

**Response to Comments for the Final Initial Study/Mitigated Negative Declaration
for the Wood Duck Well and Pump Station (SCH# 2022110031)
December 2022**

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1. Project Description

The County of Yolo is proposing to construct the Wood Duck Well and Pump Station to support the Wild Wings Wild Wings County Service Area (CSA) water system source capacity on County property referred to as the Wood Duck Well and Pump Station (SCH#2022110031).

2. Project Location

The Project area is located approximately 5 miles west of Woodland near the intersection of State Route 16 and County Road 94B in Yolo County. The project is located within a portion of the northwest quarter of an unsectioned portion of Township 10 North, Range 1 East, of the USGS Madison California (1952), 7.5 Series Quad. Elevation is approximately 130 amsl (average mean sea level). The Assessor’s Parcel Number (APN) is 025-440-076.

3. Public Review Period

Public Review Period: November 3, 2022 – December 4, 2022

4. List of Comment Letters and Responses

Four letters were received during the public review period commenting on the Draft IS/MND. The comments received do not raise substantial environmental issues as to the adequacy of the Draft IS/MND. In conformance with State CEQA Guidelines, the County, or its consultants, have prepared responses on environmental issues from reviewers of the Draft IS/MND.

A list of public agencies, organizations and individuals that provided comments on the Draft IS/MND is presented below. The letters received and the responses to the comments contained in the letters follow.

Letter Number	Sender	Date Received
1	State Water Resources Control Board (SWRCB)	December 2, 2022
2	State Water Resources Control Board (SWRCB)	December 5, 2022
3	California Department of Fish and Wildlife (Mary Xiong)	December 1, 2022
4	Dr. Chad Roberts	November 25, 2022



State Water Resources Control Board

December 2, 2022

Yolo County
Attn: Kimberly Villa
292 W. Beamer Street
Woodland, CA 95695

YOLO COUNTY (COUNTY), MITIGATED NEGATIVE DECLARATION (MND), FOR THE WILD WINGS COUNTY SERVICE AREA WOOD DUCK WELL AND PUMP STATION PROJECT (PROJECT); STATE CLEARINGHOUSE # 2022110031

Dear Ms. Kim Villa:

Thank you for the opportunity to review the MND for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The Project is within the jurisdiction of DDW Sacramento District. DDW Sacramento District issues domestic water supply permit amendments to the public water systems serviced with a modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a new water supply permit amendment for changes to a water supply source, storage, or treatment and for the operation of new water system components including new distribution tanks equal to or over 100,000 gallons, new wells, and treatment systems. Wild Wings County Service Area will need to apply for a water supply permit amendment for this Project.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the County's MND:

- The document references the California Department of Public Health twice in relation to the regulation of public water systems. Authority to regulate public water systems transferred from the California Department of Public Health to the State Water Resources Control Board on July 1, 2014. Please update the document to reflect the State Water Resources Control Board as the agency that regulates public water systems in California.
- The document uses an outdated Appendix G Environmental Checklist that does not address the potential project impacts to groundwater. The document fails to disclose that the new well will pump water from the Sacramento Valley- Yolo groundwater basin, a high priority basin according to the Department of Water Resources Bulletin 118. The groundwater is managed by the Yolo Sub-basin

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Groundwater Sustainability Agency who is responsible for the sustainable management of the groundwater basin. Please discuss: if the new well will affect any nearby wells; if so, if the impacts will be significant; and if the new well will impede the sustainable groundwater management of the basin.

- The Project will include a chemical treatment system. Please discuss if the groundwater was tested to ensure the drinking water will meet water quality standards and what treatment will be needed. If other treatment besides chlorination will be needed, please include the other treatment components in the Project description and analysis.

Once the MND is adopted, please forward the following items in support of the Wild Wings County Service Area permit application to the State Water Board, DDW Sacramento District Office at DWPDIST09@waterboards.ca.gov:

- Copy of the draft and final MND with the Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Yolo County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Ali Rezvani
District Engineer
Sacramento District

December 16, 2022

Project No. 21-2-109

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
State of California
State Water Resources Control Board
1001 I Street, 16th Floor
Sacramento, California 95814

SUBJECT: YOLO COUNTY WILD WINGS SERVICE AREA WOOD DUCK WELL AND PUMPING STATION – STATE CLEARINGHOUSE #2022110031

Dear Ms. Schmitz:

This letter is in response to the December 2, 2022, letter from the State of California State Water Resources Control Board regarding comments pertaining to the Mitigated Negative Declaration for the Wild Wings County Service Area Wood Duck Well and Pump Station Project; State Clearinghouse #2022110031. We offer the following response to your comments:

Comment 1 – The document references the California regulates public water systems.

Response: The MND has been corrected to reflect the State Water Resources Control Board.

Comment 2 – The document uses an outdated if the new well will impede the sustainable groundwater management of the basin.”

Response: The correct checklist has been inserted.

The Wild Wings County Service Area (CSA) was originally served by two ground water wells: Canvas Back and Pintail. Canvas Back Well, was completed to depth of 4 feet while and the Pintail Well was completed to a total depth of 1100 feet with screened intervals of 935 to 992 and 1021 to 1061 feet below ground surface. In 2009 the Canvas Back well was put on standby duty due to the levels of arsenic exceeding the drinking water standard Maximum Contaminant Level (MCL)s.

Currently, the Wild Wings CSA is only served by the Pintail Well and does not have a backup if the Pintail Well is removed from service for prolonged intervals. Additionally, the water levels in the Canvas Back Well have declined to the point that the well is not a viable source for providing supplemental water to the golf course for irrigation through the summer nor as a backup to the Pintail Well.

To provide the system with a backup source to the Pintail Well, the County opted to construct another deep well in the same aquifer as the Pintail Well, named the Wood Duck Well. As part of a geotechnical investigation, a multi-piezometer monitoring well was constructed on the Wood Duck site with completions at the 685, 1030 and 1070 foot levels. Water extracted and tested at each of those levels

indicated levels of arsenic exceeding the MCL in the 685 and 1030 foot levels with the Arsenic level at the MCL of 10 ug/L in the 1070 foot well.

Since the Pintail Well arsenic levels have been measured near the MCL, provisions for arsenic removal are being included in the well pumping station design to treat water from both the Wood Duck and Pintail Wells depending on which one is in use. The arsenic removal system will be installed at the Pintail Well site as there is infrastructure already in place to accommodate the treatment system and the treated water can be directly introduced into the water system storage tank.

Based upon the formations observed during the drilling of the test hole for the monitoring wells, the results of the electric geophysical logs taken from the test hole and the results of the water quality samples from the various piezometers in the monitoring wells, it was determined that the new Wood Duck Well would be designed to be completed in the same aquifer as the Pintail Well. Accordingly, the designed completion depths for the Wood Duck intake structures are 955 to 970, 995 to 1030, and 1040 to 1070 feet below ground surface.

The Pintail Well has historically produced between 76 to 95 million gallons of water annually. The Wood Duck Well and the Pintail Well will share production by alternating service duty. The combined production of both wells will not exceed the historical production of the Pintail Well. The Wood Duck Well will also provide a redundant well in the event the Pintail Well has to be taken out of service for any period of time. Since both wells will be extracting water from the same aquifer, without any increase in production over historical amounts, there will be no change in the amount of water withdrawn from the basin by the combined pumping of both wells.

Once the new well is constructed, the Wood Duck Well will be tested for both capacity and water quality to verify the well's viability to provide backup duty for the Wild Wings service area. That information will be utilized to develop the DWSPP and accompany the Application for an Amendment to the Water Supply Permit (to be filed by Yolo County) and submitted to the State Water Board for action.

Sincerely,

LUHDORFF AND SCALMANINI
CONSULTING ENGINEERS



William Gustavson
Senior Technical Advisor



Scott Lewis, P.G.
Principal Geologist



Allison Cronk
Project Engineer

Central Valley Regional Water Quality Control Board

5 December 2022

Kim Villa
County of Yolo Department of Community Services
292 West Beamer Street
Woodland, CA 95695-2511
Kimberly.Villa@yolocounty.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, WILD WINGS COUNTY SERVICE AREA WOOD DUCK WELL AND PUMP STATION PROJECT, SCH#2022110031, YOLO COUNTY

Pursuant to the State Clearinghouse's 2 November 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Wild Wings County Service Area Wood Duck Well and Pump Station Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

Wild Wings County Service Area Wood - 5 -
Duck Well and Pump Station Project
Yolo County

5 December 2022

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Comment provided by Inland Ecosystems, Inc.

The Wood Duck Well and Pump Station will not require fill material in navigable waters or wetlands nor discharges to surface waters. The project will not require dewatering operations but there will be a discharge of fluids from well development, development, and testing that will be directed to empty golf course lakes via a temporary, overland pipeline.



Glenn Merron <gmerron@gmail.com>

FW: CDFW's Comments on the ISMND for the Wild Wings CSA Wood Duck Well and Pump Station Project (SCH# 2022110031)

Kimberly Villa <Kimberly.Villa@yolocounty.org>
To: "wgustav855@aol.com" <wgustav855@aol.com>, "gmerron@inlandecosystems.com" <gmerron@inlandecosystems.com>
Cc: "cascade@saber.net" <cascade@saber.net>, Scott Lewis <slewis@lsce.com>

Thu, Dec 1, 2022 at 1:58 PM

We received another comment for the CEQA

From: Xiong, Mary@Wildlife <Mary.Xiong@Wildlife.ca.gov>
Sent: Thursday, December 1, 2022 1:53 PM
To: Kimberly Villa <Kimberly.Villa@yolocounty.org>
Cc: Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>; Thomas, Kevin@Wildlife <Kevin.Thomas@wildlife.ca.gov>; Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>
Subject: CDFW's Comments on the ISMND for the Wild Wings CSA Wood Duck Well and Pump Station Project (SCH# 2022110031)

Dear Ms. Villa,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from the Yolo County Department of Community Services (County) for the Wood Duck Well and Pump Station for the Wild Wings County Service Area of Yolo County Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code., § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. To the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The proposed Project includes the construction of a 1,000-foot deep production well and chemical treatment system housed within an approximately 1,800-square foot block building surrounded by eight-foot high wrought iron security fencing. Security cameras, emergency lighting, and a Knox box lock for emergency access would be installed at the facility, and landscaping will be installed around the Project area. An approximately 825-foot long all-weather access road will be constructed from Wood Duck Street to the Project site.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Worker Environmental Awareness Program (WEAP) training

CDFW recommends a qualified biologist provide a WEAP training for all construction personnel before any construction activities begin. At a minimum, the training should include a description and discussion of the mitigation measures within the Initial Study/Mitigated Negative Declaration (IS/MND) and a brief description of each species that have a potential to occur on the Project, including a discussion of identification, habitat, and legal protections.

Nesting Bird Surveys and Protection

Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (MBTA).

Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until some future time. As written, the following Mitigation Measure 10.4 (MM 10.4) below relies on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance. Because there is no guarantee that these approvals or cooperation with all the involved entities will ultimately occur, the mitigation measure is unenforceable and does not explain how the impacts to biological resources would be reduced to a less than significant level.

The IS/MND MM 10.4 states that the proposed Project is planned for construction over 18-months during the raptor and migratory bird nesting season (March 15 – July 31), and to mitigate potential impacts, a qualified biologist will conduct a nesting bird survey 48-72 hours prior to well drilling and other construction ground disturbance. In addition, MM 10.4 requires that if an active nest is located, the survey biologist will consult with Yolo County staff to avoid and/or minimize potential impacts such as establishing buffers and that other special-status species with a potential to occur in the project area would be assessed during the pre-construction and subsequent surveys.

CDFW recommends including performance-based protection measures for avoiding all nests protected under the MBTA and Fish and Game Code and is available to provide comments and feedback on nesting bird avoidance strategies, as necessary. A buffer may need to be increased based on the birds' tolerance level to the disturbance as it varies greatly depending on species, intensity of disturbance, whether the nesting pair is accustomed to disturbance, the location of the nest, the stage of development of nestlings, etc. Disturbance too close to the nest may impact the parents' ability to forage effectively and reduce nestlings' chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely. The following is an example of a performance-based protection measure: Should construction activities cause the nesting migratory bird or raptor to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, the exclusionary buffer should be increased such that activities are far enough from the nest to stop this agitated behavior by the migratory bird or raptor. The exclusionary buffer should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. In addition, Fish and Game Code protections for nesting and migratory birds apply regardless of the time of year, and some bird species may nest during the winter and fall months. If an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season until such time as the young have fully fledged and are foraging independently of their parents.

CDFW also recommends the migratory bird nesting season (March 15 – July 31) in MM 10.4 be revised to capture the typical nesting season for migratory birds and raptors, which is February 1 through August 31 and that this measure include the requirement to reinstate nesting bird surveys, during the nesting bird season, if there is a lapse in construction activities of 14 days or longer.

The IS/MND states in Section 10.4 Biological Resources page 19 that to mitigate potential impacts, a qualified biologist will conduct surveys over the planned course of the Project and prior to construction, visually assessing for active nests within 500 feet (150 meters) of the Project area.

While preconstruction surveys of suitable nesting habitat within 500 feet of the Project footprint may be adequate to identify active nests of non-raptors, it may not be adequate to identify active raptor nests that occur outside of this range and are not tolerable of Project disturbances. CDFW recommends the language on page 19 be revised and be included in MM 10.4 to reflect the appropriate survey radius of the preconstruction surveys. CDFW recommends that a qualified biologist should survey the area within a minimum ¼ mile (for raptors) and 500 feet (for non-raptors) radius around the Project area.

Tricolored Blackbird (*Agelaius tricolor*)

Although there is no suitable nesting habitat for tricolored blackbird within the Project area and its 100-foot buffer, there is a large California Natural Diversity Database (CNDDDB) occurrence area along Cache Creek approximately 200 feet north of the Project area. CDFW recommends the IS/MND analyze whether the wetland area is potential TRBL nesting habitat with a clear description of how it was determined if it is or is not suitable for nesting. If it is determined that suitable nesting habitat does exist, CDFW recommends the IS/MND be revised to include the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan's (Yolo HCP/NCCP) Avoidance and Minimization Measure AMM21 (Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird).

CDFW recommends that the IS/MND includes the text of each of the applicable Avoidance and Minimization Measures (AMMs) from the Yolo HCP/NCCP that applies to the Project and identifies which of the mitigation measures in the CEQA document incorporate aspects of each AMM. Furthermore, in cases where the wording of the Project's mitigation measures differs from that of the Yolo HCP/NCCP AMMs, CDFW recommends including a brief discussion of how the Project's mitigation measures are consistent with the Yolo HCP/NCCP AMMs.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEE

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Please direct written notifications to: California Department of Fish and Wildlife North Central Region, [1701 Nimbus Road, Rancho Cordova, CA 95670](https://www.wildlife.ca.gov/locations/north-central) or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the IS/MND to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Mary Xiong, Senior Environmental Scientist (Specialist) at (916) 212-3876 or mary.xiong@wildlife.ca.gov.

Sincerely,

Mary Xiong
Senior Environmental Scientist (Specialist)
Habitat Conservation Program
California Department of Fish and Wildlife – North Central Region
Cell: (916) 212-3876

[THIS EMAIL ORIGINATED FROM OUTSIDE YOLO COUNTY. PLEASE USE CAUTION AND VALIDATE THE AUTHENTICITY OF THE EMAIL PRIOR TO CLICKING ANY LINKS OR PROVIDING ANY INFORMATION. IF YOU ARE UNSURE, PLEASE CONTACT THE HELPDESK (x5000) FOR ASSISTANCE]



INLAND ECOSYSTEMS, Inc.
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www.inlandecosystems.com

December 5, 2022

Ms. Kimberly Villa
County of Yolo
Community Services
292 Beamer St.
Woodland, CA 95695

Subject: California Department of Fish and Wildlife comments on the CEQA Initial Study/Proposed Mitigated Negative Declaration for the Wild Wings CSA – Wood Duck Well and Pump Station Project

Dear Ms. Villa,

I have reviewed the comments on the California Environmental Quality Act (CEQA) Initial Study/Proposed Mitigated Negative Declaration for the Wood Duck well and pump station project provided by the California Department of Fish and Wildlife (CDFW) and would like to respond to the environmental issues raised as follows:

- 1) **Workers Environmental Awareness Program (WEAP) training** - Inland Ecosystems agrees that WEAP training should be carried out for the Wood Duck well and pump station project. Both Senior Biologist, Mary Bailey, and I have conducted several of these pre-construction awareness meetings with contractors prior to project activities. Mary Bailey, who prepared the Biological Assessment for the project, is on-call for that task. I will incorporate WEAP language into the CEQA Mitigation Monitoring and Reporting Program (MMRP).
- 2) **Enforcement of MMRP**– CDFW comments related to enforcement of the MMRP is similar to the comment raised by Dr. Chad Roberts in his review of the MMRP. To ensure that the mitigation measures are enforceable, the MMRP will be amended to state that “Mitigation Monitoring” would be carried out by Inland Ecosystems under contract with LSCE, and verification of compliance signed by leading biologist.
- 3) **Nesting Bird Surveys and Protection** – CDFW recommends including performance-based protection measures for avoiding all nests protected under the MBTA and Fish and Game Code and that buffers may need to be increased based on the tolerance level to the disturbance as it varies greatly depending on species.

During Biological surveys carried out in June 2022, Inland Ecosystems biologists only observed and/or heard vocalizations from Scrub jay, Turkey vulture, Song sparrow,

Mockingbird and Mourning dove as reported. The presence of these species would suggest their disturbance tolerance is high given a planned residential community, orchard, airport and recreational facilities are all within close proximity to the Wood Duck well and pump station.

- 4) **Duration of Surveys** - CDFW recommends the migratory bird nesting season (March 15 – July 31) in MM 10.4 be revised to capture the typical nesting season for migratory birds and raptors, which is February 1 through August 31 and that this measure include the requirement to reinitiate nesting bird surveys, during the nesting bird season, if there is a lapse in construction activities of 14 days or longer. This requirement will be reflected in the IS/MND and MMRP.
- 5) **Radius of Bird Surveys** - CDFW recommends that language in the Initial Study be revised and included in the MMRP Mitigation Measure (MM 10.4) to reflect a survey radius for the pre-construction surveys to extend a minimum ¼ mile (for raptors) and 500 feet (for non-raptors) radius around the Project area. This requirement will be reflected in the IS/MND and MMRP with understanding that the Wood Duck well and pump station project area is surrounded on 3-sides with development including the Wild Wings CSA, orchard, recreational facilities, and airport which would limit total access of surveys.
- 6) **Tricolored Blackbird** – CDFW recommends the IS/MND analyze whether the wetland area of Cache Creek, north of the project site, is potential suitable habitat for Tricolored Blackbird. Inland Ecosystem's Biological Assessment reported numerous California Natural Diversity Database (CNDDDB) occurrences for Tricolored Blackbird within a 5-mile radius of the Wood Duck well and pump station project site.

Inland Ecosystems has assumed, based on the numerous CNDDDB occurrences in the area, that the habitat of the riparian corridor of Cache Creek is suitable nesting habitat for a variety of birds in addition to Tricolored Blackbird. The presence/absence of Tricolored Blackbird will be determined in all future biological surveys for the project survey radius over the course of construction. Determining whether the area is a wetland appears out of the project scope as it may require a U.S. Army Corps of Engineers Section 404 process and wetland determination and possibly other regulatory requirements.

Inland Ecosystems will include text that if Tricolored Blackbird presence is reported the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan's (Yolo HCP/NCCP) Avoidance and Minimization Measure AMM21 (Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird) would be followed.

Please contact me at (775) 722-0933 or via e-mail to discuss my responses to the CDFW comments.

Sincerely,

Glenn S. Merron, Ph.D.

cc: Bill Gustavson, Luhdorff and Scalmanini Consulting Engineers

LETTER 4

From: Chad Roberts <recp@cal.net>
Sent: Friday, November 25, 2022 9:50 AM
To: Kimberly Villa <Kimberly.Villa@yolocounty.org>; Taro Echiburu <Taro.Echiburu@yolocounty.org>; Stephanie Cormier <Stephanie.Cormier@yolocounty.org>
Cc: Bob Schneider <verve2006@comcast.net>; Alan Pryor <ozone21@att.net>
Subject: RE: Notice of Intent

Kimberly,

Thank you for providing the NOI. I can't provide the application number, so forth, for the Wild Wings Well project, since it wasn't provided, but it should be clear which project is referenced.

I don't have any specific concerns about the numerous sections of the CEQA assessment, which I believe comports with CEQA guidance and would achieve the results county's residents want for our environment. I do, however, have an issue with the mitigation and monitoring program in Appendix D. The proposed party for monitoring implementation of the mitigation measures is Yolo County, rather than the applicant. Monitoring implementation of mitigation measures is Yolo County's legal obligation under CEQA, but generally the lead agency requires that the physical actions required for the monitoring are to be carried out by the applicant (typically a person hired by or paid by the applicant), not by county staff. The proposed program obligates the county to physically conduct the monitoring or pay someone else to do it, but I doubt that this will happen, given the level of commitment of county staff time to other tasks. I recommend that the document be amended to require that monitoring mitigation measure implementation be identified as an applicant responsibility (both physically and financially), with monitoring results reported to Yolo County on some kind of regular basis, and that this requirement be included in the County's approval.

Best,

Chad Roberts

Chad Roberts, Ph.D., Conservation Ecologist
Professional Wetland Scientist (*emeritus*), Society of Wetland Scientists
Senior Ecologist (*emeritus*), Ecological Society of America

Letter 4 – Response to Comment by County

Thank you for your email. The reason for having the County as the responsible party for this project is that the County is, in essence, the applicant. The project is for one of the County Service Areas (CSAs), which are managed by the County. The County does have dedicated staff for the CSAs.

2. Changes to the Draft IS/MND

The Draft Initial Study/Mitigated Negative Declaration is updated to reflect additional information and corrections to content. Changes to the Draft IS/MND include:

2.1 Pages 20-22 - Section 10.4 Biological Resources: Provided updated information to reflect pre-construction Workers Environmental Awareness Program (WEAP) training and extended nesting surveys for raptors and migratory birds which includes implementation of Avoidance and Mitigation Measures for Tricolored Blackbird to read:

“Prior to construction a qualified biologist will conduct a Workers Environmental Awareness Program (WEAP) training for all construction personnel before any construction activities begin. The training shall include a description and discussion of the mitigation measures and description of each species that have a potential to occur on the Project, including a discussion of identification, habitat and legal protections.”

“To mitigate potential impacts during the raptor and migratory bird nesting seasons a qualified biologist will conduct surveys over the planned course of the project and prior to construction visually assessing for active nests within 500 ft (150 m) of the project area for non-raptors and ¼ mile radius for raptors which is a CDFW recommended boundary. The biologist will follow the Yolo County HCP/NCCP mitigation measure **AMM21** (Minimize Take and Adverse Effects on Tricolored Blackbird) described below if an active nest is located. Other special-status species with a potential to occur in the project area would be considered during a pre-construction and subsequent surveys.”

AMM21, Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird. The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008). Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures. If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

2.2 Page 32 – Section 10.10 Hydrology and Water Quality: Provided updated information to reflect the procedure for discharge of fluids during well drilling, development and testing which will be directed to empty golf course lakes via a temporary, overland pipeline.

Revision for the Final Initial Study/Mitigated Negative Declaration for the Wood Duck Well and Pump Station (SCH# 2022110031)

December 2022

4.0 Proposed Project Elements (Page 6)

6. “Department of Public Health” **was revised to** “State Water Resources Control Board”

8.0 Required Public Agency Permits and Approvals (Page 7)

- “State of California Department of Public Health” **was revised to** “State Water Resources Control Board”

10.4 Biological Resources (Page 20-21)

“Raptors and migratory birds do forage and nest in various habitats throughout the Sierra Nevada foothills throughout the spring and summer. The proposed project is planned for construction over consecutive years during the raptor or migratory bird nesting seasons (February through May). To mitigate potential impacts a qualified biologist will conduct surveys over the planned course of the project and prior to construction visually assessing for active nests within 500 ft (150 m) of the project area, which is a CDFW recommended boundary. If an active nest is located the survey biologist will consult with Yolo County to avoid and/or minimize potential impact such as establishing buffers. Other special species with a potential to occur in the project area would be considered during a pre-construction and subsequent surveys.”

Was replaced with:

“Although no trees large enough to provide suitable nesting are within the project area, the nearby riparian corridor along Cache Creek does support several large trees that may be attractive for nesting. To mitigate potential impacts a qualified biologist will conduct surveys over the planned course of the project and prior to construction visually assessing for active nests within 500 ft (150 m) of the project area for non-raptors and ¼ mile radius for raptors, which is a CDFW recommended boundary. If an active nest is located for raptors the biologist will consult with Yolo County to avoid and/or minimize potential impact such as establishing an extended buffer zone. Should Tricolored Blackbird be observed, the biologist will follow the Yolo County HCP/NCCP mitigation measure AMM21 (Minimize Take and Adverse Effects on Tricolored Blackbird) described below. AMM21, Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird. The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records

maintained by the Conservancy (which will include CNDDDB data, Initial Study- Wood Duck Well and Pump Station Project 21 December 2022 October 2022 and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008). Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures. If an active tricolored blackbird colony is present or has been present within the last five years within the planning level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Prior to construction a qualified biologist will conduct a Workers Environmental Awareness Program (WEAP) training for all construction personnel before any construction activities begin. The training shall include a description and discussion of the mitigation measures and description of each species that have a potential to occur on the Project, including a discussion of identification, habitat and legal protections.”

10.4 Biological Resources (Page 22)

Language Added

“AMM21, Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird. The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008). Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures. If an active tricolored blackbird colony is present or has been present within the last five years

within the planning level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.”

10.10 Water Quality (Page 31)

Language Added

“The project will not require dewatering operations but there will be discharge of fluids from well drilling, development, and testing that will be directed to empty golf course lakes via a temporary, overland pipeline.”

Appendix D Mitigation Monitoring and Reporting Program

Mitigation Monitoring: Inland Ecosystems, Inc.

Verification of Compliance (Initials, Date, Remarks): 10.4 BIOLOGICAL RESOURCES: The following mitigation measures shall be incorporated into the project to avoid impacts to raptors, migratory birds and other special-status plant and wildlife species. 10.4 (a;d): Prior to construction a qualified biologist will conduct a Workers Environmental Awareness Program (WEAP) training for all construction personnel before any construction activities begin. The training shall include a description and discussion of the mitigation measures and description of each species that have a potential to occur on the Project, including a discussion of identification, habitat and legal protections. To mitigate potential impacts during the raptor and migratory bird nesting seasons a qualified biologist will conduct surveys over the planned course of the project and prior to construction visually assessing for active nests within 500 ft (150 m) of the project area for non-raptors and ¼ mile radius for raptors which is a CDFW recommended boundary. The biologists will follow the Yolo County HCP/NCCP mitigation measure AMM21 (Minimize Take and Adverse Effects on Tricolored Blackbird) described below if an active nest is located. Other special-status species with a potential to occur in the project area would be considered during a pre-construction and subsequent surveys. AMM21, Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird. The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the

Conservancy (which will include CNDDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored Initial Study-Wood Duck Well and Pump Station Project iv December 2022 blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008). Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures. If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.