survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys should be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist should develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub should be reported to CDFW/USFWS.*

Mitigation Measure #4: *CDFW recommends that LACDPW implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed. New Zealand Mudsnails (*Potamopyrgus antipodarum*) is documented in Malibu Creek and Corral Canyon Creek (USGS 2020). All work boots, equipment, and tools should be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures should be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol (CDFW 2012).*

RESPONSE A-01-2

This comment addresses potential impacts on listed and special-status fish.

As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, although there are several listed or sensitive fish species within several of the project sites, no direct or indirect impacts on stream channels or habitats, nor impacts on federal Endangered Species Act (FESA)/Species of Special Concern (SSC) fish, would occur as a result of project implementation. No vegetation removal along stream banks and no dewatering or in-water work from hand crews would occur. Sedimentation from hand crews would also not occur because the hand crews would not be performing earth work in or near ponded or flowing water. No take of state or federally listed fish species would occur, and no impacts to SSC fish are anticipated. Implementation of measures **MM BIO-1**, *Environmentally Sensitive Area Fencing*, **MM BIO-14**, *Equipment Maintenance*, **MM BIO-15**, *Stormwater Pollution Prevention Plan*, **MM BIO-17**, *Preconstruction Training*, and **MM BIO-18**, *Jurisdictional Waters and Riparian Vegetation*, will ensure there would be no impacts to sensitive fish species.

The comment suggests several additional mitigation measures. **Mitigation Measure #1** addresses impacts on steelhead, tidewater goby, and arroyo chub by precluding work in stream channels and on stream banks during certain months of the year. Because no work would occur in the stream channel or on stream banks during construction of the project, no impacts on these special-status fish species would occur and this mitigation measure is not required. **Mitigation Measure #2** requires consultation with CDFW, USFWS, and NMFS if impacts on the named species would occur, but because these impacts would not result from the project, this mitigation measure is not required. **Mitigation Measure #3** recommends that surveys be performed to determine if habitat for the named species occurs in the study area. However, because the project would not result in significant impacts on any streams channels or banks, this mitigation measure is not necessary. Finally, **Mitigation Measure #4** recommends implementation of a decontamination plan to prevent spread of potential aquatic invasive species within the watershed when exiting and entering streams or waterbodies. However, because no work crews would be permitted to enter streams or waterbodies as part of the project, no impacts related to invasive aquatic species would occur and this mitigation measure is not needed. In summary, although the suggested mitigation measures are feasible, they are not necessary because

they do not address significant impacts that would result from the proposed project. No changes to the Draft EIR are required in response to this comment.

3.1.1.3 COMMENT A-01-3

Comment #3: *Impacts to Raptors*

Issue: *CDFW is concerned that the Project may impact breeding and nesting white-tailed kites (*Elanus leucurus*) and/or American peregrine falcon (*Falco peregrinus anatum*). Both raptors are California Fully Protected species.*

Specific impacts: *Project construction and activities during the raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.*

Why impacts would occur: *Table 7 on page 3-25 of Appendix C-2 states that there is a moderate potential for white-tailed kite to occur and nest within the biological study area. These areas include Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Regarding American peregrine falcon, Table 7 also states, "moderate potential to occur within the [biological study area] at creek banks, ledges, or structures." Impacts to breeding and nesting raptors could result from Project ground-disturbing and vegetation removal activities. Construction during the breeding and nesting season of raptors could result in the incidental loss of breeding success or otherwise lead to nest abandonment or reduced feeding, causing the incidental loss of fertile eggs or nestlings.*

Evidence impact would be significant: *The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protect species. Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511). Additionally, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513. The reduction in the number of rare raptor species would constitute a significant impact absent appropriate mitigation. Adverse impacts to white-tailed kite and American peregrine falcon may occur because the Project is not conditioned to implement any raptor take avoidance surveys or fully avoid impacts to raptors.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *To protect potential nesting white-tailed kites and American peregrine falcons, CDFW recommends that a qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys should be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys should be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections should be reported to CDFW prior to the any Project-related ground-disturbing activities.*

Mitigation Measure #2: *If white-tailed kite and/or American peregrine falcon nests are detected, CDFW strongly recommends that no Project-related construction and activities occur from January 1 through August 31.*

Mitigation Measure #3: *If Project-related construction and activities must occur between January 1 through August 31, CDFW recommends that a minimum 0.5-mile no-disturbance buffer be implemented around each raptor nest. No Project-related construction and activities should occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations should be prohibited. LACDPW, in consultation with a qualified biologist, should develop a robust buffer and demarcation plan. The plan should include effective, specific, enforceable, and feasible measures. LACDPW should be responsible for maintaining protective fencing. Buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist should determine if buffers need to be increased to protect active nests.*

Mitigation Measure #4: *If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist should repeat raptor surveys before work may restart.*

RESPONSE A-01-3

This comment addresses potential impacts to white-tailed kites and/or American peregrine falcon.

As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, although several fully protected avian species have the potential to occur within, or adjacent to, several of the project sites, no direct or indirect impacts to listed, fully protected, SSC, or nesting birds, including raptors protected under state and federal laws would occur with the implementation of **MM BIO-4, Preconstruction Nesting Bird Survey**. If active nests of white-tailed kites and/or American peregrine falcon are observed, then, as mandated in **MM BIO-4**, the qualified biologist will ensure that an appropriate-sized buffer will be established to ensure no direct or indirect impacts (i.e., take) of the active nest will occur.

The comment suggests several additional mitigation measures: **Mitigation Measure #1, Mitigation Measure #2, Mitigation Measures #3, and Mitigation Measure #4**, all of which address preconstruction surveys for nesting white-tailed kite and American peregrine falcon and protection of bird nests if found. However, as discussed above, **MM BIO-4**, included in the Draft EIR, requires preconstruction surveys for all nesting birds and protection of any nests found, so these mitigation measures were already included in the project. No changes to the Draft EIR are required in response to this comment.

3.1.1.4 COMMENT A-01-4

Comment #4: Impacts to California Species of Special Concern

Issue: *With the proposed mitigation measures identified in the DEIR, the Project may still result in significant impacts to the following SSC:*

- Reptiles and amphibians: southern California legless lizard (*Anniella stebbinsi*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), southern western pond turtle (*Emys marmorata pallida*), coast horned lizard (*Phrynosoma blainvillii*). All species have a moderate potential to occur. The southern western pond turtle has a high potential to occur.

- San Diego desert woodrat (*Neotoma lepida intermedia*). The San Diego desert woodrat is present in the Project site.

Specific impacts: *The Project may result in injury or mortality to SSC. The Project may indirectly impact SSC by causing the temporary or permanent loss of suitable habitat.*

Why impacts would occur: *The Project could result in direct or indirect impacts to SSC absent appropriate mitigation. Direct impacts to SSC could result from Project ground-disturbing (e.g., equipment staging, mobilization, demolition, and grading) and vegetation removal activities. Ground-disturbing activities may trap wildlife hiding under refugia and burrows. Wildlife could be*

trampled or crushed by construction equipment, vehicles, and foot traffic. This can result in injury or death of adults, juveniles, eggs, or hatchlings. Additionally, the Project may impact native vegetation supporting essential foraging and breeding habitat for SSC.

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for ESA- and CESAlisted species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the LACDPW (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *Scientific Collecting Permit – LACDPW/qualified biologist should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2020b). Pursuant to the California Code of Regulations, title 14, section 650, LACDPW/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement [see Comment #1 (Impacts to Streams and Riparian Habitat; Lake and Streambed Alteration Agreement)].*

Mitigation Measure #2: *Species Surveys – LACDPW should retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat should follow the United States Geological Survey's 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion (USGS 2006). Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.*

A summary report discussion survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified biologist should discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: *Protection/Relocation Plan – Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper handling and relocation procedures. A relocation plan should be submitted to LACDPW prior to implementing any Project-related ground-disturbing activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.*

Mitigation Measure #4: *Biological Monitoring – Preconstruction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW should contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist should safely protect or relocate the animal per relocation and handling protocols.*

Mitigation Measure #5: *Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.*

RESPONSE A-01-4

This comment pertains to potential impacts to California species of special concern, including amphibians, reptiles, turtles, and mammals.

In response to this comment and to make one mitigation measure in the Draft EIR more inclusive and more specific, the following change is made to Section 3.4.3.3, *Environmental Analysis, Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-4*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

Mitigation Measure BIO-4: Preconstruction Nesting Bird and Wildlife Survey

If construction commences during the bird breeding season (March 1 through June 30), a preconstruction survey for nesting birds by an experienced avian biologist will occur within 3 days prior to construction activities. The survey will occur within all suitable nesting habitat within the improvement impact area and at a buffer deemed suitable by the biologist. It is assumed that areas along Pacific Coast Highway (PCH) will receive a smaller survey buffer than areas where there is less ambient disturbance. If nesting birds are found, an avoidance area will be established as appropriate by a qualified biologist around the nest until it has determined that young have fledged or nesting activities have ceased. The improvement site will need to be resurveyed if there is a lapse in construction activities for more than 7 days during the nesting season.

In areas where vegetation trimming is required during the construction phase, the avian biologist will conduct a preconstruction survey for nesting birds in the targeted vegetation within 3 days prior to trimming, and preferably on the same day. This action is required even if there has been no lapse in construction activities in an area so as to avoid direct take of active but “acclimated” nests that may be present.

Prior to and no more than 3 days before construction commencement, a qualified biologist will perform a survey for species of special concern, including birds, amphibians, reptiles, turtles, and mammals, including bats. Surveys for Southwestern pond turtle and potential habitat will follow the *Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion* (United States Geological Survey [USGS 2006]). Should any non-listed sensitive species be present, then the biologist will be present at the onset of ground-disturbing activities to ensure the work area is clear of any sensitive species. The biologist will encourage the species to move out of the disturbance area of its own volition. If relocation is required, then the biologist will retain a scientific collecting permit and relocate the species to an adjacent suitable habitat. If any special-status species is harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist will be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report will include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats will be surveyed for bat roosts

prior to ground-disturbing activities. The survey will include the work area and 100-foot buffer as access permits. If roosting bats may be present, trees would be pushed down (removed) using heavy machinery, rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each push, to allow bats to become active. If maternity roosts are found, and the County determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan.

With the changes to **MM BIO-4**, the suggested **Mitigation Measure #1**, addressing collection permits for handling wildlife, if necessary, is addressed. (Note that the reference to an LSA for the project is not necessary as discussed in the response to Comment A-01-1.) The revision to **MM BIO-4** also addresses the requests for surveys for southern California legless lizard, San Diegan tiger whiptail, southwestern pond turtle, coast horned lizard, and San Diego desert woodrat requested in **Mitigation Measure #2** in the comment. The recommended **Mitigation Measure #3**, suggesting methods of protecting any special-status species found; **Mitigation Measure #4**, detailing how the surveys should be conducted; and **Mitigation Measure #5**, specifying what would occur if an injured or dead special-status species is found, have also been included in **MM BIO-4**. Because this revision clarifies an existing mitigation measure, it does not represent a substantive change to the Draft EIR. No other changes to the Draft EIR are required in response to this comment.

3.1.1.5 COMMENT A-01-5

Comment #5: Impacts to Rare Plants

Issue: CDFW is concerned that the Project's proposed mitigation for rare plants (MM BIO-8: Plant Surveys) is insufficient to mitigate for impacts to rare plants, including ESA- and CESA-listed endangered and threatened species. The Project's proposed mitigation 1) defers to preconstruction surveys; 2) proposes relocation of rare plants; and 3) mitigation at a minimum of 1:1, possibly through payment of an in-lieu fee. Specific impacts: The Project may result in population declines or local extirpation of rare plants, including ESA- and CESA-listed endangered and threatened species. The Project could impact at least 27 species of rare plants that include (but not limited to):

- ESA-listed endangered: Braunton's milkvetch (*Astragalus brauntonii*);
- ESA-listed threatened: canyon liveforever (*Dudleya cymosa* ssp. *agourensis*); Santa Monica Mountains dudleya (*Dudleya cymosa* ssp. *ovatifolia*);
- ESA and CESA-listed endangered: Ventura marsh milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*); coastal dunes milkvetch (*Astragalus tener* var. *titi*); San Fernando valley spineflower (*Chorizanthe parryi* var. *fernandina*); salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*); Lyon's pentachaeta (*Pentachaeta lyonia*);
- California Rare Plant Rank (CRPR) 1B: Coulter's saltbush (*Atriplex coulteri*); Malibu baccharis (*Baccharis malibuensis*); Mesa horkelia (*Horkelia cuneata* var. *puberula*); decumbent goldenbush (*Isocoma menziesii* var. *decumbens*); white leaf monardella (*Monardella hypoleuca* ssp. *hypoleuca*); California tortula moss (*Tortula californica*);
- CRPR 2B: chaparral ragwort (*Senecio aphanactis*);

- CRPR 3: Lewis' evening-primrose (*Camissoniopsis lewisii*); south coast branching phacelia (*Phacelia ramosissima* var. *austrolitoralis*); and,
- CRPR 4: red sand verbena (*Abronia maritima*); Brewer's calandrinia (*Calandrinia breweri*); Catalina mariposa lily (*Calochortus catalinae*); Plummer's mariposa Lily (*Calochortus plummerae*); western dichondra (*Dichondra occidentalis*); southern California black walnut (*Juglans californica* var. *californica*); southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*); fragrant pitcher sage (*Lepechinia fragrans*); Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*); woolly seablite (*Suaeda taxifolia*).

Why impacts would occur: *Project construction and activities involving ground disturbance and vegetation clearing, and vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb rare plants. Soil disturbance may result in permanent loss of rare plants and rare plant seed bank. Impacts to rare plants may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a rare plant species range, distribution, and population in the State. The Project proposed Mitigation Measure BIO-8 to mitigate for potential impacts to rare plants; however, preconstruction surveys, relocation of rare plants, and payment of in-lieu fees may not mitigate for impacts to rare plants below a level of significance under CEQA.*

First, preconstruction surveys may not detect rare plants if surveys are performed in the previous fall or winter. Moreover, rare plant abundance, density, and distribution may vary annually depending on the timing, duration, and amount of seasonal rainfall. Preconstruction surveys conducted during years of low rainfall inadequate to germinate a rare plant species may result in missed detection because of this variation. Also, multiple surveys are necessary to accurately capture where rare plants may occur. A single preconstruction survey may be insufficient to detect rare plants and determine population distribution. Project construction and activities proceeding after a false-negative preconstruction survey may result in irrevocable damage to a rare plant and seedbank.

Second, rare plant relocation should be considered experimental in nature and not be considered as a measure to mitigate for impacts to rare plants below a significant level under CEQA (Fiedler 1991; Fahselt 2007; Godefroid 2010). CDFW generally does not support the use of translocation, transplantation, or salvaging rare plants as the primary mitigation strategy for unavoidable impacts to rare plants. Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998). Additionally, rare plants are habitat specialists that require specific habitat conditions to exist and persist. For example, they may require a particular soil type, set of pollinators, mycorrhizal fungi, associate plant species, and microclimate. Relocation of rare plants to an area not suitable to support the species may result in the mortality of rare plants and propagules. Furthermore, CDFW is concerned with translocating or moving collected seed to an undisclosed location. The biological implication of mixing genes and specific alleles into new areas is not supported by CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near.

Finally, LACDPW proposes mitigation at a minimum of 1:1 for impacts to rare plants, potentially through payment of in-lieu fees. The proposed replacement of 1:1 may be insufficient to mitigate for impacts to rare plants, especially species that are ESA- and CESA-listed endangered or threatened. The Project may impact species that are extremely rare within their range and are seriously threatened in the State. Replacement at 1:1 may be insufficient considering the species rarity, modifications or permanent loss of the seedbank, and uncertainties and often failures when creating or restoring rare plants and habitat that depend on complex and specific interactions between abiotic and biotic variables and physical processes (Fiedler 1991; Fahselt 2007; Godefroid 2010). Finally, it is unclear how in-lieu fees will be used

for mitigation such that there is no net loss of rare plants and specific habitat meeting requirements of the rare plant species impacted. Moreover, it is unclear when in-lieu fees are collected and used for mitigation so there is no prolonged temporal loss of habitat.

Evidence impact would be significant: *Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020). Some CRPR 3 and 4 species meet the definitions of CESA. Depending on the species and ranking, a CRPR species may be seriously threatened in the State. California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2020). Impacts to special-status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative 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 and/or USFWS.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that LACDWP retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist should conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground-disturbance where there is suitable habitat for rare plants. Surveys should be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).*

The qualified biologist should prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report should provide the following information:

- a) *A description and map of the survey areas. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.*
- b) *Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.*
- c) *If rare plants are detected, provide a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation.*
- d) *A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).*
- e) *If rare plants are detected, the report/final environmental document should provide species-specific measures to fully avoid impacts to rare plants (see Mitigation Measure #2 and #4 below). For unavoidable Project impacts, provide species-specific measures to mitigate for impacts to rare plants and habitat (see Mitigation Measure #3, #5, and #6).*

Mitigation Measure #2: *If a CESA- or ESA-listed threatened or endangered rare plant species is detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW and/or USFWS. CDFW recommends a qualified biologist develop a robust avoidance plan. The plan should include effective, specific, enforceable, and feasible measures. If CRPR 1, 2, 3, and 4 species are detected, CDFW recommends LACDPW fully avoid impacts and notify CDFW of CRPR 1 and 2 species.*

Mitigation Measure #3: *If the Project cannot feasibly avoid impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW must notify and consult with CDFW and/or USFWS.*

Mitigation Measure #4: *CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends LACDPW seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a Mitigation Monitoring and Reporting Program (MMRP) that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.*

Mitigation Measure #5: *If the Project cannot feasibly avoid impacts to CRPR plants and habitat, either during Project activities or over the life of the Project, CDFW recommends the LACDPW compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. The Project, and environmental document, should be conditioned to provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and, no less than 5:1 for CRPR 3 and 4 species. CDFW recommends that mitigation occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits should be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.*

Mitigation Measure #6: *If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), 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 it approves.*

Mitigation lands should be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The abundance of a rare plant species and total habitat acreage within

the mitigation lands should be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment should be provided for the longterm management of mitigation lands. A rare plant mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, control of illegal dumping, water pollution, and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.

RESPONSE A-01-5

This comment addresses potential impacts to listed and special-status plant species.

In response to this comment and to make one mitigation measure in the Draft EIR more specific, the following change is made to Section 3.4.3.3, *Environmental Analysis, Biological Resources, Impacts and Mitigation, Mitigation Measures, Mitigation Measure BIO-8*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

Mitigation Measure BIO-8: Plant Surveys

To ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species by a qualified botanist with experience surveying for southern California plants will occur within suitable habitat during the most recent blooming season prior to the start of construction in accordance with appropriate CDFW protocols. Surveys for Lyon's pentachaeta, Santa Monica dudleya, Braunton's milk vetch, Agoura Hills dudleya, San Fernando Valley spineflower, Coulter's saltbush, Malibu baccharis, Brewer's calandrinia, Catalina mariposa-lily, Plummer's mariposa-lily, Lewis' evening primrose, western dichondra, mesa horkelia, decumbent goldenbush, southern California black walnut, fragrant pitcher sage, ocellated Humboldt lily, white-veined monardella, chaparral ragwort, and California screw moss will be conducted within areas of coastal scrub, chaparral, and woodland and non-native grassland habitat within the project's limits of disturbance. Surveys for Ventura marsh milk-vetch, salt marsh bird's-beak, coastal dunes milk-vetch, red sand verbena, Lewis' evening primrose, southwestern spiny rush, south coast branching phacelia, and woolly seablite will be conducted within areas of coastal dunes and coastal lagoons within limits of disturbance.

The qualified biologist will prepare a report to CDFW and USFWS (if applicable) documenting the results of the surveys including a description and map of the survey areas, field survey conditions, whether or not rare plants were detected with mapping of locations, descriptions of the conditions where rare plants were found, and species-specific measures to avoid or mitigate impacts to the rare plants.

Special-status plants found during focused surveys will be avoided to the extent feasible. Where avoidance is not possible, and as feasible depending upon the species and population, non-listed special-status

plants will be relocated to the nearest suitable habitat by a qualified biologist prior to construction. State or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency. Habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are locally rare and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through mitigation bank or in-lieu fee program credit purchase or other approved method.

Construction of the nine improvements would generally be confined to the existing street rights-of-way and tank sites, which are mostly paved and developed. Most of the construction would take place within trenches in PCH or other paved roadways, many of which are in residential areas or otherwise experience moderate to heavy traffic and associated roadway edge disturbance. Tank areas are also within frequently disturbed areas. Some sensitive plant species may occur in creeks that are adjacent to or cross under bridges within improvement sites or at less-disturbed sites. Implementation of **MM BIO-8, Plant Surveys**, as revised, incorporates most of the recommendations in the comment and will ensure that no impacts on FESA/California Endangered Species Act (CESA) plants occur and that any impacts to CRPR list plants would be less than significant.

MM BIO-8 states that to ensure that rare plant species are not present at the time of construction of any improvement, focused surveys for rare plant species will occur within suitable habitat during the most recent blooming season prior to the start of construction. Preconstruction rare plant surveys are not proposed outside of the blooming season. Because of the very limited habitat present and the existing disturbance of all sites, one season of focused surveys in these limited areas is appropriate, rather than two seasons as suggested in recommended **Mitigation Measure #1** in the comment. **MM BIO-8** has been revised to include the requirement for a report to CDFW and USFWS (if applicable), as requested in recommended "Mitigation Measure #1." The measure also requires that state or federally listed species must be avoided unless a take permit is obtained from the appropriate discretionary regulatory agency; therefore, no FESA or CESA plants would be affected without consultation and issuance of a take permit. The measure also states that habitat loss for plants with a CRPR of 1 or 2, or those that otherwise are rare locally and for which loss of individual plants or populations would be considered locally or regionally significant, will be mitigated at a minimum 1:1 ratio through a mitigation bank or in-lieu fee program credit purchase or other approved method. Because a minimum replacement ratio is provided along with proposed mitigation options, CEQA disclosure has not been deferred. Implementation of **MM BIO-8** will ensure that no take of listed plants occurs and that minimization of non-listed plants will be appropriately mitigated. **MM BIO-8** includes the suggestions in recommended **Mitigation Measure #2 Mitigation Measure #3, Mitigation Measure #4, Mitigation Measure #5**, and "Mitigation Measure #6" through the requirements for avoidance of threatened and endangered rare plant species, notification of CDFW of any CRPR species found, and appropriate measures to offset any loss of individual plants or populations at appropriate levels through mitigation banks or in-lieu fee programs. No additional changes to the Draft EIR are required in response to this comment.

3.1.1.6 COMMENT A-01-6

Comment #6: Impacts to Sensitive Vegetation Communities and Natural Areas

Issue: *The DEIR uses the Holland ecosystem classification system to determine impacts on sensitive vegetation communities. By providing the Holland ecosystem classification, CDFW is unable to comment on impacts, alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the sensitive vegetation community.*

Specific impacts: *The Project will have at least 0.358 acres and 0.053 acres of temporary and permanent impacts, respectively, on sensitive vegetation communities including Southern Riparian Forest, Southern Sycamore Alder Riparian Woodland, and California Walnut Woodland, Southern Coast Live Oak Riparian Forest (Table 3.4-2, DEIR). The Project could impact sensitive vegetation communities not previously known to occur.*

Why impacts would occur: *The Project proposes to remove or cut back vegetation associated with sensitive vegetation communities. Temporary and permanent impacts to sensitive vegetation communities would occur at the following sites/improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Fernwood Tank Improvement; PCH and Topanga Beach Drive Waterline Improvements; Las Virgenes Connection; Zuma Creek; and Apple Field Lane Vacant Lot staging area. The name provided for each sensitive vegetation community impacted is based on the Holland ecosystem classification system. Since 2012, CDFW transitioned from using the Holland ecosystem classification system to using the Statewide accepted Manual of California Vegetation (MCV) alliance or association-based vegetation classification and mapping standard to track and rank sensitive vegetation communities (Sawyer et al. 2009). Since the DEIR uses Holland ecosystem classification, sensitive vegetation communities may be misidentified, resulting in potentially undisclosed Project impacts.*

Evidence impacts would be significant: *In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish and G. Code, § 1940). This standard complies with the national vegetation classification system, which utilizes alliance and association-based classification of unique vegetation stands. CDFW only tracks sensitive vegetation communities and their respective state (S) rarity ranking using the MCV alliance and association names for vegetation communities. An S3 ranking indicates there are 21 to 100 occurrences of this community in existence in California; S2 has 6 to 20 occurrences; and S1 has less than 6 occurrences. CDFW considers natural communities with ranks of S1, S2, and S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§ 15380, 15063, 15065) and to be addressed in CEQA [CEQA Guidelines, § 15125(c)]. Many sensitive vegetation communities are associated with perennial or ephemeral sources of water, including groundwater depended ecosystems. These sensitive communities are deteriorating or have been significantly degraded at local, regional, and state levels. Without identifying the alliance/association vegetation community or their state ranking, the Project may impact sensitive vegetation communities or wildlife species that depend on these communities. The Project may result in substantial adverse direct effect on any S1, S2, or S3 sensitive vegetation communities.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *CDFW recommends that LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation, second edition (Sawyer et al. 2009) and California Natural Community List (CDFW 2020). LACDPW should disclose total acres of temporary and permeant impacts associated with each MCV alliance/association.*

Mitigation Measure #2: *The Project will impact sensitive vegetation communities. Therefore, CDFW recommends the Project mitigate for impacts as follows:*

- A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities.
- A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and,
- A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.

CDFW makes these recommendations based on factors that include (but not limited to) the rarity of the vegetation community in the State; local significance; potential rarity of specific plant species associated with each vegetation community; temporal loss of habitat; and the likelihood that the Project would impact communities associated with wetlands, streams, rivers, and creeks, which provide important food, nesting habitat, cover, and migration corridors for wildlife.

Mitigation Measure #3: *Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, CDFW recommends that LACDPW, in consultation with a qualified botanist and restoration specialist, develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP) for impacts to sensitive vegetation communities. The HMMP should include the following components at a minimum:*

- A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and*
- Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, should be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.*

Recommendation #1: *Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under Mitigation Measure #2. Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.*

*Recommendation #2: The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmentally Sensitive Habitat Area, Significant Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory (Cal-IPC 2020a). Specially, CDFW recommends avoiding the following species: acacias (*Acacia* genus); tree-of-heaven (*Ailanthus altissima*); iceplant (*Carpobrotus* genus); pampas grass (*Cortaderia* genus); fountain grass (*Pennisetum* genus); brooms (*Genista*, *Cytisus*, *Spartinum*, *Ulex*); tamarisk (*Tamarix* genus); periwinkle (*Vinca* genus), and any type of ivy. These species can quickly spread into natural areas. Instead, CDFW recommends LACDPW revegetate with southern California native plants that are appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage (Cal-IPC 2020b). If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive Plants for Transportation and Utility Corridors for additional guidance and BMPs for using seed mixes (Cal-IPC 2012).*

RESPONSE A-01-6

This comment addresses methods of vegetation mapping used in the Draft EIR.

The vegetation mapping followed the classifications defined in *A Manual of California Vegetation* (Sawyer et al. 2009); however, *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986) was also consulted for clarification, particularly with sensitive vegetation communities in the California Natural Diversity Database (CNDDDB). Therefore, the sensitive vegetation communities in the Draft EIR are based on the CNDDDB sensitive vegetation classifications as reported in the quadrangle search. Based on this, the remapping of vegetation communities as suggested in recommended **Mitigation Measure #1** is not necessary. Also, "Recommendation #1," requesting renaming of sensitive vegetation community names, is not necessary.

Impacts to sensitive vegetation communities would consist of temporary effects from trimming; permanent impacts are limited to the removal of up to five oak trees. No mechanized sensitive habitat clearing or grubbing would occur, with the exception of oak tree removal. Because vegetation trimming of sensitive communities for access would be temporary and unsubstantial, and no complete removal of individuals or their root systems would occur, compensatory mitigation is not required, as suggested in recommended **Mitigation Measure #2** nor is a Habitat Mitigation and Monitoring Plan necessary, as suggested in recommended "Mitigation Measure #3." **MM BIO-11**, *Certified Arborist*, and **MM BIO-12**, *Coastal Development Permit*, require investigations by a certified arborist and authorization and replacement mitigation for protected trees species through County Tree Removal Permit and Coastal Development Permit at a minimum replacement ratio of 10:1.

The erosion-control seed mix for slopes would be an approved California Department of Transportation (Caltrans) seed mix, which, as a design plan specification, is prohibited from including California Invasive Plant Council (Cal-IPC) invasive or nonnative species. The mix is also required to

be native plants and developed based on the affected and surrounding vegetation community. This addresses “Recommendation #2” in the comment.

No changes to the Draft EIR are required in response to this comment.

3.1.1.7 COMMENT A-01-7

Comment #7: Impacts to Bats

Issue: *Additional mitigation measures may be necessary in order to adequately avoid or minimize the mortality of western mastiff bat (*Eumops perotis californicus*) and western red bat (*Lasiurus blossevillii*). Both bat species are Species of Special Concern.*

Specific impacts: *The Project may result in direct and indirect impacts to bats. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.*

Why impacts would occur: *In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats’ usability of the roost and can impact the bats’ fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).*

Evidence impact would be significant: *Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: *Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to LACDPW. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys and reporting by a qualified bat specialist should be conducted prior to any Project related ground-disturbing activities at locations near potential roosting habitat for bats.*

Mitigation Measure #2: *If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related*

tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Mitigation Measure #3: *If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).*

Mitigation Measure #4: *If maternity roosts are found and LACDPW determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before sunset and 30 minutes after sunrise.*

RESPONSE A-01-7

This comment pertains to potential impacts to bat species in trees and structures.

See response to Comment A-01-4, which includes revision to **MM BIO-4, Preconstruction Nesting Bird and Wildlife Survey**. These additions include additional detail regarding the requirements for surveys, monitoring, and potential relocation of species of special concern including birds, amphibians, reptiles, turtles, and mammals including bats should they be present in the construction area.

As further described in **MM BIO-4**, activities that include the removal of trees, vegetation, and/or structures that may provide roosting habitat for bats would be surveyed for bat roosts prior to ground-disturbing activities. If roosting bats may be present, trees should be pushed down (removed) using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees would be pushed lightly to allow bats to become active. If maternity roosts are found and Waterworks determines that impacts are unavoidable, a qualified bat specialist will consult with CDFW to determine an exclusion and relocation plan.

The revision of **MM BIO-4** addresses the recommended feasible mitigation measures suggested in the comment. No additional revisions to the Draft EIR are required in response to this comment.

3.1.1.8 COMMENT A-01-8

Additional Recommendations:

Fencing. *All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In*

coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e., outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.

RESPONSE A-01-8

This comment pertains to recommendations for project fencing to avoid impacts to environmentally sensitive areas.

The Draft EIR included **MM BIO-1**, *Environmentally Sensitive Area Fencing*, which addresses this comment.

No changes to the Draft EIR are required in response to this comment.

3.1.1.9 COMMENT A-01-9

Equipment Inspection. Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.

RESPONSE A-01-9

This comment pertains to recommendations for equipment inspection to avoid impacts to wildlife.

See response to Comment A-01-4, which includes revision to **MM BIO-4**, *Preconstruction Nesting Bird and Wildlife Survey*. This measure, as revised, addresses this recommendation.

No additional changes to the Draft EIR are required in response to this comment.

3.1.1.10 COMMENT A-01-10

Data. CEQA requires that information developed in environmental impact reports 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 detected by completing and submitting CNDDDB Field Survey Forms (CDFW 2020c). Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.

RESPONSE A-01-10

This comment pertains to recommendations for incorporating environmental impact reports into a database.

The project biologist will submit CNDDDB forms for any special-status species observed prior to, or during, construction.

No changes to the Draft EIR are required in response to this comment.

3.1.1.11 COMMENT A-01-11

Mitigation Measures and Monitoring Reporting Plan. CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the LACDPW in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LACDPW is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the LACDPW with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP should reflect the Project's final on and/or off-site mitigation plans.

RESPONSE A-01-11

This comment recommends that an MMRP be prepared.

As required by CEQA, an MMRP was prepared for this EIR: Chapter 3, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

No changes to the Draft EIR are required in response to this comment.

3.1.1.12 COMMENT A-01-12**Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Los Angeles County

Department of Public Works and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

RESPONSE A-01-12

This comment addresses the required filing fees for environmental review by CDFW.

As required by CEQA and the California Fish and Game Code, Waterworks will pay the CDFW environmental review fees when filing the Notice of Determination (NOD) for the EIR with the Los Angeles County Clerk.

No changes to the Draft EIR are required in response to this comment.

3.1.1.13 COMMENT A-01-13

Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Public Works in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Public Works has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov

RESPONSE A-01-13

This comment requests that CDFW have the opportunity to review and comment on Waterworks' responses to their comments.

Responses to the CDFW comments will be provided to the agency at least 10 days before the Final EIR is certified by the Los Angeles County Board of Supervisors, as required by CEQA.

No changes to the Draft EIR are required in response to this comment.

3.1.1.14 COMMENT A-01-14

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect the Project's final on- and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<i>MM BIO-1- Impacts to Streams – LSA Notification</i>	<i>The LACDPW shall notify CDFW pursuant to Fish and Game Code, section 1600 et seq. prior to any Project ground disturbing activities related to the following improvements: Carbon Canyon Road and Carbon Mesa Road Waterline Improvements; Creek Crossing Repairs; PCH and Topanga Beach Drive</i>	<i>Prior to Project construction and activities</i>	<i>Los Angeles County Department of Public Works (LACDPW)</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>Waterline Improvements; and Las Virgenes Connection.</i>		
<i>MM BIO-2- Impacts to Streams – setbacks and staging areas</i>	<i>Where Project staging areas occur adjacent to a stream, LACDPW shall establish appropriate setbacks from the stream and demarcate the staging area. A setback shall provide a buffer between the stream and staging area so that accidental spillage of pesticides, oil, gasoline, and other liquids within the staging area would not pass into streams. All staging shall be within the designated staging area only.</i>	<i>Prior to/During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-3- Impacts to Streams – setbacks and staging areas</i>	<i>Creek Crossing Repair improvements shall be performed/completed in as few consecutive days as possible to avoid prolonged disturbance to aquatic wildlife and waterfowl.</i>	<i>During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-4- Impacts to Streams – LSA Notification</i>	<i>Lake and Streambed Notification shall include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report shall also include a scour analysis to demonstrate that stream banks and channel would not erode.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-5- Impacts to Streams – LSA Notification</i>	<i>As part of the LSA Notification process, LACDPW shall provide a map showing features potentially subject to CDFW's broad regulatory authority over streams. LACDPW shall also provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-6- Impacts to Streams – LSA Notification</i>	<i>LACDWP shall update its table of impacts on riparian habitat and sensitive vegetation communities prior to Notification.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-7- Impacts to special-status fish species - avoidance</i>	<i>The Project shall fully avoid all impacts to steelhead, tidewater goby, and arroyo chub. No work shall occur in the stream channel or stream banks adjacent to streams supporting special-status fish species. If work must occur in the stream channel or stream banks, no work shall occur during the winter rainy season which typically occurs between December 1 through March 31. Additionally, no work shall occur during combined rainy season and breeding season(s) (depending on the species potentially impacted): <i>Steelhead: No work shall occur during periods of high flow and when steelhead smolt are likely to be in the area during periods of receding flows from November 1 through June 15).</i></i>	<i>Prior to/During Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>Tidewater goby: No work shall occur during peak breeding activities from April 1 through June 31. Arroyo chub: No work shall occur from February 1 through August 31 (Tres 1992).</i>		
<i>MM BIO-8- Impacts to special-status fish species - impacts</i>	<i>If impacts to steelhead, tidewater goby, and arroyo chub cannot be avoided, including dewatering activities, LACDPW shall consult with CDFW, USFWS, and the National Marine Fisheries Service (NMFS). Consultation shall occur prior to the start of any Project related construction and activities where there may be impacts to these native fish species.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-9- Impacts to special-status fish species - surveys</i>	<i>LACDPW, in consultation with a qualified aquatic biologist, shall survey areas that could support steelhead, tidewater goby, and arroyo chub. Surveys shall be conducted one year prior to the start of any Project-related construction and activities where there may be impacts to steelhead, tidewater goby, and arroyo chub. Depending on survey results, the qualified biologist shall develop additional species and location-specific mitigation measures that would fully avoid impacts to these species. Positive detections of steelhead, tidewater goby, and arroyo chub shall be reported to CDFW/USFWS.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-10- Impacts to special-status fish species – aquatic invasive species /decontamination</i>	<i>LACDPW shall implement a decontamination plan between streams. Decontamination could prevent the spread of potential aquatic invasive species within the watershed such as New Zealand Mudsnails (Potamopyrgus antipodarum). All work boots, equipment, and tools shall be brushed with a stiff brush after exiting a stream but prior to entering a different stream or waterbody. Decontamination measures shall be consistent with the standards detailed in the CDFW Aquatic Invasive Species Decontamination Protocol.</i>	<i>Prior to/During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-11- Impacts to raptors – survey</i>	<i>A qualified biologist with knowledge of white-tailed kite and American peregrine falcon life history and survey experience shall conduct a thorough survey of all suitable nesting sites at locations including (but not limited to) the following: Zuma Creek; Penya Canon Creek; Las Virgenes Connection; PCH 8-inch Waterline Improvements; and Carbon Canyon Road and Carbon Mesa Road. Surveys shall be completed no more than 3 days prior to the beginning of any Project-related ground-disturbing activities where white-tailed kite and American peregrine falcon could breed and nest. Surveys shall be conducted in the immediate work/disturbance area plus a 500-foot buffer.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>Positive detections shall be reported to CDFW prior to the any Project-related ground disturbing activities.</i>		
<i>MM BIO-12- Impacts to raptors – avoidance</i>	<i>If white-tailed kite and/or American peregrine falcon nests are detected, no Project-related construction and activities shall occur from January 1 through August 31.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-13- Impacts to raptors – buffers</i>	<i>If Project-related construction and activities must occur between January 1 through August 31, a minimum 0.5-mile no-disturbance buffer shall be implemented around each raptor nest. No Project related construction and activities shall occur within the protected area while occupied by raptor nests and nestlings. This includes equipment staging, mobilization, and stockpiling of any materials. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations shall be prohibited. LACDPW, in consultation with a qualified biologist, shall develop a robust buffer and demarcation plan. LACDPW shall be responsible for maintaining protective fencing. Buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that nestlings have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist shall determine if buffers need to be increased to protect active nests.</i>	<i>Prior to/During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-14- Impacts to raptors – surveys</i>	<i>If there is a lapse in construction for more than 7 days from January 1 through August 31, a qualified biologist shall repeat raptor surveys before work may restart.</i>	<i>Prior to/During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-15- Impacts to Species of Special Concern – Scientific Collecting Permit</i>	<i>LACDPW/qualified biologist shall obtain appropriate handling permits from CDFW in order to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-16- Impacts to Species of Special Concern – surveys</i>	<i>LACDPW shall retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard, San Diegan tiger whiptail, southern western pond turtle, coast horned lizard, and San Diego desert woodrat. The qualified biologist(s) shall conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Surveys for Southern Western pond turtles and potential habitat shall follow the United States Geological Survey's 2006 Western Pond Turtle</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<p><i>Visual Survey Protocol for the Southcoast Ecoregion. Positive detections of SSC and suitable habitat at the detection location shall be mapped. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected.</i></p> <p><i>A summary report discussion survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified biologist shall discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).</i></p>		
<p><i>MM BIO-17- Impacts to Species of Special Concern – protection and relocation plan</i></p>	<p><i>Wildlife shall be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits.</i></p> <p><i>The qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The LACDPW/qualified biologist may consult with CDFW to prepare species-specific protocols for proper</i></p>	<p><i>Prior to Project construction and activities</i></p>	<p><i>LACDPW</i></p>
<p><i>MM BIO-18- Impacts to Species of Special Concern – biomonitoring</i></p>	<p><i>Preconstruction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Afterwards, LACDPW shall contract with a biologist to conduct periodic, but no less than weekly, biological monitoring to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring shall be conducted during any activities involving vegetation clearing or modification of natural habitat. Surveys for SSC shall be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC shall be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers shall</i></p>	<p><i>Prior to/During Project construction and activities</i></p>	<p><i>LACDPW</i></p>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist shall safely protect or relocate the animal per relocation and handling protocols.</i>		
<i>MM BIO-19- Impacts to Species of Special Concern – injured or dead wildlife</i>	<i>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the CDFW and LACDPW by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. Additionally, a formal report shall be sent to CDFW and LACDPW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and</i>	<i>During Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-20- Impacts to Rare Plants - survey</i>	<i>LACDWP shall retain a qualified botanist with experience surveying for southern California rare plants. A qualified botanist shall conduct a rare plant survey for at least two survey seasons at the appropriate time of year prior to any Project-related ground disturbance where there is suitable habitat for rare plants. Surveys shall be performed according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The qualified biologist shall prepare a report to LACDPW, CDFW, and USFWS (if applicable), for review. At a minimum, the survey report shall provide the following information: A description and map of the survey areas. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys. Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. c) If rare plants are detected, maps(s) will be provided showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions,</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).</i>		
<i>MM BIO-21- Impacts to Rare Plants – avoid</i>	<i>If a CESA- or ESA-listed threatened or endangered rare plant species is detected, LACDPW shall fully avoid impacts and notify CDFW and/or USFWS. A qualified biologist shall develop a robust avoidance plan. If a CRPR 1, 2, 3, and 4 species is detected, LACDPW shall fully avoid impacts and notify CDFW of CRPR 1 and 2 species.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-22- Impacts to Rare Plants – CESA ITP</i>	<i>If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, LACDPW shall seek appropriate take authorization under CESA prior to implementing the Project.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-23- Impacts to Rare Plants – impacts</i>	<i>If there will be impacts to CESA- or ESA-listed threatened or endangered rare plants and habitat, either during Project activities or over the life of the Project, LACDPW will notify and consult with CDFW and/or USFWS.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-24- Impacts to Rare Plants – replacement habitat</i>	<i>If there are impacts to CRPR plants and habitat, LACDPW shall compensate for the loss of individual plants and associated habitat acres by participation in a mitigation bank. LACDPW shall provide mitigation as follows: no less than 10:1 for CRPR 1 species; no less than 7:1 for CRPR 2 species; and no less than 5:1 for CRPR 3 and 4 species. Mitigation shall occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits shall be purchased at no less than 10:1, 7:1, or 5:1 depending on the species impacted. Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to any Project-related ground-disturbing activities where impacts will occur.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-25- Impacts to Rare Plants – replacement habitat</i>	<i>If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to rare plants and habitat, LACDPW shall set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the samewatershed as the Project site and support habitat that contains the rare plant species</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>impacted. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 10:1, 7:1, or 5:1 depending on the species impacted. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A rare plant mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to any Project-related ground-disturbing activities.</i>		
<i>MM BIO-26- Impacts to Sensitive Vegetation Communities - survey</i>	<i>LACDPW, in consultation with a qualified botanist familiar with southern California vegetation communities, shall remap sensitive vegetation communities based on alliance/associated according to the Manual of California Vegetation and California Natural Community List.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-27- Impacts to Sensitive Vegetation Communities – replacement habitat</i>	<i>LACDPW shall mitigate for impacts as follows: A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities. A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and, A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.</i>	<i>Prior to/After Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-28- Impacts to Sensitive Vegetation Communities – HMMP</i>	<i>Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, LACDPW, in consultation with a qualified botanist and restoration specialist, shall develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall include the following components at a minimum: A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and, Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, shall be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of restoration/mitigation areas and a discussion of</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<p><i>the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the preproject function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.</i></p>		
<i>MM BIO-29- Impacts to Bats – survey</i>	<p><i>Where the Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology to shall be used to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to LACDPW. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. Surveys and reporting by a qualified bat specialist shall be conducted prior to any Project-related ground-disturbing activities at locations near potential roosting habitat for bats.</i></p>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
<i>MM BIO-30- Impacts to Bats – tree removal</i>	<p><i>If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during Project-related tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may</i></p>	<i>During Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.</i>		
MM BIO-31- Impacts to Bats – maternity roosts	<i>If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).</i>	<i>Prior to/ During Project construction and activities</i>	<i>LACDPW</i>
MM BIO-32- Impacts to Bats – maternity roosts	<i>If maternity roosts are found and impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree/structure disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.</i>	<i>Prior to/ During Project construction and activities</i>	<i>LACDPW</i>
REC-1-LSA Notification	<i>To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>
REC-2-Sensitive Vegetation communities	<i>Prior to finalizing the environmental document, CDFW recommends LACDPW update sensitive vegetation community names per MCV alliance/association-based names and assign state rarity ranking to each vegetation community. LACDPW should mitigation for impacts to S1, S2, or S3 communities as described under MM BIO-27.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<p><i>Table 3.4-2 in the DEIR should be updated to accurately disclose acres of temporary and permanent impacts associated with each MCV alliance/association. If LACDPW determines that a new significant environmental impact would result, LACDPW is required to recirculate the EIR [CEQA Guidelines, §15088.5(a)(1)]. CDFW recommends LACDPW recirculate the environmental document and Biological Report so CDFW may provide more specific comments on the Project's impacts on sensitive vegetation communities.</i></p>		
<p>REC-3-Sensitive Vegetation communities</p>	<p><i>The Project proposes to revegetate constructed slopes with an erosion seed control mix. CDFW strongly advises against using a seed control mix, especially where a constructed slope occurs adjacent to an Environmental Sensitive Habitat Area, Significant Ecological Area, Sensitive Environmental Resources Area, riparian habitat, and sensitive natural community. Seed mixes may contain invasive and non-native species that can spread into natural areas. Invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures.</i></p> <p><i>LACDPW should not plant, seed, or otherwise introduce invasive exotic plant species to areas that are adjacent to and/or near native habitat areas. CDFW strongly recommends avoiding all species that are rated 'Moderate' or 'High' by the California Invasive Species Council's Cal-IPC Inventory. Specially, CDFW recommends avoiding the following species: acacias (Acacia genus); tree-of-heaven (Ailanthus altissima); iceplant (Carpobrotus genus); pampas grass (Cortaderia genus); fountain grass (Pennisetum genus); Brooms (Genista, Cytisus, Spartinum, Ulex); tamarisk (Tamarix genus); periwinkle (Vinca genus), and any type of ivy. These species can quickly spread into natural areas. For example, Fountain grass is a common erosion control/landscaping plant in southern California. Fountain grass can quickly spread and displace native plants. In southern California, Fountain grass is rapidly invading steep west and south facing hillsides in western Santa Monica Mountains. Moreover, Fountain grass may increase fuel load and therefore the frequency, intensity, and spread of fire.</i></p> <p><i>Instead, CDFW recommends LACDPW revegetate with southern California native plants that are</i></p>	<p><i>After Project construction and activities</i></p>	<p><i>LACDPW</i></p>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<p><i>appropriate for the area being landscaped. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage. If LACDPW must use a seed mix, CDFW recommends using weed-free locally appropriate seed mixes. See Preventing the Spread of Invasive Plants for Transportation and Utility Corridors for additional guidance and BMPs for using seed mixes.</i></p>		
REC-4- Fencing	<p><i>All Project-related exclusionary and protective fencing should not cause any injury or mortality to wildlife, birds, and raptors. CDFW recommends that fence installation adjacent to sensitive habitat areas be supervised by a qualified biologist. A qualified biologist should move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. In coordination with a qualified biologist, LACDPW should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement. Fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. LACDPW should be responsible for ensuring all perimeter controls are in place prior to commencing construction adjacent to sensitive habitat areas. The protection measures should be in place at the end of each working day and for the duration of the project. If determined necessary by a qualified biologist, the LACDPW should adjust the limits of the protection measures should they be inadequate to prevent wildlife from entering the work zone or exclude work/workers from entering</i></p>	<p><i>Prior to/ During Project construction and activities</i></p>	<p><i>LACDPW</i></p>

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
	<i>sensitive habitat areas. LACDPW should consult and coordinate with a qualified biologist if protection measures need to be temporarily moved out of the way to facilitate construction, provided the protection measures are reinstalled promptly. LACDPW should ensure that project construction and activities remain within the Project footprint (i.e., outside the demarcated buffer) and that flagging/stakes/fencing are being maintained for the duration of the project.</i>		
REC-5- Equipment Inspection	<i>Before starting or moving construction vehicles, especially after a few days of nonoperation or a few hours on a hot day, operators should inspect under all vehicles and equipment to avoid impacts to any wildlife that may have sought refuge under equipment. All large building materials and pieces with crevices where wildlife can potentially hide should be inspected before moving. If wildlife is detected, a qualified biologist should move wildlife out of harm's way or temporarily stop activities until the animal leaves the area.</i>	<i>Prior to/ During Project construction and activities</i>	<i>LACDPW</i>
REC-6-Data	<i>Special status species detected should be reported to the California Natural Diversity Database (CNDDDB) by completing and submitting CNDDDB Field Survey Forms. Species include (but not limited to) white-tailed kite, American peregrine falcon, CESA- and ESA-listed plants, and California Species of Special Concern. LACDPW should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground disturbing activities. Where applicable, the data entry may need to list pending development as a threat and then update this occurrence after impacts have occurred. LACDPW should provide CDFW with confirmation of data submittal.</i>	<i>Prior to/ During Project construction and activities</i>	<i>LACDPW</i>
REC-7- Mitigation Measures and Monitoring Reporting Plan	<i>CDFW recommends that LACDPW update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. LACDPW is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP should reflect the Project's final on and/or off-site mitigation plans.</i>	<i>Prior to Project construction and activities</i>	<i>LACDPW</i>

RESPONSE A-01-14

This comment provides a recommended MMRP for the suggested mitigation provided in Comments A-01-1 through A-01-11.

See responses to Comments A-01-1 through A-01-11 regarding mitigation and recommendations. As stated in response to Comment A-01-11, an MMRP has been developed for mitigation in the Draft EIR, as revised in this Final EIR, as Chapter 3, *Mitigation Monitoring and Reporting Program*, of the Final EIR.

No additional changes to the Draft EIR are required in response to this comment.

3.1.2 Commenter A-03—California Department of Transportation

3.1.2.1 COMMENT A-03-1

The project is located adjacent to or near sections of the PCH, State Route 23 (SR-23), and State Route 27 (SR-27) in Los Angeles County. As noted in the DEIR, this project will need an encroachment permit for any work on or near these facilities. Please contact Caltrans' Office of Permits for more information on applying for an encroachment permit. Contact information for this office can be found at the following link: <https://dot.ca.gov/caltrans-near-me/district-7/district-7-programs/d7-encroachment-permits>.

RESPONSE A-03-1

This comment addresses the need for encroachment permits for work in Caltrans rights-of-way. The Draft EIR identified the need for encroachment permits for improvements located within PCH (Table 2.5, *Responsible Agencies and Required Permits or Other Approvals for the Proposed Project*, in Chapter 2, *Project Description*.) Waterworks, as the lead agency, will contact Caltrans' Office of Permits for any required and necessary permits as noted by the commenter.

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.2 COMMENT A-03-2

Also, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. Caltrans supports the project limiting construction traffic to off-peak periods to minimize the potential impact on State facilities. Since construction traffic may cause delays on State facilities, please submit a construction traffic management plan detailing these delays and the proposed measures for mitigating these delays for Caltrans' review. This plan should account for construction traffic caused by Caltrans' PCH Secant Wall Improvements project, since as noted in the DEIR, construction traffic from Caltrans' project could overlap with construction traffic from this project.

RESPONSE A-03-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment addresses the need for Caltrans transportation permits for transportation of heavy construction equipment and/or materials requiring oversized transport vehicles on State highways. The Draft EIR identified the need for these permits (Table 2.5, *Responsible Agencies and Required Permits or Other Approvals for the Proposed Project*, in Chapter 2, *Project Description*.)

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.3 COMMENT A-03-3

The construction traffic management plan should also include measures similar to MM TRA-5 to accommodate the circulation of bicyclists and pedestrians on state facilities such as the PCH during construction. In addition, since the PCH serves as the popular Pacific Coast Bicycle Route, the Adventure

Cycling Association (ACA) should be notified about any construction impacts to this route. The ACA can then communicate any potential route closures to the non-motorized community. Please see the following link for more information on the ACA: www.adventurecycling.org.

RESPONSE A-03-1

This comment states that measures similar to **MM TRA-5, Accommodate Bike Route on PCH during Construction**, should be included in the construction traffic management plan.

All mitigation measures related to construction, including **MM TRA-5**, will be incorporated as requirements in the scope of work for construction contractors hired for the project. **MM TRA-5** is also included in the MMRP for the project.

No changes to the Draft EIR are necessary in response to this comment.

3.1.2.4 COMMENT A-03-4

The following information is included for your consideration.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Furthermore, Caltrans encourages Lead Agencies to implement Transportation Demand Management (TDM) strategies that reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions. For TDM options to potentially include in this project, please refer to:

- The 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), available at <http://www.capcoa.org/wpcontent/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, or
- Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8) by the Federal Highway Administration (FHWA), available at <https://ops.fhwa.dot.gov/publications/fhwahop12035/index.htm>.

As a reminder, Senate Bill 743 (2013) mandates that VMT be used as the primary metric in identifying transportation impacts of all future development projects under CEQA, starting July 1, 2020. For information on determining transportation impacts in terms of VMT on the State Highway System, see the Technical Advisory on Evaluating Transportation Impacts in CEQA by the California Governor's Office of Planning and Research (OPR), dated December 2018: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

The Department can also refer to Caltrans' updated Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG), dated May 2020 and released on Caltrans' website in July 2020: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>. Caltrans' new TISG is largely based on the OPR 2018 Technical Advisory.

RESPONSE A-03-1

This comment offers additional information for consideration, including encouraging Transportation Demand Management (TDM) strategies to reduce vehicle miles traveled (VMT) and greenhouse gas

(GHG) emissions and the use of VMT as the primary metric in identifying transportation impacts on the State Highway System.

The District 29 Priority Capital Deficiencies Improvements project is not a development project. It would repair and replace existing infrastructure. After construction, the project would not result in new trips or VMT. During construction, additional trips and VMT would be minimal, related to short-term construction worker trips and materials delivery. Significant traffic impacts resulting from construction would occur due to the reduction in capacity (lane closures) for construction within travel lanes, especially on PCH. Mitigation proposed in the Draft EIR would reduce this impact to less than significant (Section 3.17, *Transportation*).

Because the proposed project would not affect VMT in the long term, and the short-term, construction-related VMT increase would be minimal, TDM measures are not needed, and no changes to the Draft EIR are required due to this comment.

3.1.3 Commenter A-04—City of Malibu

3.1.3.1 COMMENT A-04-1

The City of Malibu has reviewed the Draft EIR for the subject project and have one comment relative to a reference on page 3-16-3 regarding the Malibu LCP. The EIR indicates the District 29 project would file for an exemption for repair, replacement, and minor alterations or existing public water infrastructure under Coastal Zone Regulation Section 12.20.065 (C). To be consistent with the City of Malibu's Local Coastal Program, the correct reference should be Malibu Local Implementation Plan Section 13.4.2 (C). The code reference in the Santa Monica Mountains LCP discussion on the same page should be confirmed as well.

RESPONSE A-04-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment identifies a mistake in the Draft EIR. In response to this comment the following change is made to paragraph 1 under the *Malibu Local Coastal Program* heading in Section 3.16.2.3, *Environmental Analysis, Recreation, Regulatory Setting, Local and Regional*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

The entire City of Malibu is located within the California coastal zone, which means that all development and activity occurring within city limits (unless considered exempt) is subject to the regulations of the City's LCP. LCPs contain the ground rules for protecting sensitive coastal resources and public access along the entire coastline of California. Malibu's LCP was certified by the Coastal Commission in 2002. It grants the City the right to review and approve CDPs at the local level. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the Local Implementation Plan of the City of Malibu Local Coastal Program, Section 13.4.2(C) ~~Coastal Zone Regulation Section 13,20.065(C)~~.

Also in response to this comment, the following change is made to paragraph 1 under the *Santa Monica ~~Area~~ Mountains Local Coastal Program* (corrected in Final EIR) heading in Section 3.16.2.3, *Environmental Analysis, Recreation, Regulatory Setting, Local and Regional*, of the Draft EIR (deleted text indicated by ~~strikeouts~~, new text indicated by underlines):

The Santa Monica Mountains (SMM) Coastal Zone is the unincorporated portion of the SMM west of the City of Los Angeles, east of Ventura County, and south of the coastal zone boundary, excluding the City of Malibu. The Coastal Zone extends inland from the shoreline approximately 5 miles. The SMM LCP consists of the Land Use Plan (LUP) and implementing actions, including the Local Implementation Program (LIP), a series of ordinance sections added to the Zoning Ordinance, Title 22 of the County Code. The LUP was certified by the Coastal Commission in 1986. Policies applicable to the District 29 project include those

addressing protection and expansion of public access to shoreline and recreational opportunities. The District 29 project would file for an exemption for repair, replacement, and minor alterations of existing public water infrastructure under the *Santa Monica Mountains Implementation Program of the Santa Monica Mountains Local Coastal Program, Section 22.44.820.A.3.c. Coastal Zone Regulation Section 13,20.065(C).*

These corrections do not represent substantive changes to the Draft EIR. No additional changes to the Draft EIR are required in response to this comment.

3.1.4 Commenter A-05—California Coastal Commission

3.1.4.1 COMMENT A-05-1

Coastal Commission staff has reviewed the Draft Environmental Impact Report (DEIR) for the Los Angeles County Department of Public Works (LACDPW), Waterworks District 29 Priority Capital Deficiencies Improvements dated October 2020, and we appreciate the opportunity to provide comments for your consideration. It should be noted that Commission staff has previously provided comments about this project in writing. Commission staff sent a comment letter regarding the Notice of Preparation for this DEIR on December 18, 2017. Many of the comments that are discussed in this comment letter were identified in the previous comment letter, prior to the completion of the DEIR.

RESPONSE A-05-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment states that the California Coastal Commission submitted comments during the scoping period for the Draft EIR on December 18, 2017, in response to the NOP. The letter indicated the need for the EIR to evaluate potential coastal resource impacts, including short-term, long-term, indirect, and direct impacts on sensitive habitats as well as any indirect or direct impacts on water quality in the adjacent creeks/stream. The Draft EIR, including Sections 3.4, *Biological Resources*, and 3.10, *Hydrology and Water Quality*, addressed the topics in the agency's previous comment letter as requested. No changes to the Draft EIR are required in response to this comment.

3.1.4.2 COMMENT A-05-2

The proposed project involves: the demolition of two 50,000-gallon water tanks and construction of one 200,000-gallon tank reservoir in the unincorporated area of Topanga and demolition of one 70,000-gallon water tank and construction of one 225,000-gallon tank reservoir in Malibu; replacement of approximately 34,300 feet of existing underground water pipeline, construction of approximately 6,300 feet of new underground pipeline; and repairing several creek crossing locations by replacing and recoating segments of pipe and air release valves on PCH with pipeline segments constructed underground in existing roadways.

The proposed project consists of several projects in the Malibu and Topanga areas. Thus, the project is located within the jurisdictions of the City of Malibu LCP and the Los Angeles County Santa Monica Mountains LCP. Some components of the proposed project will require a CDP from each respective jurisdiction (City of Malibu or Los Angeles County), and some components may be exempt from the requirement to obtain a CDP. Each respective jurisdiction is responsible for determining permit requirements, processing the required permit, and analyzing the project's consistency with the policies and provisions of their LCPs. We recommend LACDPW coordinate with the City of Malibu and Los Angeles.

RESPONSE A-05-2

This comment references the Malibu LCP and the Santa Monica Mountains LCP. Both of these documents are discussed in detail in various places in the Draft EIR, including in Table 2-5, *Responsible*

Agencies and Required Permits or Other Approvals for the Proposed Project, in Chapter 2, *Project Description*. It is anticipated that the improvements included in the District 29 Priority Capital Deficiencies Improvements project would qualify for an exemption from the CDP requirements under the Malibu LCP (13.4.2(C) of the Malibu LCP LIP) and the SMM LCP (Section 22.44.820.A.3.c of the SMM LCP Local Implementation Plan). The District will coordinate with the City of Malibu and the County of Los Angeles during implementation of the project improvements.

No changes to the Draft EIR are required in response to this comment.

3.1.4.3 COMMENT A-05-3

The purpose of this letter is to identify potential coastal resource impacts that could result from the proposed project and provide comments that should be further evaluated in the Final Environmental Impact Report. Policies of particular relevance to the project sites located within the jurisdiction of the Malibu LCP include Sections 30230, 30231, 30236, and 30240 of the Coastal Act, which are incorporated as policies of the Malibu Land Use Plan; and for the projects located in the unincorporated area of Los Angeles, goals CO-01 and CO-02 of the Santa Monica Mountains LCP. These policies/goals require that development maintain and restore biological productivity and coastal water quality and limit the type of development in and around Environmental Sensitive Habitat Area (ESHA) or Sensitive Environmental Resource Areas (SERA). These policies not only limit the type of development that can be permitted within these resources, but also provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging feasible alternatives exist for the project and all unavoidable impacts are fully mitigated.

RESPONSE A-05-3

This comment references sections of the California Coastal Act (Coastal Act) (incorporated into the Malibu LCP) and goals in the SMM LCP. The comment discusses development within areas covered by these policies and goals. The proposed project does not propose new development, only repair and replacement of existing infrastructure.

Section 30230 of the Coastal Act addresses the marine environment. The proposed project would not affect the marine environment directly, and impacts to marine resources from construction activities, such as from runoff, erosion, and use of hazardous materials, would be avoided through Los Angeles County Public Work's Construction BMPs, as listed in Table 3.10-9, *District 29 Project Construction BMPs (Stormwater, Non-Stormwater)*, in Section 3.10, *Hydrology and Water Quality*, of the Draft EIR.

Section 30231 of the Coastal Act and Goal CO-1 in the SMM LCP address biological productivity and water quality of coastal waters, streams, wetlands, estuaries, and lakes. Impacts to coastal waters are addressed in the previous paragraph. Impacts to biodiversity and impacts on other waters were described in Section 3.10, *Hydrology and Water Quality*, and in Section 3.4 of the Draft EIR, *Biological Resources*, of the Draft EIR.

Section 30236 of the Coastal Act addresses channelization, dams, and substantial alterations of rivers and streams. The proposed project would not include any channelization, dams, or any other alteration of rivers or streams.

Section 30240 of the Coastal Act and Goal CO-2 in the SMM LCP address environmentally sensitive habitat areas. Impacts to such habitats were addressed in Section 3.4, *Biological Resources*, of the Draft EIR.

No changes to the Draft EIR are required in response to this comment.

3.1.4.4 COMMENT A-05-4

Additionally, Policy 3.63 of the Malibu Land Use Plan (LUP) and Policy CO-99 of the Santa Monica Mountains LUP require that new development be sited and designed to preserve native trees that are not otherwise protected as ESHA/SERA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Where the removal of native trees cannot be avoided through feasible alternatives, then adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation.

RESPONSE A-05-4

This comment references policies in the Malibu LUP and SMM LUP related to preservation of native trees. As discussed in Section 3.4, *Biological Resources*, of the Draft EIR, the Malibu LUP's Native Tree Protection Ordinance, the SMM LUP, and the Los Angeles County Oak Tree Ordinance all prohibit the unpermitted cutting, damaging, destroying, removing, or relocating of protected trees under each respective ordinance. Therefore, cutting, damaging, destroying, removing, or relocating any protected trees within the improvement sites could result in significant impacts to protected trees under these local tree preservation policies. With implementation of **MM BIO-11, Certified Arborist**, and **MM BIO-12, Coastal Development Permit**, impacts related to local tree preservation policies would be less than significant.

Only one of the improvements would result in the removal of native trees, the Fernwood Tank Improvement in the SMM LUP area in unincorporated Los Angeles County, which would remove between one and five coast live oak trees, depending on the final footprint of the replacement tank. Because the Fernwood Tank must be replaced onsite and connect with existing infrastructure, alternative locations are not feasible, and the footprint for the replacement tank would reduce the impact to native trees to the maximum extent feasible. The impacts to native trees would be significant. Compensatory mitigation, under a Coastal Development Permit – Oak Tree (CDP-OT) process in the SMM LUP and Los Angeles County's Oak Tree Permit, is required by **MM BIO-12**.

No changes to the Draft EIR are required in response to this comment.

3.1.4.5 COMMENT A-05-5

As discussed in the DEIR, some of the project sites are situated within or adjacent to areas identified and mapped as an ESHA by the Malibu LUP or SERA by the Santa Monica Mountains LUP. As such, the project has the potential to result in significant adverse impacts to the sensitive habitats on and adjacent to the project sites, including but not limited to dunes, riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, and wetlands. Section 30240 of the Coastal Act, which is incorporated as a policy of the Malibu Land Use Plan, and the Santa Monica Mountains Land Use Plan Goal CO-02 require that ESHA/SERA be protected against any significant disruption of habitat values, and only uses depended on such resources shall be allowed within those areas.

RESPONSE A-05-5

This comment addresses environmentally sensitive habitat areas ESHA in the Malibu LUP and SERA in the SMM LUP. Impacts related to ESHAs and SERAs were addressed in Section 3.4, *Biological Resources*, of the Draft EIR. In some locations, significant impacts were identified. Mitigation measures

MM BIO-9, *Invasive Weed Avoidance*, and **MM BIO-10**, *Dust Control*, would reduce these impacts to less-than-significant levels.

No changes to the Draft EIR are required in response to this comment.

3.1.4.6 COMMENT A-05-6

Furthermore, Malibu LUP Policy 3.16 and Santa Monica Mountains LUP Policy CO-43, require that new development be sited and designed to avoid impacts to ESHA/SERA, and if there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected.

RESPONSE A-05-6

This comment addresses eliminating impacts to ESHAs/SERAs with feasible alternatives. See response to Comment A-05-5. Impacts to ESHAs/SERAs would be reduced to less-than-significant levels with mitigation. In addition, no alternatives to the improvements affecting ESHAs/SERAs are feasible because these improvements relate to replacing or repairing existing infrastructure in the same locations.

No changes to the Draft EIR are required in response to this comment.

3.1.4.7 COMMENT A-05-7

While the proposed development is located in the general footprint of existing development and previously disturbed areas, the Final EIR should evaluate siting and design project alternatives that avoid impacts to ESHA/SERA. Only if no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected and mitigation should be required.

RESPONSE A-05-7

This comment addresses eliminating impacts to ESHAs/SERAs with feasible alternatives. See responses to Comments A-05-5 and A-05-6. No changes to the Draft EIR are required in response to this comment.

3.1.4.8 COMMENT A-05-8

Further, the Final EIR should evaluate the potential for short-term, long-term, indirect and direct impacts to sensitive habitats located at the respective project sites and surrounding areas as well as any indirect or direct impacts to water quality in the adjacent creeks/streams.

RESPONSE A-05-8

This comment addresses potential impacts to sensitive habitats caused by the proposed project. Short-term, long-term, indirect, and direct impacts related to sensitive habitats were addressed in Section 3.4, *Biological Resources*, of the Draft EIR. In some locations, significant impacts were identified, including dust deposition, vegetation trimming, and removal of one to five coast live oak trees. Mitigation measures identified in the Draft EIR would reduce these impacts to less-than-significant levels, including **MM BIO-10**, *Dust Control*, **MM BIO-11**, *Certified Arborist*, and **MM BIO-12**, *Coastal Development Permit*.

No changes to the Draft EIR are required in response to this comment.

3.1.4.9 COMMENT A-05-9

Additionally, the DEIR states that the proposed project will have adverse impacts to native trees that are protected under the Malibu LCP and Santa Monica Mountains LCP. Specifically, the Fernwood Tank Improvement is expected to result in the direct removal of up to five coast live oak trees. To ensure that native trees are protected consistent with the Malibu LCP and Santa Monica Mountains LCP, the Final EIR should analyze alternatives to the proposed project that would avoid the removal of native trees. Only if no feasible project alternative exists that would prevent tree removal, then the alternative that would result in the fewest or least-significant impacts shall be selected and mitigation should be required consistent with the policies of the respective LCPs.

RESPONSE A-05-9

This comment addresses impacts to up to five coast live oak trees. See response to Comment A-05-4. Because the Fernwood Tank must be replaced onsite and connect with existing infrastructure, alternative locations are not feasible, and the footprint for the replacement tank would reduce the impact to native trees to the maximum extent feasible. The impacts to native trees would be significant. Compensatory mitigation, under a CDP-OT process in the SMM LCP and Los Angeles County's Oak Tree Permit, is required by **MM BIO-12, Coastal Development Permit**. With implementation of **MM BIO-12**, impacts related native trees would be less than significant.

No changes to the Draft EIR are required in response to this comment.

3.2 Non-agency Individuals and Organizations

3.2.1 Commenter P-01—Helen Braithwaite

3.2.1.1 COMMENT P-01-1

Here is a thought... what about providing a water tank at the top of Trancas as was in the works over 5 years ago and then abandoned. That would be a helpful improvement to those that truck water (adding pollution and being completely energy inefficient).

That is an idea when you think of District 29 improvements that allegedly The City of Malibu can not involve themselves in.

RESPONSE P-01-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment addresses potential improvements not included in the District 29 Priority Capital Deficiencies Improvements project. The priority improvements analyzed in the Draft EIR address serious deficiencies in the water system, including areas with reoccurring leaks and breaks, aged infrastructure that is well beyond its effective lifespan, structural integrity issues, and poor system resilience. These are the most critical projects and can be completed most efficiently. Waterworks continues to evaluate the District 29 system to make other critical improvements in the future.

No changes to the Draft EIR are required in response to this comment.

3.2.2 Commenter P-02—Nojan Bolorchi

3.2.2.1 COMMENT P-02-1

Thank you for your email. I am the owner of 3700 Malibu Vista Dr, Malibu CA 90265 in the unincorporated section of LA County near the Getty Villa in Malibu. There is a County water storage facility that is in front of my property. Do you know if the proposed changes would effect the structure that is in front of my property?

RESPONSE P-02-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project. This comment requests information about potential impacts on a property that is not located in close proximity to the District 29 Priority Capital Deficiencies Improvements project. The commenter's property is approximately three blocks north of the Coastline Drive 12-inch Waterline Improvements site, separated by topography and intervening development. No construction would occur on the street where the property is located and construction on Coastline Drive would not be visible from the commenter's property. As such, implementation of the project is not anticipated to affect the property.

Waterworks responded to the commenter by email on October 29, 2020, explaining that the referenced property would not be affected and the commenter replied back, thanking Waterworks for the response. No changes to the Draft EIR are required in response to this comment.

3.2.3 Commenter P-03—Steve Panagos

3.2.3.1 COMMENT P-03-1

I own a home located at 22251 Carbon Mesa Road and I am directly impacted by this project.

I am 100% supportive of the replacement of the aging and undersized water lines and my only request is that the work is started and completed faster.

These lines are crucial to supplying adequate water flow in the event of a fire.

RESPONSE P-03-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment requests that the project be completed on a faster timetable. As noted in the Draft EIR, construction of the nine improvements included under the proposed project would vary in duration and in start times based upon type of construction. Generally, construction activities would begin in March 2022 and end in September 2026, although some flexibility has been built into the schedule to accommodate potential reprioritization, weather, and other unforeseen circumstances.

This comment expresses support for the project and does not address significant environmental issues and no changes to the Draft EIR are required.

3.2.4 Commenter P-04—Anne Marie Tumulty

3.2.4.1 COMMENT P-04-1

My clients no longer own a Malibu property, and their water account has been closed, so I can be removed from this email list.

RESPONSE P-04-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment responded to the Notice of Availability for the Draft EIR but does not address significant environmental issues. No response is required under State CEQA Guidelines Section 15132(d), and no changes to the Draft EIR are required.

3.2.5 Commenter P-05—Richard Hinson

This commenter submitted comments by email, attaching a previous emails to Waterworks from dates prior to the public comment period. All comments are responded to herein.

3.2.5.1 COMMENT P-05-1

I believe I understand the basics of the project but have continuing questions about assessments and overall costs. Over a year ago I attended a meeting with Dave Rydman who suggested that we refer questions to Nima Parsa. On June 3, 2019 we began emailing our questions but have never received any responses. I will copy my emails from last year herein.

I have been paying into two separate funds since we purchased our property in October of 2009; the Service Facilities Construction Surcharge and the Quantity Facilities Construction Surcharge. Do we assume that all of the payments would be applied to any type of special water district assessment?

RESPONSE P-05-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.2 COMMENT P-05-2

At our meeting at Malibu City Hall last Thursday evening, Dave made multiple mentions of fees, possible assessments and possible credits to HOA road districts. He mentioned that I should start asking you these questions and gave me your card.

1. Dave mentioned that we will be assessed with some form of special assessment when the new water system is completed or upon any new permits issued for remodel type of construction. Our house survived so we are not a burn our waiting to rebuild. My question is how much of an assessment and when?

RESPONSE P-05-2

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.3 COMMENT P-05-3

2. I note that on our bi-monthly water bill I see two charges; Service Facilities Construction Surcharge AND a more variable Quantity Facilities Construction Surcharge. Are these fees to be applied to whatever our assessment may be?

RESPONSE P-05-3

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.4 COMMENT P-05-4

3. In various letters there was a statement alluding to some property owners having agreed at some point to a special assessment. To my knowledge I never signed or was given any such letter or agreement and nothing was disclosed to us at our purchase. Can you check you records to see if such an agreement or letter exists for our property? And if so please forward a copy to me.

RESPONSE P-05-4

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.5.5 COMMENT P-05-5

4. Our neighborhood association is obviously concern about funding road repairs as new water mains are installed. Dave mentioned to me that the Waterworks Districts contribute funds to Road Districts where the Waterworks has properties; in our case we have a big tank (and bigger one going in) up the hill and a smaller tank and pump facility below. Our question is how much is contributed, what timing and how is it divided? Would each of our 5 separate water districts under LaChusa participate or only the one wherein the tank and pump-tank is located?

RESPONSE P-05-5

This comment does not address significant environmental issues. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.6 Commenter P-06—Linda Gibbs

3.2.6.1 COMMENT P-06-1

Please S T O P putting fluoride in our water.

If someone wants to poison them self with [fluoride] they can do it on their own.

I know many people who will not drink tap water because of this, or they waste lots of water filtering out the fluoride with reverse osmosis which wastes many gallons of water for every gallon of water it provides.

The fluoride is not good for your equipment either.

So, how much are they paying you to put that poison in our water. We are not the aluminum industries bio-filter. Stop using us as one.

RESPONSE P-06-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment addresses use of fluoride in the water, but does not address significant environmental issues related to the project. The proposed project does not propose any changes in the water carried and stored in District 29 facilities. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.7 Commenter P-07—Susan Schoen

3.2.7.1 COMMENT P-07-1

I'm emailing you about the two water tanks in Topanga that are to be demolished. I emailed you previously and forgot to ask you a few questions. What capacity tank are the two existing tanks being replaced with? What determined the sizing of the previous two tanks and what year were they installed? With all the home growth in the area is the new tanks going to have a larger capacity than the two existing tanks? What criteria determined the sizing of the new tanks?

RESPONSE P-07-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks questions about the Fernwood Tank Improvement.

The Fernwood Tank site is located at 19834 Horseshoe Drive, Topanga. The proposed improvements would replace two existing 50,000-gallon tanks, built in 1967, with one 200,000-gallon tank. The sizing of the new tank would serve existing needs and is based on current domestic and fire protection standards.

No changes to the Draft EIR are required in response to this comment.

3.2.8 Commenter P-08—Jo Drummond

The following comments were submitted by Jo Drummond by email, attaching additional comments from herself and others.

3.2.8.1 COMMENT P-08-1

The bold type below are for waterworks to answer before or during their final EIR for the proposed projects in Malibu.

We just finished the waterworks mtg and Dave Rydman answered our questions as this is relating to the Las Tunas landslide and it's just a badly named project for its actual location. However, we did find out that below actual big rock along PCH there is already triplicate piping because of the lack of soil stability there.

I have asked if there is movement in the las tunas landslide and he answered that they were having leak problems (due to the landslide?) so I wonder if the big rock Mesa landslide also can be causing possible damage to the pipes under big rock, etc. We'd like some kind of report on the state of the pipes under Big Rock. Dave said he could meet with us regarding this separately. Perhaps we can be shown the EIR study that was completed when the actual Big Rock pipes were tripled.

RESPONSE P-08-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks about the Big Rock Mesa landslide, which is not located in the vicinity of the District 29 Priority Capital Deficiencies Improvements.

The Big Rock Bypass Improvements is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide; rather it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides.

Because the comment does not address the analysis in the Draft EIR or significant environmental issues related to the District 29 Priority Capital Deficiencies Improvements, no changes to the Draft EIR are required in response to this comment.

3.2.8.2 COMMENT P-08-2

By the way these projects are funded by our water bills through our construction facilities charges and property taxes. This project will cost about \$5.6 million out of the \$60 million total budget for all the District 29 work.

RESPONSE P-08-2

This comment appears to address the cost of the Big Rock Bypass Improvements included in the District 29 Priority Capital Efficiencies Improvements. It does not address significant environmental

issues related to the project or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.8.3 COMMENT P-08-3

With regards to the Tuna Canyon Big Rock Bypass my question for the waterworks division regarding the EIR is what is causing the leaks in the pipes along PCH in between Tuna Canyon & Big Rock Drive? In the scope it states, "the bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." So what studies have the EIR completed regarding this movement and its effect on those pipes? If this is the Tuna Canyon landslide and not the Big Rock area landslide then this wording needs to be changed in your EIR.

RESPONSE P-08-3

This comment asks about the cause of the leaks in the pipes at the Big Rock Bypass Improvements site. The cause of the leaks has not been identified. The 30-inch main is over 50 years old, and the three parallel bypass lines are more than 30 years old.

The comment asks about the following wording: "the bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." This wording does not appear in the Draft EIR and it may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: "The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock" (see Chapter 2, *Project Description*).

No changes to the Draft EIR are required in response to this comment.

3.2.8.4 COMMENT P-08-4

And as per my neighbor below an additional question is how far can the 'continuing movement' extend/involve beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be moved off further in the future. Will this project aggravate any existing movement?

RESPONSE P-08-4

This comment asks about land movement beyond the extent of the planned project. This is outside the scope of the current project.

The comment also asks if the Big Rock Bypass Improvements can be moved to further in the future. Because of the ongoing leaks, this improvement has been identified as a critical priority and therefore is scheduled to be implemented within the next 6 years.

The comment also asks if the Big Rock Bypass Improvements would aggravate the existing land movement. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design, which would prevent aggravating land movement (see Section 3.7, *Geology and Soils*, of the Draft EIR). Standard engineering design will consider the site's geologic conditions. This will provide the same

quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.5 COMMENT P-08-5

How does sea level rise & erosion affect the movement of the landslide and the proposed project called Big Rock Bypass below Las Tunas canyon?

RESPONSE P-08-5

This comment asks about the effects of sea level rise and erosion on the land movement in the vicinity of the Big Rock Bypass Improvements. See response to Comment P-08-4. At the project final design phase, geotechnical studies will be conducted within the project limits will incorporate any necessary geotechnical requirements into the project design, which would prevent aggravating land movement (see Section 3.7, *Geology and Soils*, of the Draft EIR). Potential erosion impacts were evaluated in Section 3.10, *Hydrology and Water Quality*, and Section 3.7, *Geology and Soils*, of the Draft EIR. As noted in these sections, with implementation of the Los Angeles County Public Works BMPs for sediment and erosion control, potential erosion impacts as a result of the project were determined to be less than significant. Sea level rise is a longer-term effect; therefore, the project would not be affected during construction. During operation of the project, the location of the Big Rock Bypass Improvements pipelines would be buried under the roadway, so they would not be exposed to direct impacts of sea level rise.

Standard engineering design will consider the site's geologic conditions. As discussed in Section 3.7 of the Draft EIR, *Geology and Soils*, this will provide the same quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.6 COMMENT P-08-6

When will the final EIR be completed addressing these concerns? We were told early 2021 but is there a more specific date?

RESPONSE P-08-6

This comment asks about the timing of the Final EIR. The Final EIR for the District 29 Priority Capital Deficiencies Improvements is expected in early 2021, with the specific date to be determined.

No changes to the Draft EIR are required in response to this comment.

3.2.8.7 COMMENT P-08-7

On Dec 8, 2020, at 9:44 AM, Hak Wong <hpwbigrock@yahoo.com> wrote:

Please asked the DWP engineer how far the 'continuing movement' extent/involved beyond this planned project around Pena road. Maybe farther away the movement is lesser degree, and bypass can be put off further in the future. But we can't actively aggravate the existing movement!

On Mon, Dec 7, 2020 at 9:01 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote: Ok yes I'll make sure to get a clear answer. Tysm! Jo

On Dec 7, 2020, at 8:42 PM, K Hill <kraig.malibu@gmail.com> wrote: There have been instabilities and repair work above Tuna beach within the past few years. So it could be related to that(?)

RESPONSE P-08-7

This comment addressed land movement beyond the extent of the planned project. See response to Comment P-08-4. No changes to the Draft EIR are required in response to this comment.

3.2.8.8 COMMENT P-08-8

On Dec 7, 2020, at 8:30 PM, Jo Drummond <jyotidrummond@yahoo.com> wrote: Yes but when it mentions the big rock area landslide there is only one big rock landslide right?

RESPONSE P-08-8

This comment asks about Big Rock area landslides. The Big Rock Bypass Improvements is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides.

Landslides are common throughout the Malibu area, and the Draft EIR identified landslides in the vicinity of the proposed project improvements, including the Las Tunas Beach slides near the Big Rock Bypass Improvements. As discussed in the response to Comment P-08-5, at the project final design phase, geotechnical studies be conducted within the project limits will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or improved, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are required in response to this comment.

3.2.8.9 COMMENT P-08-9

On Dec 7, 2020, at 8:26 PM, K Hill <kraig.malibu@gmail.com> wrote:

I s'pose your questions are still worth asking, but it's clear that where the EIR says "Big Rock area" it's referring to Tuna Beach. Make sure that everyone is talking about the same place, because some Waterworks people may not appreciate the difference.

RESPONSE P-08-9

This comment addresses the confusion about the Big Rock Bypass Improvements location. See response to Comment P-08-1. The Big Rock Bypass Improvements would not affect the Big Rock Mesa landslide. No changes in the Draft EIR are necessary in response to this comment.

3.2.8.10 COMMENT P-08-10

I am writing as a member of the dewatering committee in Big Rock. We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of work for the Big Rock Bypass the following: "the bypass will consist of three parallel pipelines in PCH to

accommodate continuing movement of a major landslide in the Big Rock area.” Does this confirm movement in the Big Rock Mesa Landslide Assessment District? Has this movement been affecting the pipes and waterworks equipment so that this effort must be mitigated? How did you confirm this movement? Let me know what we can do to get these answers at tomorrow evening’s meeting. It is obviously important that we report these findings to Public Works and our dewatering equipment and assessment district management company. For such an expensive and extensive project some extensive studies must have been completed in your EIR to propose this work.

RESPONSE P-08-10

The comment asks about the following wording: “the bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area.” This wording does not appear in the Draft EIR and it may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: “The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock” (see Chapter 2, *Project Description*).

As discussed in the previous responses, the Big Rock Bypass Improvements would not affect the Big Rock Mesa landslide.

No changes to the Draft EIR are necessary in response to this comment.

3.2.8.11 COMMENT P-08-11

Also we do wonder at the condition of the pipes directly below Big Rock given that we have hydraugers balancing on duct taped pvc piping down there. That could be our Big Rock Assessment’s equipment which is separate of course. But all the damage that is caused from PCH, “continuing movement”, etc. how are the pipes directly below Big Rock being affected and why are they not in the scope of work? How is the current configuration of main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna. And if no upgrades are proposed (or have they been done already?) for below Big Rock, then why/how would Waterworks be confident of the soil stability there?

RESPONSE P-08-11

This comment appears to address the Big Rock Mesa landslide area, which is outside the study area for the project, as discussed in previous responses. The Big Rock Bypass Improvements site is located in the vicinity of the Las Tunas Beach slides. As discussed in the response to Comment P-08-5, at the project final design phase, geotechnical studies conducted within the project limits will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site’s geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards). No changes to the Draft EIR are necessary in response to this comment.

3.2.8.12 COMMENT P-08-12

Here are the questions again:

1. *Has waterworks found movement from the Big Rock Mesa Landslide is causing issues with the pipelines in PCH? What studies have been completed?*

RESPONSE P-08-12

This comment addresses the Big Rock Mesa landslide area, which is outside the study area for the project, as discussed in previous responses. No changes to the Draft EIR are necessary in response to this comment.

3.2.8.13 COMMENT P-08-13

2. *Do you already have redundant “triplicate” piping for the water main where it runs along PCH below Big Rock? If not, on what basis did you decide that the upgrade is necessary along Las Tunas Beach, but not along PCH below Big Rock?*

RESPONSE P-08-13

This comment asks about the reason for the Big Rock Bypass Improvements and why it was selected to be part of the District 29 Priority Capital Deficiencies Improvements, rather than improvements below Big Rock Mesa landslide.

The Big Rock Bypass Improvements were included in the project to address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. Waterworks continues to evaluate the District 29 system to make other critical improvements in the future.

No changes to the Draft EIR are required in response to this comment.

3.2.8.14 COMMENT P-08-14

3. *Do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines? Or has this been mitigated already and how?*

RESPONSE P-08-14

This comment appears to address the Big Rock Mesa landslide area, which is outside the study area for the project, as discussed in previous responses. No changes to the Draft EIR are necessary in response to this comment.

3.2.9 Commenter P-09—Jeff Follert, Serra Canyon Property Owners Association

3.2.9.1 COMMENT P-09-1

Thank you for your time last night. I was surprised to learn that the Sweetwater Tank upgrade project was not included on the current EIR list of projects. There was some mention of a separate process and I was hoping you could enlighten me so I can pass this along to our member/property owners. Specifically:

- *Is the project funded and approved?*
- *If so, what is the proposed schedule?*
- *What is the separate EIR process that was mentioned?*
- *Has there been an effort to coordinate the proposed work with the Phase II Sewer project?*

We are hoping to include this update in our semi-annual Board Meeting agenda and in communication with member/property owners.

RESPONSE P-09-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment asks why the Sweetwater Mesa Tank project was not included as a project component of District 29 Priority Capital Deficiencies Improvements project within the Draft EIR. For clarification, the Sweetwater Mesa Tank project, called the Civic Center Improvements, is a separate project and is not a part of the District 29 Priority Capital Deficiencies Improvements project. However, the Civic Center Improvements project was included in the cumulative impact analysis in the Draft EIR (as the Civic Center Improvements project).

The comment also references the funding and timing of the Civic Center Improvements project. The project has not been approved or funded by the Los Angeles County Board of Supervisors. Construction is anticipated to occur between October 2022 and October 2023, if approved.

Regarding the comment related to the environmental process of the Civic Center Improvements project, Waterworks is currently preparing an initial study as the first step in preparing the project's environmental document and is working with the City of Malibu during the preparation of preliminary design plans.

No change to the Draft EIR are necessary in response to this comment.

3.2.10 Commenter P-10—Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (1)

3.2.10.1 COMMENT P-10-1

Thank you very much for your presentation.

However, this morning we do have additional questions -- one for example as it pertains to the Owens tank which you do not list as one of your priority 9 projects, yet it is slated for replacement?

Is the District piecemealing these additional projects or ? We understand that the Encinal waterline upgrade was not included in the EIR, but, we're confused about these additional cumulative impact projects.

Can you please clarify and address this for us? We anticipated the EIR covered the entire scope of the projects Waterworks was upgrading.

Bottom line, how many projects in addition to the 9 listed in the EIR is the District slating for upgrading in the next 6 years? And, what are they specifically?

RESPONSE P-10-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

The comment asks about additional projects that District 29 is considering that are not included in the proposed project, with concerns about piecemealing.

District 29 identified five additional projects to be completed within the next 6 years, which were analyzed for cumulative impacts in the Draft EIR (Chapter 5, *Cumulative Impacts*). These include Malibu Branch Feeder 30-inch Realignment, Civic Center Improvements, Lower Busch Tank Improvement, Owen Tank Improvement, and Encinal Canyon Pressure Zones 525 and 825 Improvements. These projects have gone through their own independent CEQA processes or will do so once the appropriate information is available.

Each of these projects has independent utility meaning that any of them could be implemented independently. None of them compel another project or depend on the completion of another. Therefore, separate environmental documents are appropriate, and District 29 is not engaging in piecemealing as defined by CEQA, which defines piecemealing as a project divided into smaller projects, each of which might have individually minimal environmental consequences.

District 29 continues to evaluate its system to make other critical improvements in the future. As additional projects are proposed and prioritized, additional environmental analyses will be required.

No change to the Draft EIR are necessary in response to this comment.

3.2.11 Commenter P-11—Kim Lamorie, Las Virgenes Homeowners Federation, Inc. (2)

3.2.11.1 COMMENT P-11-1

On behalf of the Las Virgenes Homeowners Federation, Inc., and our mountain and coastal communities with thousands of stakeholders, we generally support the priority improvement projects as outlined in the EIR.

We applauded the use of objective criteria which identify the highest needs of the system as a whole for the benefit of the entire city of Malibu and Topanga as opposed to prioritizing the feeder line projects which benefit land speculators and developers.

The Federation is the largest umbrella of homeowner organizations in the SMMs and SMMNRA and has been representing homeowners' interests for more than 52 years.

We know only too well how special interests, particularly real estate investors and expeditors/facilitators, pro-development attorneys, etc., have long sought to confuse the public by manipulating "new water resource infrastructure" versus "existing need" that is NOT to the actual benefit of communities, but to the extraordinary benefit of themselves and their clients.

We are gratified that the neediest, oldest infrastructure with the highest maintenance needs is prioritized in this plan. We know our own VHFHSZ turf. The Federation has an unequivocal successful track record of advocating for critical homeowner mountain/coastal necessities versus the real estate voices that fearmonger and under the guise of community interest, particularly post Woolsey, seek to make profit for themselves.

We strongly support the District 29 priority projects that ensure that EXISTING residents and neighborhoods of the city of Malibu and of unincorporated Topanga have the resilient sustainable water system they need to ensure safety and system reliability – including infrastructure upgrades, repair, and replacements to lines and tanks. And, this includes Woolsey fire rebuild water needs in District 29 and in the LVMWD. Based on the District's criteria and project priority list this appears to be adequately addressed.

RESPONSE P-11-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project and opposition to expanding District 29 infrastructure beyond addressing existing needs. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.11.2 COMMENT P-11-2

The Federation does not, however, support growth inducing NEW water infrastructure where none exists or where upgrades serve no current resident need/purpose except to open up new areas for development (projects put forth by pro-growth opportunists) subsidized on the public's dime. This would be a misappropriation of public money or funding for the private gain of a few -- namely real estate interests. Those property owners should bear the burden of the cost for such improvements, not the public.

Consequently, the Federation opposes changing or adding any other projects to the current Waterworks priority list.

The District has determined what priority needs it has and what must be met first with its precious and scarce "public funding".

Special interest pressure should be exposed for what it is -- just that -- an effort to change the project priority list -- to get the public to pay for new water infrastructure where there are vacant parcels with no water access. A simple map review reveals the true intent.

By challenging Waterworks priority list, these pro-growth advocates, hurt our vulnerable residents and communities who need District 29 water upgrades now. It is an affront to our neighborhoods. Further, using Woolsey to fearmonger is reprehensible, and propagating false claims about an old, defunct committee, not representative of the residents of Malibu or Topanga, with no public hearings, is just further evidence of the degree they will go to try and profit off the public dollar.

Moreover, new growth inducing impacts further endanger communities -- urban sprawl is identified as the single biggest contributor of new fire risk as is the expansion of the Wildland Urban Interface (WUI).

We do not need to create any new fire risks including those that would manipulate Waterworks District 29 priority list into new growth.

Instead, please stay the course, use "our money", public money, wisely, to upgrade, fix, and focus on water supply and safety for all.

RESPONSE P-11-2

This comment opposes expanding District 29 infrastructure beyond addressing existing needs. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.12 Commenter P-12—Gina Odian

3.2.12.1 COMMENT P-12-1

I would like to see the very highest tiers of water usage increase exponentially. Rather than trying to public shame huge water wasters, let's simply let them pay for repairs needed to the system. It's hard for customers to work so hard to constantly save water when there are frequent water main leaks.

RESPONSE P-12-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment addresses water rates and funding repairs, but does not address significant environmental issues related to the project. No response is required under CEQA, and no changes to the Draft EIR are required.

3.2.13 Commenter P-13—Patt Healy, Malibu Coalition for Slow Growth

3.2.13.1 COMMENT P-13-1

On behalf of the Malibu Coalition for Slow Growth, a 29 year old organization and our many supporters, we support the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

We urge you not to add any new projects to the current priority list.

RESPONSE P-13-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project and opposition to expanding District 29 infrastructure beyond those currently in the District 29 Priority Capital Deficiencies Improvements. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.14 Commenter P-14—Georgia Goldfarb, Malibu Monarch Project

3.2.14.1 COMMENT P-14-1

The Malibu Monarch Project supports the position of the Las Virgenes Homeowners Federation in their December 14, 2020 letter to you regarding Waterworks District 29 Priority projects as outlined in the EIR.

The western monarchs are bordering on extinction, their historical numbers of 10 million only a few decades ago have dropped to less than 2,000 this year. In fact, today, the USFWS found that the monarch butterfly is warranted for listing under the Endangered Species Act.

The monarch population has plummeted as a result of human development encroaching on habitat and pesticide use. The Santa Monica Mountains have hosted monarchs for millennia. This year only a few were counted in Malibu compared with 1,000 just a few years ago and, of course, many thousands a few decades ago. Development has destroyed both overwintering sites in Malibu and pollinator habitat. Allowing more housing and other development will only further shrink the available habitat.

In addition, adding new development will increase the risk of wildfire by allowing invasive grasses, structures which will burn for hours vs native habitat, and will introduce other causes of human ignition. Human ignition is about the only cause of wildfires in Southern California.

Thus, restricting development in native habitat areas helps prevent the destruction of habitat and is protective against further decimation of the monarch.

Please do not add more development to your project list.

RESPONSE P-14-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment provides support for the proposed project because it would not create additional development that would lead to the destruction of monarch butterfly habitat. The comment does not address significant environmental issues or the analysis in the Draft EIR. No response is required under CEQA, and no changes to the Draft EIR are necessary due to this comment.

3.2.15 Commenter P-15—Virtual Public Meeting Attendee No. 1 (Anonymous)

3.2.15.1 COMMENT P-15-1

I do not see the Sweetwater tank upgrade, is it included?

RESPONSE P-15-1

At the virtual public meeting, a response was provided for this comment. (See page 14 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks if upgrades to the Sweetwater Tank project are included in the District 29 Priority Capital Deficiencies Improvements project. Waterworks responded at the meeting that the Sweetwater Tank upgrades were included as part of the cumulative impact analysis (Chapter 5, *Cumulative Impacts*, of the Draft EIR). The Civic Center Improvement projects identified in Chapter 5 include the Sweetwater Tank improvements. If approved, these improvements are proposed to be implemented between October 2022 and October 2023. They are being addressed in a separate CEQA process that will be recommended for consideration by the Board of Supervisors.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16 Commenter P-16—Virtual Public Meeting Attendee No. 2 (Jo Drummond)

3.2.16.1 COMMENT P-16-1

I'm a member of the dewatering committee in Big Rock, and have I some questions regarding the Big Rock bypass. I understand that this is happening along PCH between Big Rock Drive and Tuna Canyon. This is not actually below Big Rock, so we're a little confused. We have been investigating recent movement in the BRM Landslide Assessment District and we note that attached in the scope of the Big Rock bypass the following: "The bypass will consist of three parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." Does this mean that you have studied the landslide and does it confirm movement in the Big Rock Mesa Landslide District? Has this movement been affecting the pipes and Waterworks equipment, so that this effort must be mitigated? How did you confirm this movement? Let me know what we can do to get these answers. It is, obviously, important that we report these findings to Public Works and to our dewatering equipment and assessment district management company. Extensive projects -- some extensive studies must have been completed in your EIR to propose this work. Also we do wonder at the condition of the pipes directly below Big Rock given that we are -- we have high (Inaudible) balancing on duct tape PC piping down there. That could be our Big Rock assessment equipment, which is a separate thing, of course. But all the damage that is caused from PCH, continuing movement, etcetera, how are the pipes directly below Big Rock being effected and why are they not in the scope of work or have the current configuration of the main piping along PCH below Big Rock as compared to the upgrades proposed for Tuna? And if no upgrades are proposed or have been (Audio interruption) below Big Rock, then why or how would Waterworks be confident of the soil stability there? So here are my questions again: One, has Waterworks found movement from the Big Rock Mesa landslide that is causing issues with the pipelines on PCH where studies have been completed? Two, do you already have redundant triplicate piping for the water main where it runs along PCH below Big Rock? If not, on what basis did you decide the upgrade is necessary along Las Tunas Beach, but not along PCH below Big Rock? Three, do you have data showing that soils along Big Rock are safe enough not to require triplicate pipelines or has this been mitigated already?

RESPONSE P-16-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment asks about the Big Rock Bypass Improvements included in the District 29 Priority Capital Deficiencies Improvements. The comment expresses confusion about this improvement and its relationship to the Big Rock Mesa landslide and asks if studies of the Big Rock Mesa landslide were included in the Draft EIR.

The Big Rock Bypass Improvements site is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. The existing 30-inch transmission main was installed in 1963, and three 10-inch bypass lines were

installed in 1984. The Big Rock Bypass Improvements would involve replacement of the 30-inch transmission main and the three 10-inch bypass lines under PCH and would extend from east of the intersection of Big Rock Drive to Pena Road. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design. (See Section 3.7, *Geology and Soils*, of the Draft EIR.) Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

Because the District 29 Priority Capital Deficiencies Improvements are not located near the Big Rock Mesa landslide and would not affect the landslide, no analysis of the that landslide was included in the Draft EIR.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.2 COMMENT P-16-2

So the movement -- it says in the scope: "The bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area." So what movement is it addressing? That's what I want to know. · Is it a different landslide? That's what I'm trying to figure out.

RESPONSE P-16-2

A response was provided for this comment at the virtual public meeting. (See page 27 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the following wording: "The bypass will consist of three-parallel pipelines in PCH to accommodate continuing movement of a major landslide in the Big Rock area," which may have been taken from wording previously on the Waterworks website that has since been removed. Addressing land movement is not the purpose of the Big Rock Bypass Improvements. The description of the Big Rock Bypass Improvements is as follows: "The bypass would consist of three parallel pipelines in PCH to preserve the integrity of the Malibu water supply and prevent water leaks in the loose soils below PCH at Big Rock" (see Chapter 2, *Project Description*).

As discussed in the response to Comment P-16-1, the Big Rock Bypass Improvements included in the District 29 Priority Capital Deficiencies Improvements is located in the vicinity of the Las Tunas Beach slides, as discussed in Section 3.7, *Geology and Soils*, of the Draft EIR. The project is intended to address leaks in the 30-inch transmission main within the limits of the improvement and not to remediate the Las Tunas Beach slides.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.3 COMMENT P-16-3

I wondered. It say[s], "To accommodate continuing movement of a major landslide in the Big Rock area," so I wondered what it was.

RESPONSE P-16-3

A response was provided for this comment at the virtual public meeting. (See page 28 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

See response to Comment P-16-2. The wording quoted does not appear in the Draft EIR and is not the purpose of the Big Rock Bypass Improvements.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.4 COMMENT P-16-4

Sorry I keep going back to Las Tunas landslide. I just want to know has there been movement in the Las Tunas landslide that's causing the leaks that caused this project to come up?

RESPONSE P-16-4

A response was provided for this comment at the virtual public meeting. (See page 35 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks if the Las Tunas Beach slides is causing the leaks that have necessitated the Big Rock Bypass Improvements. Landslides are common throughout the Malibu area, and the Draft EIR identified landslides in the vicinity of the proposed project improvements, including the Las Tunas Beach slides near the Big Rock Bypass Improvements site. The cause of the leaks has not been identified. The 30-inch main is over 50 years old and the three parallel bypass lines are over 30 years old. As discussed in the response to Comment P-16-1, geotechnical studies during the project final design phase will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design. Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.5 COMMENT P-16-5

So when it says "accommodating continuous movement of a major landslide," it's just the design? That's all? It's not because it's actually moving?

RESPONSE P-16-5

This comment refers to language that does not appear in the Draft EIR, as discussed in the response to Comment P-16-2. The final design phase of the Big Rock Bypass Improvements will include geotechnical studies within the project limits and will incorporate any necessary geotechnical requirements into the project design.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.6 COMMENT P-16-6

I just wondered if we put our comments in writing by December 15th, when would we hear an answer or when will the Final EIR be completed?

RESPONSE P-16-6

A response was provided for this comment at the virtual public meeting. (See page 40 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks about the process for responding to comments. CEQA requires that the lead agency respond to all comments received during the public review period for the Draft EIR if they raise “significant environmental issues.” Responses to all comments received during the public review process, both in writing and orally at the virtual public meeting, are included in this Final EIR. Waterworks District 29 intends to seek certification of the Final EIR and approval of the District 29 Priority Capital Deficiencies Improvements project in early 2021.

No changes to the Draft EIR are necessary in response to this comment.

3.2.16.7 COMMENT P-16-7

We just got a notice that our water bill rates are being raised, is that just for -- does this have anything to do with these projects or no? Or is that just our water usage?

RESPONSE P-16-7

A response was provided for this comment at the virtual public meeting. (See page 42 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about increases in water bill rates and whether this increase is due to the proposed project. Waterworks responded that this increase is likely the annual pass-through increase related to cost increases from the wholesale water agency, the West Basin Municipal Water District, and the cost of inflation.

Because this comment does not address significant environmental issues or the Draft EIR, no additional response is necessary. No changes to the Draft EIR are necessary in response to this comment.

3.2.16.8 COMMENT P-16-8

I just wondered, yeah, how are these projects funded?

RESPONSE P-16-8

A response was provided for this comment at the virtual public meeting. (See page 43 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about funding for the District 29 Priority Capital Deficiencies Improvements. Waterworks responded that the funding for the projects comes from the rate payers of the districts, through either their water bills or their property taxes.

Because this comment does not address significant environmental issues or the Draft EIR, no additional response is necessary. No changes to the Draft EIR are necessary in response to this comment.

3.2.17 Commenter P-17—Virtual Public Meeting Attendee No. 3 (Don Schmitz)

3.2.17.1 COMMENT P-17-1

I do have some questions in regards to the scope of the EIR, asked and answered is the water improvement system within the Civic Center, which is the aforementioned Sweetwater Mesa tank. I know a lot of funds have been contributed to that by property owners within the Civic Center and that's a separate CEQA document.

But what concerns me is that this EIR does not seem to address many of the priority projects of several years of work from the Citizen Committee and the Professionals Group which is hosted by Water District 29 and the City of Malibu. I do sit on that, identified four of the communities of Malibu and it seems like perhaps they were not included out of a budgeting constraint, but I would point out that the EIR pursuant to CEQA is an informational document -- what concerns me greatly is that when Water District 29 is able to approve the funds and move up, again, on improving some of those tanks, again, I'll give you the two examples, we will be put into another very lengthy CEQA review process.

So the two that jump out at me, which were both identified, as I recall correctly, as priority number one projects from the task force group that worked on this was in the Las Flores Mesa area, which has a deficient water main and water tanks size, and I believe Carbon Canyon Mesa, same story. These are both built up neighborhoods. They both have existing tanks, which are very substandard. They both have substandard water main lines, three- or four-inch lines. And so those were identified as, as prior projects by the Water District in the City of Malibu, in the Citizen Task Force. It seems that somehow that those have dropped out, and it does concern me greatly. And I know also that Water District 29 in Las Flores Mesa has done a lot of analysis to ascertain definitively the geologic stability of the water tank site in that location where the existing water tank is.

So I know the Water District did take some input in regards to how to prioritize these different projects. But the two that I just addressed meet all the criteria and that they're completely built out neighborhoods which are at risk with very substandard infrastructure, which is the reason why they were priority one projects.

So I sure hope that we can continue to include those priority one projects in this review cycle for this EIR, so that we don't have to go through another CEQA review process when the Water District is able to financially budget the improvements to those two neighborhoods and any others that they deem appropriate.

We could certainly review everything through the CEQA process now with this EIR that does not obligate Water District 29 to immediately make those improvements.

RESPONSE P-17-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 20 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks that two additional improvements be included in the District 29 Priority Capital Deficiencies Improvements project addressed in this EIR: the Las Flores Mesa and the Carbon Canyon Mesa tanks and water mains.

The District 29 Priority Capital Deficiencies Improvements project included nine improvements that meet the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years (see Section 2.3, *Project Objectives*, of the Draft EIR). Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next 6 years. Those projects became the list of improvements in the project analyzed in the Draft EIR. While the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements were included in the current project, the Las Flores waterline and the Las Flores and Carbon Canyon Mesa tanks were not included. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

The comment also states that if the additional tank improvements were included in this EIR, then it would save time and money by not having to go through another CEQA review process. However, the improvements did not qualify as the most critical projects that could be constructed with the available funds over the next 6 years. At this point, the plans for the Las Flores Mesa and the Carbon Canyon Mesa tanks are not sufficient for environmental review. Therefore, Waterworks will include the improvements for the additional tanks in future environmental review process or processes when plans are sufficient for review and funding has been identified.

The comment does not address significant environmental issues. No changes to the Draft EIR are necessary in response to this comment.

3.2.17.2 COMMENT P-17-2

I appreciate you responding back to my query in regards to Carbon Mesa. And that was my read of the EIR document was that Carbon Canyon and Carbon Mesa line, which is essentially one and the same, it's just the line and not the tank. And the tank, as I recall in there, is a very substandard 50,000 gallon tank. It's great to get an adequate sized water main to serve that neighborhood up there in Carbon Mesa, but that being said, the majority of that neighborhood is above the pressure zone and standards being what Water District 29 has applied historically in the fire department, they want to see gravity flow for the 1,250 gallons per minute for one hour that was modified from two hours pursuant to the Woolsey Fire.

So I find it extremely curious why it is that when we have a tank, when there is an established easement in the area up there at the top the Mesa to the benefit of the water district to accommodate a larger tank in that seeing the tank is so substandard, why is it that we would be putting in just the water main in that area without improving the size of the tank so that neighborhood is adequately served.

Again, this was a priority 1 project as established by the assistant task force, Water District 29 and the City of Malibu. So I would appreciate if you could address that one specifically and if at all possible, Dave, if you could shed some light on why Las Flores Mesa was also dropped back seeing as it's an established neighborhood and such a substandard system.

RESPONSE P-17-2

A response was provided for this comment at the virtual public meeting. (See page 32 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment asks why the Las Flores Mesa tank was not included in the District 29 Priority Capital Deficiencies Improvements project. See response to Comment P-17-1. Waterworks stated at the virtual public meeting that different issues were considered when developing the list of improvements to be included in the proposed project. In addition to the size of tanks and fire flow, Waterworks looked at areas with significant number of leaks, structural deficiencies, and interconnections to address emergencies. Only the most urgent of all the projects were included in the currently proposed project. Waterworks acknowledges that there is more work to be done in the future to address existing system deficiencies and that it will continue to have stakeholder engagement moving forward.

The comment does not address significant environmental issues. No changes to the Draft EIR are necessary in response to this comment.

3.2.18 Commenter P-18—Virtual Public Meeting Attendee No. 4 (Craig Hill)

3.2.18.1 COMMENT P-18-1

I'm just curious if you can say offhand how long has it been since the piping directly beneath Big Rock has been studied or evaluated, you know, how do we know that it was not worthy of inclusion in this project? Was it last assessed last year or has it been 20 years? Or just any sort of indication of what the status of our knowledge is of that piping because, you know, as you're aware, we're going to be going ahead with a lot of talk about the assessment district and so forth. And any further clue you could give us about what is known about the condition of those – the current piping of Big Rock might be helpful.

RESPONSE P-18-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 25 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

This comment is addressing the Big Rock Mesa landslide, which is not located in the vicinity of the project. The Big Rock Bypass Improvements site is in the general vicinity of the Big Rock area, but the site is not located near or affected by the Big Rock Mesa landslide. Rather, it is located nearer the Las Tunas Beach slides. The Big Rock Bypass Improvements would address leaks in the 30-inch transmission main within the limits of the improvement. It is not intended to remediate the Las Tunas Beach slides. The existing 30-inch transmission main was installed in 1963. In addition, three 10-inch bypass lines were installed in 1984. The Big Rock Bypass Improvements would involve replacement of the 30-inch transmission main and the three 10-inch bypass lines under PCH and would extend from east of the intersection of Big Rock Drive to Pena Road. At the project final design phase, geotechnical studies will be conducted within the project limits and will incorporate any necessary geotechnical requirements into the project design (see Section 3.7, *Geology and Soils*, of the Draft EIR). Standard engineering design will consider the site's geologic conditions. This will provide the same quality design as the existing pipeline (or better, due to newer technology available, more accurate hydrological data, and updated standards).

Related to the selection of improvements for the District 29 Priority Capital Deficiencies Improvements project, the project includes nine improvements meeting the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years (see Section 2.3, *Project Objectives*, of the Draft EIR). Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next 6 years. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.19 Commenter P-19—Virtual Public Meeting Attendee No. 5 (Nyhar Desai)

3.2.19.1 COMMENT P-19-1

[[Just following up on Don's comments here. The list that was given of the 9 projects, is there any order of urgency on that list. I believe it looks like 1 or 2 on your presentation here and if there is no urgency we request -- we're trying to get all the homeowners together but, again, following up on what Don said. We really are hoping that the Public Works District will take care of Carbon Mesa and Carbon Canyon first just because it is a built out neighborhood and it is posing a great life safety risk because of the very, very low water flow in the lines that are currently existing. Is there any type of priority that will be given to that project?

RESPONSE P-19-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

A response was provided for this comment at the virtual public meeting. (See page 29 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

A construction schedule was provided in Chapter 2, *Project Description*, of the Draft EIR. Table 2-3 lists the approximate beginning and end dates for construction of each improvement in the District 29 Priority Capital Deficiencies Improvements project. Construction of the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements is currently scheduled for October 2022 to May 2023.

The order of the improvements is not necessarily aligned with the urgency of each improvement. Several factors are considered, including which improvements are the furthest along in the final design process, which can be accomplished the quickest to keep the schedule moving, and which improvements will require more complicated permitting, which can occur while other improvements are under construction.

No changes to the Draft EIR are necessary in response to this comment.

3.2.19.2 COMMENT P-19-2

If that's all the information we have right now, I just want to emphasize that we do feel it is a life safety More information provided issue on Carbon Mesa and Carbon Canyon. So any expediency is greatly appreciated.

RESPONSE P-19-3

This comment expresses a desire that the Carbon Canyon Road and Carbon Mesa Road Improvements be completed as quickly as possible. The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.19.3 COMMENT P-19-3

I was just browsing the Draft EIR and I thought somebody reference a timeline in Chapter 2. Is there a particular section I should be looking at where the timeline is?

RESPONSE P-19-3

A response was provided for this comment at the virtual public meeting. (See page 37 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

As discussed in the response to Comment P-19-1, a construction schedule was provided in Chapter 2, *Project Description*, of the Draft EIR. Table 2-3 lists the approximate beginning and end dates for construction of each improvement in the District 29 Priority Capital Deficiencies Improvements project.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20 Commenter P-20—Virtual Public Meeting Attendee No. 6 (Paul Grisanti)

3.2.20.1 COMMENT P-20-1

I love the fact that this is finally coming to the surface over two years later from when it was supposed to come out first. I'm rather disappointed to see that Las Flores Mesa improvements have been taken off the project. Does anybody have any comments about that?

RESPONSE P-20-1

Waterworks District 29 thanks you for submitting comments on the Draft EIR. Waterworks has prepared written responses to all comments on environmental issues. All comments received that address environmental issues, along with Waterworks' responses to the comments, will be provided to the Los Angeles County Board of Supervisors as part of the Final EIR when considering approval of the project.

This comment expresses a desire to have the Las Flores Mesa improvements included in the project.

The District 29 Priority Capital Deficiencies Improvements project included nine improvements meeting the project objectives to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years. (see Section 2.3, *Project Objectives*, of the Draft EIR.) Waterworks considered system deficiencies to identify the most critical projects that could be constructed with the available funds over the next six years. Those became the list of improvements in the project analyzed in the Draft EIR. While the Carbon Canyon Road and Carbon Mesa Road Waterline Improvements were included in the current project, the Las Flores waterline and the Las Flores and Carbon Canyon Mesa tanks were not included. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these additional improvements. Waterworks continues to evaluate the District 29 system deficiencies to make other critical improvements in the future.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.2 COMMENT P-20-2

It isn't the same project list, because the things that were on the project list in 2017 included Las Flores Mesa tank and pipes and also going over into Bonsall Canyon and things like that. This is a different project list.

RESPONSE P-20-2

This comment that the Las Flores Mesa tank and pipeline improvements were included in the previous list of improvements by Waterworks in 2017.

The Las Flores Mesa tank and pipeline improvements were not part of the improvement list included in Notice of Preparation for the District 29 Priority Capital Deficiencies Improvements on the November 9, 2017.

Based on a later comment, it appears the comment is referring to a list of projects that was included in the Los Angeles County District 29 Water System Master Plan (WSMP) Draft Program EIR, published in March 2016 (SCH No. 2014111057), which was a separately proposed project. The draft WSMP identified anticipated water system improvements through the year 2035. During the public review period, numerous public comments were received, and Waterworks chose not to pursue finalization of the Program EIR or approval of that project. The project currently proposed by District 29 identifies improvements to correct the most critical system deficiencies. These deficiencies were prioritized based on operational imperatives, importance to the overall system, and capacity. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these other improvements considered in the draft WSMP.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.3 COMMENT P-20-3

Are you planning on doing any of this with outside contractors or is it all in-house?

RESPONSE P-20-3

A response was provided for this comment at the virtual public meeting. (See page 47 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the methods for constructing the project improvements. The implementation of the District 29 Priority Capital Deficiencies Improvements will go through the County's standard outside contracting process.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.4 COMMENT P-20-4

I'm just going to write out the fact that I have copies of the EIR that was not approved or it wasn't even heard back in 2017, and the project list and the attachments for it that showed each project and the -- on the map, so and I made copies. So I'll be glad to give you copies. I can hand deliver them to Dave Rydman if he's going to be out in Malibu tomorrow.

RESPONSE P-20-4

The comment appears to describe a project list from the 2016 Draft Program EIR for the WSMP, which was a separately proposed project (see response to Comment P-20-2). Waterworks chose not to pursue finalization of the Program EIR or approval of that project. No changes to this Draft EIR are necessary in response to this comment.

3.2.20.5 COMMENT P-20-5

That is more proof that the 2017 project was larger than this project, because the budget at that time was \$100 million for that project.

RESPONSE P-20-5

A response was provided for this comment at the virtual public meeting. (See page 50 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment states that the “2017 project” was a larger project with a larger budget than the current District 29 Priority Capital Deficiencies Improvements project.

Waterworks undertook a thorough needs assessment for District 29 in 2012. That effort identified that there were over \$266 million worth of needs in District 29 just to address existing deficiencies. There were different proposals identified in 2012. In 2016, an effort was begun to pursue a larger project list, the WSMP. The objectives of the WSMP included developing a guideline for planning of the entire District 29 potable water system, evaluating the existing and build-out demand conditions with a 2035 planning horizon, and recommending improvements to address existing and build-out conditions. During the public review period for the Draft Program EIR for the WSMP, numerous public comments were received, and subsequently Waterworks chose not to pursue finalization of the Program EIR or approval of the project. Since then, District 29 identified improvements to correct the most critical system deficiencies. These deficiencies were prioritized based on operational imperatives, importance to the overall system, and capacity. The objectives of the proposed project are to provide a more reliable water system for existing Waterworks District 29 customers and to complete the most critical water system improvements that have been identified in Waterworks District 29 over the next 6 years. The District 29 Priority Capital Deficiencies Improvements can be accomplished independently of these other improvements considered in the draft WSMP.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.6 COMMENT P-20-6

So you started by using the --adding the two five-year plans together, because it had taken so long and now you've taken out stuff that was in that. So I don't understand why someone would be trying to tell me it's the same thing. · I mean, all of these things were in the 2017 -- 2016-2017 plan, but they're not -- there are other things that have been taken out.

RESPONSE P-20-6

A response was provided for this comment at the virtual public meeting. (See page 51 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about why the “2016–2017 plan” is not the same as the District 29 Priority Capital Deficiencies Improvements.

Waterworks prioritized the list of improvements based on existing leaks in the system, structural deficiencies, and resiliency of the system. The proposed District 29 Priority Capital Deficiencies Improvements project represents the most critical needs.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.7 COMMENT P-20-7

I would think that the four-inch water mains, the three- or four-inch water mains in Las Flores Mesa, which are decrepit and failing, are a critical part of the infrastructure.

RESPONSE P-20-7

A response was provided for this comment at the virtual public meeting. (See page 52 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment addresses the Las Flores Mesa pipelines, which are not part of the District 29 Priority Capital Deficiencies Improvements project. See responses to Comments P-20-1, P-20-2, P-20-4, P-20-5, and P-20-6 for discussions of the selection of improvements included in the District 29 Capital Deficiencies Improvements project. Waterworks recognized that there are additional concerns within District 29 and that additional improvements to correct existing deficiencies will be needed in the future.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.20.8 COMMENT P-20-8

What is the earliest that any part of this project will begin?

RESPONSE P-20-8

A response was provided for this comment at the virtual public meeting. (See page 53 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks when construction would begin. Table 2-3 in Chapter 2, *Project Description*, of the Draft EIR shows the proposed construction schedule for the District 29 Capital Deficiencies Improvements project. Construction would occur between January 2022 and September 2026.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.9 COMMENT P-20-9

Has the permitting process been started yet?

RESPONSE P-20-9

A response was provided for this comment at the virtual public meeting. (See page 54 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the permitting process. Some of the permitting requirements have begun, such as need for permits from Caltrans for work within their rights-of-way, and construction of the project cannot commence until recommended and approved by the Board of Supervisors along with certification of the EIR.

No changes to the Draft EIR are necessary in response to this comment.

3.2.20.10 COMMENT P-20-10

Is the District open to help from the community in the permitting process?

RESPONSE P-20-10

A response was provided for this comment at the virtual public meeting. (See page 55 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks if District 29 needs help from the community in the permitting process. Waterworks responded in the meeting that they were open to help from the community.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.

3.2.21 Commenter P-21—Virtual Public Meeting Attendee No. 7 (Anonymous)

3.2.21.1 COMMENT P-21-1

How much will Las Tuna/Big Rock bypass cost of this portion? Alma, are you able to address that question on the Las Tuna/Big Rock bypass?

RESPONSE P-21-1

A response was provided for this comment at the virtual public meeting. (See page 55 of the virtual public meeting transcript in Section 2.1.2, *Non-Agency Individuals and Organizations*, of the Final EIR.) This response is summarized and supplemented here.

The comment asks about the cost of the Big Rock Bypass Improvements. The cost of this improvement is estimated to be \$5.7 million.

The comment does not address significant environmental issues related to the proposed project. No changes to the Draft EIR are necessary in response to this comment.