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Subject: Notice of Preparation for the People's Moss Landing Water Desalination Project, Draft Environmental Impact Report
State Clearinghouse No. 2015061103

Dear Ms. McIntyre:

The California Department of Fish and Wildlife (CDFW) is in receipt of the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the People's Moss Landing Water Desalination Project (Project). The Project is a proposed reverse osmosis desalination plant to be located on a 16–acre portion of the approximately 200-acre site at the Moss Landing Green Commercial Park located in Moss Landing, California, at the corner of State Route 1 (SR-1 or Highway 1) and Dolan Road, immediately east of Moss Landing Harbor and south of the existing Moss Landing Power Plant. The purpose of the proposed Project is to develop a desalination project that would provide portions of the Monterey County area with a safe and reliable desalinated water supply of approximately 12 million gallons per day (mgd) (13,400 acre-feet per year [afy]). Specifically, the proposed Project would provide desalinated water to both the North Monterey County Area and the Monterey Peninsula Area. The proposed Project will provide 3,652 afy (3.3 mgd) of "new water" to customers in North Monterey County, including 152 afy (135,000 gallons per day [gpd]) for Moss Landing, 800 afy (714,000 gpd) for the Pajaro Sunny Mesa Water District, 1,000 afy (892,200 gpd) for the Pajaro Valley Water Management Agency and/or the City of Watsonville, as well as 1,700 afy (1.5 mgd) for the Granite Ridge area near Prunedale. The proposed Project would also help to offset the mandated water supply diversion curtailments on the Carmel River and Seaside Basin. Also, the proposed Project would provide the Monterey Peninsula area with 9,752 afy (8.7 mgd). As provided above, about 27% of the water would be provided to the North Monterey County area and 73% would be provided for the Monterey Peninsula.

The Project would include the construction of desalination plant facilities, including pretreatment, reverse osmosis, and post-treatment systems; chemical feed and storage facilities; a brine storage basin; and an administrative building. A seawater intake system would use an existing 20-foot diameter intake pump caisson structure that is

located on the beach and adjacent to the Moss Landing Marine Laboratories. A new pump house would be built on top of the existing intake structure. An ocean outfall facility would convey production brine back to the Monterey Bay at a rate of approximately 17.5 mgd at a salinity concentration of approximately 62,000 milligrams/liter (mg/L). A pipeline conveyance and storage facilities would include transmission pipelines and a terminal reservoir. The Project would also include general operation and maintenance (O&M) procedures for the Project's system components, including pipelines, pump stations, and the desalination plant.

Please be advised that the Project area might include habitat for the State and federally threatened California tiger salamander (*Ambystoma californiense*, CTS); the State fully protected Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*, SCLTS), white-tailed kite (*Elanus leucurus*), and southern sea otter (*Enhydra lutris*); the California species of special concern and federally threatened California red legged frog (*Rana draytonii,* CRLF), and might also have associated impacts to the California species of special concern and federally threatened south central California coast DPS steelhead (*Oncorhynchus mykiss*) and to nesting bird species. Other sensitive species have the potential to occur within the Project area as well including sensitive plants, amphibians, marine mammals, and other marine organisms. Additionally, the Project area supports habitat features such as coastal wetlands, marine, and potentially other habitats that are considered sensitive by CDFW.

CDFW has concerns about the Project-related impacts to sensitive habitats that are adjacent to or within the Project area, as well as the associated impacts to species that utilize these habitat types. Project-related impacts to these special status biological resources should be evaluated and addressed prior to Project implementation, in order to comply with State laws described below; therefore, CDFW recommends that biological surveys be conducted by a qualified wildlife biologist and botanist during the appropriate season(s) and that the results of these surveys are used to inform the analysis of impacts to resources and to provision suitable avoidance, minimization, and mitigation measures to reduce impacts to less than significant levels in the DEIR.

Department Jurisdiction

Trustee Agency Role: CDFW is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Role: CDFW is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from CDFW, such as an Incidental Take Permit (ITP), pursuant to the California Endangered Species Act (CESA), or a Lake and Streambed Alteration Agreement (LSAA) issued under Fish and Game Code Sections 1600 *et seq.*

CDFW has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, or designated as a candidate for listing, pursuant to Fish and Game Code Section 2081. If the Project could result in the take of any species pursuant to CESA, CDFW may need to issue an ITP for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC).

The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with CESA. In other words, compliance with CESA does not automatically occur based on local agency project approvals or CEQA compliance; consultation with CDFW is warranted to ensure that Project implementation does not result in unauthorized take of a State-listed species.

Incidental take authority is required prior to engaging in lawful take of any plant or animal species listed under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act. No direct or indirect disturbance, including translocation, may legally occur to State-listed species prior to the applicant obtaining incidental take authority in the form of an ITP.

State Fully Protected Species: Fully protected species may not be taken or possessed at any time and must be avoided by the Project. Please note that CDFW cannot authorize Project-related take of fully protected species (Fish and Game Code Sections 3511, 4700, 5050, and 5515). The following fully protected species could occur in the Project area: southern sea otter (*Enhydra lutris*), Guadalupe fur seal (*Arctocephalus townsendi*), Pacific right whale (*Eubalaena japonica*), brown pelican (*Pelecanus occidentalis*), California least tern (*Sternula antillarum browni*), white-tailed kite (*Elanus leucurus*), and Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), (Fish and Game Code Sections 3511, 4700, and 5050). The DEIR is advised to address any impacts that may occur to fully protected species and is advised to include measures to preclude take of fully protected species on the Project site during construction, operations, and maintenance of the Project. More information regarding fully protected species can be found on CDFW's website: https://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html.

Permit Streamlining: Issuance of an LSAA and/or an ITP by CDFW is considered a "project" (CEQA Guidelines Section15378) and is subject to CEQA. CDFW typically relies on the Lead Agency's CEQA compliance to make its own findings. For the Lead Agency's CEQA document to suffice for permit/agreement issuance, it must commit to fully describing the potential Project-related impacts to stream/riparian resources and listed species, as well as measures to avoid, minimize, and mitigate impacts to these resources. Take of State-listed species must be "fully mitigated" in order to comply with CESA (Fish and Game Code Section 2081(b)(2)). If the CEQA document issued by the Moss Landing Harbor District (Harbor District) for this Project does not adequately analyze impacts to resources that require permits issued by CDFW, CDFW may need to act as a Lead CEQA Agency and complete a subsequent CEQA document. This could significantly delay permit issuance and, subsequently, Project implementation. For that reason, it is very important that the EIR reflect suitable and feasible avoidance, minimization, and compensatory mitigation, such that CDFW is able to make findings per CEQA necessary for ITP or LSAA issuance. In addition, CEQA grants Responsible Agencies authority to require changes in a Project to lessen or avoid effects of that part of the Project which the Responsible Agency will be called on to approve (CEQA Guidelines Section 15041).

Bird Protection: CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Biological Information: As required by CEQA, the DEIR should clearly identify resources on the Project site and their potential to be impacted by the proposed Project; analyze potential impacts as to their significance; and identify measures to reduce all potentially significant impacts to a level of less-than-significant. Impact analysis should be predicated on complete biological surveys. Measures and alternatives that would avoid and minimize potential impacts to resources of concern, as well as on-site conservation measures, should be considered prior to measures and alternatives that would provide for compensatory resources on- or off-site.

Surveys should be conducted at the appropriate time of year to determine the presence/absence, location, and abundance of sensitive plant and animal species and natural communities that might occur on the Project site. In addition to the specific surveys that are recommended below, general wildlife surveys should be conducted over the entire Project site to determine potential impacts to wildlife species and habitats of concern. Sensitive natural communities that might occur on the Project site should also be identified and mapped and potential impacts evaluated and mitigated.

CDFW submits the following recommendations on specific biological resources and issues that should be discussed in the DEIR.

Botanical Inventory: There is the potential for sensitive plant species to occur within the Project area. Botanical surveys are recommended to be conducted prior to Project activities and in accordance with guidelines developed by CDFW (CDFG 2009; http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf) and the United States Fish and Wildlife Service (USFWS) (USFWS 2000; http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/Documents/Listed_plant_survey_guidelines.PDF). Botanical surveys are floristic in nature and must be timed appropriately and cover the entire project, and could require multiple surveys in order to detect all species that could be present on the property, before impact analysis occurs. The above referenced guidelines instruct the use of reference sites to confirm appropriate survey timing, particularly for seasonably variable, often difficult to detect species. Please note that environmental conditions have not been favorable towards plant species in the last few years and therefore sensitive plant populations might not express themselves adequately for detection and identification during surveys.

Nesting Birds: The trees, shrubs, and grasses within and in the vicinity of the Project site provide nesting habitat for songbirds and raptors. CDFW encourages Project implementation to occur during the non-nesting bird season; however, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project proponent is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, including staging, clearing, and grubbing, CDFW recommends that surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and CDFW consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of non-listed raptors until the breeding season has ended or until a qualified biologist has

determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended that CDFW be notified in advance of implementation of a no-disturbance buffer variance.

Burrowing Owl: The Project site could be occupied by burrowing owls (*Athene cunicularia*). CDFW recommends following the preconstruction survey methodology developed by the California Burrowing Owl Consortium (CBOC 1993) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842) if the site contains burrows that could be used by burrowing owls. CDFW recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The table can be found from the Staff Report on Burrowing Owl Mitigation (CDFG 2012; see http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

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

* meters (m)

The Staff Report on Burrowing Owl Mitigation recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. CDFW also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl if a biologist knowledgeable with the biology and natural history of the species determines that suitable burrows are a potential limiting factor for burrowing owl. If the Project proposes to evict burrowing owls that may be present, CDFW recommends passive relocation during the non-breeding season. The CEQA document prepared for this Project should describe methods that would be used to evict owls from burrows, including a monitoring program to ensure that the eviction process does not result in injury or mortality to owls and that evicted individuals are using a relocation site.

Wetlands: The Project could impact wetland habitat that is part of the Moro Cojo Slough system. The wetland area in question would also be considered an

Environmentally Sensitive Habitat Area (ESHA) by the California Coastal Commission and would fall under the Fish and Game Commission's "No Net Loss of Wetlands" policy. It is the policy of the Fish and Game Commission (Commission) and CDFW to strongly discourage development in or conversion of wetlands. CDFW and the Commission typically oppose wetland development proposals unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage. The Commission's wetland policy contains essentially two considerations for offsetting adverse impacts to wetland resources. The policy stresses the need to compensate for the loss of wetland habitat on an acre-for-acre basis. That is, for every acre of wetland lost, no less than an acre of wetland must be created from non-wetland habitat. Compensation for the loss of wetland habitat values to fish and wildlife resources requires the creation of habitat values at the compensation site that at least duplicates those habitat values which are lost to project implementation. The DEIR is advised to clearly disclose the potential impacts that the Project may have on wetland habitat and provide measures to mitigate for all potential impacts to the wetlands.

Buffers between existing or proposed development and existing wetlands or wetland compensation sites should be included as an integral component of all mitigation plans in order to assure the attainment and maintenance of habitat values sufficient to compensate for project impacts. Buffers should be of sufficient width and should be designed to eliminate potential disturbance of fish and wildlife resources from noise, human activity, feral animal intrusion, and any other potential sources of disturbance. The size and character of buffers should ultimately be determined by the requirements of the affected species most sensitive to such disturbances. When feasible, buffers should be designed in a manner that complements the habitat values associated with adjacent wetland.

The loss of wetland acreage and habitat values to project implementation is permanent; therefore, it is necessary to maintain the mitigation area in perpetuity in order to compensate for the permanent effects of development. It follows then that the Project sponsor and all successor(s) must be responsible for the acquisition, development, and permanent maintenance of the compensation site in a manner that adequately mitigates the Project's impacts to fish and wildlife resources. For this reason, CDFW recommends that permanent maintenance of compensation sites be required as a condition of the granting of any permits that might be required for Project construction.

California Tiger Salamander (CTS): CTS are known to occur within the general Project planning area and could occur within the Project alignment. The DEIR is advised to clearly disclose the potential impacts that the Project might have on CTS and provide measures to mitigate for all potential impacts to CTS. CDFW recommends that a site assessment and protocol-level surveys be conducted for CTS because of known occurrences of CTS in the Project vicinity and aquatic features that may be CTS breeding habitat identified adjacent to the Project site. Surveys for this species should

follow current USFWS protocol methods. Survey guidance can be found at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915.

The results of the site assessment and protocol-level surveys can then be utilized to evaluate the potential for impacts to the species that would be analyzed by the Harbor District in the CEQA document, as well as to determine the potential for take to occur. If the Project has the potential to result in take of this species, take authorization from CDFW in the form of an ITP, pursuant to Fish and Game Code Section 2081(b), would be required prior to Project implementation to comply with Fish and Game Code. In the absence of protocol surveys, the applicant may assume presence of CTS within the Project area and obtain an ITP. Impacts related to the permitted taking of CTS must be minimized and fully mitigated as requirements of issuing an ITP.

Santa Cruz Long-toed Salamander (SCLTS): SCLTS are known to occur in the general area of the Project and could occur within the Project site. Please be advised that SCLTS is listed as a State fully protected species and Project-related take of individuals is prohibited. CDFW recommends that a site assessment and protocol-level surveys be conducted for SCLTS to determine potential presence. The DEIR is advised to clearly disclose the potential impacts that the Project could have on SCLTS and provide measures to fully avoid all potential impacts to SCLTS.

California Species of Special Concern (CSSC): Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. This should include CSSC that are known to the Project area vicinity and could occur in the Project area, such as California red-legged frog, burrowing owl, and Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*); as such, impacts to these species and their habitats must be identified and mitigated to a level of less than significant. These species develop, forage, breed and nest in aquatic systems, riparian areas and associated uplands and could utilize sites within and around the Project Area. These species have all been identified to occur on adjacent sites.

As California red-legged frog is also a federally threatened species, CDFW recommends you consult concurrently with the USFWS as you work with CDFW to ensure you are in compliance with both the State and Federal Endangered Species Acts.

Marine Protected Areas: The Marine Life Protection Act (MLPA) designated Marine Protected Areas (MPAs) in the vicinity of the Project and they are regulated through Fish and Game Code Section, 28 and California Code of Regulations, Title 14,

Section 632. The Elkhorn Slough State Marine Reserve (SMR), Moro Cojo Slough SMR, Elkhorn Slough State Marine Conservation Area (SMCA), Soquel Canyon SMCA, and Portuguese Ledge SMCA occur in the vicinity of the Project. In a SMR, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities including, but not limited to, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of non-consumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources (PRC Section 36710(a)).

In an SMCA, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources (PRC Section 36710(c)). Additional information for MPAs can be found on CDFW's website (http://www.dfg.ca.gov/marine/mpa/). CDFW recommends including an analysis of potential Project impacts within MPAs in the DEIR.

Entrainment and Impingement: CDFW is concerned about the potential effects to marine resources from impingement and entrainment caused by the Project. CDFW prefers the method of drawing salt water from wells for desalination to avoid entrainment and impingement. CDFW remains concerned with the wedgewire screen technology as it has yet to be used beyond the testing phase on the California coast. CDFW recommends a full analysis of impingement and entrainment effects. Impacts to marine organisms other than larval fish could occur and additional analysis in the DEIR is recommended. Additional monitoring and testing could also address the following concerns CDFW has regarding fish screens:

- Biofouling of the proposed wedgewire screens
- Impingement and entrainment of all sizes of organisms
- Maintenance of the screens
- Marine organism occurrence at the depth proposed by the Project

Discharge Brine and Water Quality: CDFW is concerned about the discharge of brine effluent to the marine environment and potential harmful impacts to marine life. CDFW

recommends that the Project review the recently adopted State Water Resources Control Board Ocean Plan Amendment for Desalination. The Project should at a minimum follow the policy detailed in the Desalination Amendment. CDFW recommends that the DEIR fully describe potential effects to the marine environment from the brine effluent discharge. In addition, CDFW recommends a robust monitoring plan for the proposed discharge brine to insure that the discharged effluent is fully mixed and avoids significant impacts to marine resources.

Construction Impacts to the Marine Environment: CDFW is concerned about Project impacts to kelp, eelgrass, and rocky substrate habitats, especially from construction activities. CDFW recommends monitoring any rocky nearshore habitat, kelp beds, and eelgrass adjacent to any Project construction activities before, during, and after construction, and developing a comprehensive monitoring plan in coordination with CDFW for kelp, eelgrass, rocky substrate, fish, and invertebrates. Should impacts occur to kelp beds, eelgrass, or rocky substrate, CDFW recommends mitigation to reduce impacts to less than significant.

In addition, CDFW is concerned about the short-term impacts from dredging activities should they be proposed for the construction phase. CDFW recommends using all best management practices (BMPs) for dredging, including the use of the clamshell bucket dredge and coordinating with CDFW prior to commencing dredging to minimize impacts to biological resources.

CDFW is also concerned about the sound levels generated by underwater construction activities; including but not limited to dredging, pile driving, and directional drilling. CDFW is a signatory agency to the Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities, June 12, 2008. The agreed upon sound pressure levels are 206 dB peak and 187 dB accumulated sound exposure level (SEL). The DEIR does not foresee the SELs exceeding the agreed upon criteria; however, CDFW recommends that sound pressure level monitoring be included for the proposed work to ensure that SELs do not exceed these thresholds. CDFW recommends an analysis of potential SELs created by Project activities in the DEIR.

Littoral Cell: The proposed Project is within the Santa Cruz littoral cell. Coastlines are divided into naturally occurring compartments referred to as littoral cells. Each cell contains a cycle of sedimentation including sources, transport paths, and sinks of sediment, most notably sand material. Littoral cells and their budgets of sediment are essential planning tools for regional and coastal management. CDFW recommends an analysis of the Santa Cruz littoral cell and potential impacts to and from the Project. In particular, CDFW is concerned that sediment transport in the vicinity of the intake could lead to increased potential for fouling of the wedgewire screens.

Avoidable Wildlife Impacts from Erosion Control Mesh Products: Due to this Project site's extensive wildlife habitat interface, CDFW requests that erosion control and landscaping specifications allow only natural-fiber, biodegradable meshes and coir rolls. "Photodegradable" and other plastic mesh products have been found to persist in the environment, ensnaring and killing terrestrial wildlife. Reptile and amphibian deaths resulting from the use of plastic mesh products are well-documented. Plastic mesh erosion control products would likely cause unanticipated, avoidable impacts including take of special status species. CDFW believes that requiring the use of biodegradable products would be a feasible mitigation measure to reduce impacts to wildlife species.

USFWS and NOAA Consultation: As stated previously, CDFW recommends consultation with the USFWS prior to any ground disturbance related to this Project due to potential impacts to federally listed species. Take under the Federal Endangered Species Act (FESA) is more stringently defined than under CESA; take under FESA may also include 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 and NOAA in order to comply with FESA is advised well in advance of Project implementation.

Conclusions: Biological studies are recommended to include, but not be limited to, CTS, California red-legged frog, SCLTS, rare plants, nesting birds, steelhead trout, marine mammals, and other marine organisms. Surveys are advised to be comprehensive and address the subsequent impact assessment of all special status species that are found to occur or are likely to occur on or near the Project site. Impact analysis is also advised to address direct, indirect, temporary, and permanent impacts, as well as potential impacts to all sensitive species and associated habitat including coastal wetlands. CDFW recommends further analysis of impingement, entrainment, and brine discharge effects on marine organisms. Proposed measures to mitigate Project impacts are recommended to emphasize avoidance and minimization over the translocation of resources or provision of compensatory resources on- or off-site. In addition, CDFW recommends that the USFWS and NOAA be consulted due to potential impacts to federally listed species.

Thank you for the opportunity to comment on the NOP for the People's Moss Landing Water Desalination Project DEIR. CDFW is available to consult with the Harbor District regarding potential effects to fish and wildlife resources, as well as specific measures that would mitigate potential effects of the Project. Depending upon the results of the described biological surveys, actual Project site configuration, and other details that should be disclosed in the DEIR, CDFW may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions regarding these comments, please contact Brandon Sanderson, Environmental Scientist, at 3196 Higuera Street, Suite A, San Luis Obispo, California 93401, by telephone at

(805) 594-6141, or by email at brandon.sanderson@wildlife.ca.gov. You may also contact Craig Bailey, Senior Environmental Scientist Supervisor, by telephone at (559) 243-4014, or by e-mail at craig.bailey@wildlife.ca.gov. If you have specific questions in regards to marine biological resources please contact Marine Region staff Eric Wilkins, Environmental Scientist, at 20 Lower Ragsdale Drive, Suite 100, Monterey, California 93940, by telephone at (831) 649-2813, or by email at eric.wilkins@wildlife.ca.gov.

Sincerely,

Dean Marston

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