



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 (559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Jun 13 2022

STATE CLEARINGHOUSE

June 10, 2022

Jacquelynn Ybarra, Planner
 Santa Barbara County Planning and Development Division
 123 East Anapamu Street
 Santa Barbara, California 93101
jybarra@countyofsb.org

Subject: Plains Pipeline L.P. Line 901 and Line 903 Full Replacement Project (Project) (Revised-2019) Notice of Preparation (NOP) State Clearinghouse No: 2019029067

Dear Ms. Ybarra:

The California Department of Fish and Wildlife (CDFW) has received the above-referenced NOP of a Draft Environmental Impact Report (DEIR) for the Plains Pipeline Replacement Project (Project). The County of Santa Barbara is the lead agency preparing a DEIR pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹ with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. The proposed Project is located within the boundaries of both CDFW Regions 4 and 5. CDFW has prepared a combined response to the NOP that updates CDFW comments on the NOP dated March 21, 2019, and on the Notice of Intent to BLM dated June 3, 2019. CDFW requests that any future communication related to this Project continue to include both the Region 4 and Region 5 offices.

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 & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 2

purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

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

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

Water Pollution: Pursuant to Fish and Game Code section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures implementation of the Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to streams include the following: increased sediment input from road or structure runoff; and toxic runoff associated with development activities and implementation. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

PROJECT DESCRIPTION SUMMARY

Proponent: Plains Pipeline, L.P.

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 3

Objective: The Project is proposing to replace the existing, and currently shut-in, 123.4-mile crude oil pipeline system known as Lines 901 and 903. Line 901 is a 10.9-mile, insulated twenty-four-inch diameter, steel pipeline designed with a throughput capacity of 150,000-barrels of crude oil per day. Line 903 is a 113.5-mile insulated thirty-inch diameter steel pipeline designed with a throughput capacity of 300,000-barrels of crude oil per day.

Location: This Project involves multiple counties including Kern, San Luis Obispo, and Santa Barbara (Figure 1).

The existing Line 901 currently extends from Plains' Las Flores Pump Station (within ExxonMobil's Las Flores Canyon facility) north of Highway 101 for approximately 11 miles along the Gaviota Coast and terminates at the Gaviota Pump Station. Line 903 exits the Gaviota Pump Station, crosses under Highway 101 into Gaviota State Park and parallels Highway 101 as it heads inland. Line 903 crosses underneath Highway 101 just north of the intersection with State Route 154, south of Los Alamos, and continues north through the southern portion of the State Designated Cat Canon Oil Field and underneath the Sisquoc River to the Sisquoc Pump Station. Once Line 903 reaches the Sisquoc Pump Station, it heads eastward along the Santa Barbara (SB) County boundary and San Luis Obispo (SLO) County boundary to the Pentland Delivery Point in Kern County. Although the existing pipeline alignment currently traverses through the City of Buellton, the proposed pipeline would be relocated outside the existing alignment just outside Buellton City Limits. Additionally, the proposed alignment would deviate from the existing alignment for a small portion along the Gaviota Coast to avoid sensitive species.

The proposed pipeline would traverse approximately 260 different parcels (155 in SB County), all of which range in size from just less than 1-acre to over 3,400-acres and are zoned AG-1 (Agriculture), AG-II (Agriculture), REC (Recreation), M-CR (Coastal Related Industry), M-CD (Coastal Dependent Industry), RMZ (Resource Management) within SB, AG (Agriculture), conserved lands, and RL (Rural Lands) within SLO, SB, and Kern Counties. The existing and proposed replacement pipelines also cross the CDFW's Carrizo Plains Ecological Reserve (Figure 2) and Gaviota Tarplant Ecological Reserve (Figure 3) as well as Federal lands, including Los Padres National Forest, the Carrizo Plain National Monument, and Bitter Creek Wildlife Refuge.

Timeframe: None listed.

CDFW offers the following comments and recommendations to assist the County of Santa Barbara in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. CEQA guidelines also assist the Lead Agency in avoiding or minimizing potential Project impacts on biological resources. Editorial comments or other suggestions may also be included to improve the document.

Jacquelynn Ybarra, Planner
 Santa Barbara County Planning and Development Division
 June 10, 2022
 Page 4

Specific Comments

1. **NOP Biological Assessment List of Species:** CDFW recommends a 9-quadrangle search of the California Natural Diversity Database (CNDDDB) to establish a master list of potential species impacted by the Project. All potentially suitable habitat that could support presence for these species should be surveyed by implementing the following species-specific protocol surveys. If species-specific protocols are not available, the survey methodology is advised to be submitted to CDFW prior to implementation to ensure that detection is maximized, and the results will be accepted. Please be advised that surveys for CESA-listed and CEQA-rare species are recommended to be completed prior to finalizing the DEIR. Based on the survey results, the final CEQA document should propose avoidance and specific, quantifiable, and enforceable mitigation measures for Project impacts to biological resources within the Project footprint. Surveys should be timed during the appropriate season for maximum detection of sensitive species. For botanical species, CDFW's Updated protocols (CDFW, 2018) should be utilized.

Fully Protected Species: The state-listed endangered and fully protected blunt-nosed leopard lizard (*Gambelia sila*), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), and California condor (*Gymnogyps californianus*) are all known to occur in areas of potentially suitable habitat within and adjacent to the Project. CDFW cannot authorize the take of any fully protected species as defined by state law. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take, except pursuant to an approved Natural Community Conservation Plan (NCCP) or for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species (Fish & G. Code, §§ 3511, 4700, 5050, 5515). Take of any species designated as fully protected under the Fish and Game Code is prohibited.

CESA-listed Species: The following CESA-listed species are known to occur in all or in patches of habitat within the Project footprint and must be addressed in the DEIR prepared for the Project: giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), Southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), Southern California steelhead (*Oncorhynchus mykiss*), San Joaquin kit fox (*Vulpes macrotis mutica*), Nelson's antelope squirrel (*Ammospermophilus nelsoni*), Lompoc yerba santa (*Eriodictyon capitatum*), Gaviota tarplant (*Deinandra increscens* ssp. *villosa*), California jewelflower (*Caulanthus californicus*), Bakersfield cactus (*Opuntia basilaris* var. *trelease*), seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), California Orcutt grass (*Orcuttia californica*), Bakersfield smallscale (*Atriplex tularensis*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), foothill yellow-legged frog (*Rana boylei*), California tiger salamander (*Ambystoma californiense*), mountain lion (*Puma concolor*) and, tricolored blackbird (*Agelaius tricolor*). These species require protocol surveys

Jacquelynn Ybarra, Planner
 Santa Barbara County Planning and Development Division
 June 10, 2022
 Page 5

and/or habitat assessments as part of the biological studies for the DEIR. Take of any endangered, threatened, candidate species, or state-listed rare 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).

CEQA-Rare/Species of Special Concern (SSC): The following CEQA-Rare/SSC are known to occur in all or in patches of habitat of the Project footprint and must be addressed in the DEIR prepared for the Project: Kern primrose sphinx moth (*Euproserpinus euterpe*), coast horned lizard (*Phrynosoma blainvillii*), El Segundo blue butterfly (*Euphilotes battoides allyni*), California glossy snake (*Arizona elegans occidentalis*), western spadefoot (*Spea hammondi*), American badger (*Taxidea taxus*), Northern California legless lizard (*Anniella pulchra*), western pond turtle (*Actinemys marmorata*), burrowing owl (*Athene cunicularia*), San Joaquin coachwhip (*Masticophis flagellum*), arroyo toad (*Anaxyrus californicus*), Kern mallow (*Eremalche parryi ssp. kernensis*), La Purisima manzanita (*Arctostaphylos purissima*), Eastwood's brittle-leaf manzanita (*Arctostaphylos crustacea ssp. eastwoodiana*), two-striped gartersnake (*Thamnophis hammondi*), Nuttall's scrub oak (*Quercus Dumosa*), Refugio manzanita (*Arctostaphylos refugioensis*), black-flowered figwort (*Scrophularia atrata*), San Joaquin woollythreads (*Monolopia congdonii*), pale-yellow layia (*Layia heterotricha*), monarch - California overwintering population (*Danaus plexippus* pop. 1), California red-legged frog (*Rana draytonii*), San Diego desert woodrat (*Neotoma lepida intermedia*), San Joaquin pocket mouse (*Perognathus inornatus*), tidewater goby (*Eucyclogobius newberryi*), long-eared owl (*Asio otus*), Miles' milk-vetch (*Astragalus didymocarpus var. milesianus*), arroyo chub (*Gila orcuttii*), Santa Barbara morning-glory (*Calystegia sepium ssp. binghamiae*), Coulter's saltbush (*Atriplex coulteri*), late-flowered mariposa-lily (*Calochortus fimbriatus*), Sonoran maiden fern (*Thelypteris puberula var. sonorensis*), globose dune beetle (*Coelus globosus*), southern tarplant (*Centromadia parryi ssp. australis*), Vandenberg monkeyflower (*Diplacus vandenbergensis*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), chaparral nolina (*Nolina cismontane*), Blakley's spineflower (*Chorizanthe blakleyi*), Lompoc grasshopper (*Trimerotropis occulens*), Plummer's mariposa-lily (*Calochortus plummerae*), vernal pool fairy shrimp (*Branchinecta lynchi*), southern tarplant (*Centromadia parryi ssp. australis*), Carrizo Plain crownscale (*Atriplex flavida*), Crotch's bumble bee (*Bombus crotchii*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), Pronghorn antelope (*Antilocapra americana*), Tule elk (*Cervus canadensis nannodes*), Santa Barbara honeysuckle (*Lonicera subspicata var. subspicata*), Lemmon's jewelflower (*Caulanthus lemmonii*), and umbrella larkspur (*Delphinium umbraculorum*). CDFW recommends that protocol or other suitable survey methods be conducted for each of these species and that appropriate avoidance, minimization, and/or mitigation measures be included in the DEIR and Project, to reduce the impacts of the Project on these species.

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 6

- 2. Project Alternatives:** The DEIR should provide full disclosure of all potential alternatives to the Proposed Action/Project (including those considered but not carried forward for further analysis in the EIR) in accordance with CEQA Guidelines Section 15126.6 (Consideration and Discussion of Alternatives to the Proposed Project).

A total avoidance alternative to impacts within the Carrizo Plains Ecological Reserve (CPER) and Gaviota Tarplant Ecological Reserve (GTER) must be evaluated and included in the DEIR, because the existing pipeline easement within the Ecological Reserves are not wide enough to allow for the proposed Project construction, and the state is limited by law in its ability to grant additional or expanded pipeline easements on ecological reserves.

Pipeline Plains, L.P. owns an existing 50-foot-wide pipeline right-of-way and easement on the CPER. When that easement was granted in 1985, it included an additional temporary 50-foot-wide easement for the limited purpose of constructing the original pipeline. The right to use the additional 50-foot easement area was released after the pipeline was constructed, and an Amendment to Right-of-Way Grant was recorded in 1986 releasing the additional fifty-foot (50') wide construction easement. The 1986 Amendment to Right-of-Way Grant also ratified and confirmed the specific location and 50-foot width of the permanent easement. Because the Project cannot be constructed within the 50-foot permanent easement, the ability to construct the Project on the CPER as proposed is not realistic, given CDFW's limitation by law in being able to grant any new pipeline easements on its ecological reserves.

The 35-acre GTER easement was granted in 2015 as mitigation for the long-term protection and management of Gaviota tarplant, a CESA-listed endangered species. Because the Project cannot be constructed within the existing 50-foot permanent easement, the ability to construct the Project on the GTER as proposed is not realistic, given CDFW's limitation by law in being able to grant any new pipeline easements on its ecological reserves.

California Code of Regulations, title 14, sections 630, 550, and 550.5 limit access to, and use of, ecological reserves and prohibit certain activities such as disturbing geological resources and constructing or building any type of structure, except in limited situations. (14 CCR §§ 550(g)(1) and (3)). In addition, California Public Resources Code (PRC) section 6827.5 prohibits any new lease or other type of conveyance of state lands that would permit new construction of oil- and gas-related infrastructure on public lands to support production of oil on federal lands designated as (or at any time designated as) federally protected lands. Federally protected land is defined as land designated as a national monument, park, wilderness area, wildlife refuge, or wilderness study area. (PRC §§ 6827.5(a), (e)(1)). The CPER is

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 7

adjacent to land owned by the Bureau of Land Management, and there may be federally protected lands near the GTER.

Proposed Project alternatives should evaluate use of various technologies and methods to reduce construction-related impacts, such as expanded use of horizontal directional drilling through all areas with sensitive resources and habitats.

The DEIR should include project alternatives that would reduce the potential for long-term, reasonably foreseeable impacts commonly associated with the operation of crude oil pipelines such as spills, ruptures, and leakage of petroleum products into sensitive habitats and ecological areas.

- 3. Bats:** Native bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish & G. Code, § 4150, CCR § 251.1). Several bat species are also considered SSC, which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). CDFW considers adverse impacts to an SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is not just exclusion from maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted. Bats known from the Project area include: hoary bat (*Lasiurus cinereus*), western red bat (*Lasiurus blossevillii*), Yuma myotis (*Myotis yumanensis*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), and fringed myotis (*Myotis thysanodes*).

Bats Recommendation #1: CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). CDFW recommends the DEIR include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DEIR should document the presence of any bats roosting in structures, pipes, and vegetation and include species specific mitigation measures and habitat mitigation to reduce impacts to below a level of significance.

To avoid the direct loss of bats that could result from removal of abandoned structures, pipes, vents, trees, or bridge structures that may provide roosting habitat (winter hibernacula, summer, and maternity), CDFW recommends the following steps are implemented:

- 1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting/hibernacula, and maternity roosting/hibernacula;

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 8

- 2) Determine how and when these species utilize the site and what specific habitat requirements are necessary (thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost [e.g., height, aspect, etc.]);
 - 3) Avoid the areas being utilized by bats for roosting/hibernacula; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;
 - 4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
 - 5) If confirmed occupied or formerly occupied bat roosting/hibernacula or foraging habitat is destroyed, habitat of comparable size, function, and quality should be created or preserved and maintained in the new bridge, or for bats in trees, at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation and approval by CDFW;
 - 6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,
 - 7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. 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(a) 2022). Pursuant to the California Code of Regulations, title 14, section 650, the 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.
4. **Oak Tree (*Quercus spp.*) Forest and Woodland Alliance Impacts:** CEQA was amended to include Public Resources Code (PRC) Section 21083.4, which states that a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 9

county shall require appropriate oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands.

General guidance for development of an EIR requires assessing impacts to individual oak trees that exceed an arbitrary tree diameter at breast height of 4.5-feet. However, CDFW does not consider this to be a biologically adequate representation of potential impacts. The DEIR should include an assessment of oak trees in the context of the alliances/associations they comprise.

CDFW considers seedlings/saplings/young oak trees that comprise oak alliances to be important components of a healthy, self-sustaining woodland as age class stratification and regeneration are equally important metrics for evaluating impacts and assigning mitigation. Impacts to the full alliance/associations (including understory trees/shrubs/liana/herbs/grasses) containing *Quercus agrifolia*, *Quercus lobata*, *Quercus douglasii*, and any other *Quercus* (oak) species should be evaluated, and any oak woodland mitigation proposed should capture the entire plant community. A complete discussion of the alliance/association, including number of trees, size/age class, and any co-dominant tree species, density (oak alliances can have a very low density of oak trees that differ from the County of Santa Barbara's oak woodland definition), understory composition, species richness and density, and state rarity ranking should be included, and any mitigation proposed should replicate all parts of this ecosystem completely. Specific success criteria should be specified for all tree, shrub, vine, and herb layers, and annual monitoring for a period of at least 10 years (7 years with no supplemental irrigation) is recommended.

Oaks Recommendation #1: An alternative should analyze feasible alignment options available to reduce impacts to alliances/associations containing oak trees.

- 5. Classification of Temporary and Permanent Impacts:** The NOP states temporary and permanent impacts would be evaluated in the DEIR/Environmental Impact Statement. Grading and removal of vegetation and topsoil should be considered a permanent impact. Several studies have documented that topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998; Dixon, 2018). Based on the available scientific literature, relying on topsoil salvage alone does not appear to provide any mitigation value for impacts to CEQA-rare plant species/communities. Any attempt to replace the habitat is considered mitigation, subject to success criteria and management measures. Given the low success rate for replacement habitat planting, high non-native weed cover, and the location of the Project disturbance adjacent to natural wildlands and conserved/protected lands, CDFW recommends a ratio of 3:1 for mitigation associated with impacts of removing vegetation and soil for vegetation communities that are not considered Sensitive Vegetation Communities; 4:1 for communities ranked S-3; and 5:1 for communities ranked S-2 and S-1. The NOP also states topsoil will be stockpiled and redistributed

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 10

to disturbed areas. If the topsoil currently has non-native plants, this action could spread weeds and make non-native plant invasions worse.

Topsoil Re-Use Recommendation #1: The site should be cleared of all non-native plants prior to being graded and soil stockpiled for reuse. The stockpiles should be inspected weekly to prevent non-native plants from becoming established.

Topsoil Re-Use Recommendation #2: The topsoil should be kept separate by alliance, and reapplied where that alliance was removed. Mixing of topsoil from different vegetation alliances would type convert the habitat and would not ensure the vegetation community that was impacted is actually being replaced.

- 6. Impacts to CESA-listed and CEQA-Rare-Plant Species:** Impacts to CESA-listed and CEQA-rare-plant-species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive species will result in the Project continuing to have a substantial adverse direct, indirect, 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 or United States Fish and Wildlife Service (USFWS).

Listed Plants Mitigation Measure #1: Appropriate surveys, including protocol botanical surveys, should be conducted to document the presence/absence of CEQA-rare-species prior to finalizing the DEIR. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to CEQA-rare species. Surveys should be timed during the appropriate season for maximum detection of sensitive species. For botanical species, CDFW's Updated protocols (CDFW, 2018) should be utilized.

Listed Plants Mitigation Measure #2: Given the current status of the CESA-listed and CEQA-rare-plant species (Rank S1-S4) in the Project area, CDFW recommends the Project be redesigned to avoid impacts to any CESA-listed/CEQA-rare-plant species found during protocol botanical surveys. If avoidance cannot be achieved, CDFW recommends conserving a currently unprotected occurrence of these plant species, including a conservation easement and funding to manage the species in perpetuity. CDFW recommends, due to the limited number of recent occurrences of these 1B plants found in coastal Santa Barbara County's Gaviota coast, a minimum of 5:1 ratio for preservation of habitat containing these species be considered.

Listed Plants Recommendation #1: Any mitigation for CEQA-rare plant impacts should include specific, measurable criteria for success. Monitoring for CEQA-rare-vegetation communities should occur for a sufficient period to allow trends to be analyzed and demonstrate the occurrence is stable over time. No negative trend in

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 11

CEQA-rare plant individuals (counted separately as flowering, seed set, and non-flowering individuals), and no positive trend in non-native plant cover should occur over the monitoring period.

Listed Plants Recommendation #2: When considering mitigation options, CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998; Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Transplantation is rarely successful in establishing rare plants at new locations. A study by CDFW (Fiedler, 1991) found that, even under optimum conditions with ample time for planning, transplantation was effective in only 15% of cases studied. Other reviews (e.g., Allen, 1994; Howald, 1996) have found similar problems, including that digging up, transporting, and replanting plants, bulbs, rhizomes, or seeds imposes tremendous stress on a plant, and they can easily die in the process. Scientifically tested, reliable methods for salvage, propagation, translocation, or transplantation are not available for many rare species. Transplantation can also cause problems at the target site. Genetic contamination can occur if the plant being transplanted can exchange genetic material with local taxa. Disturbance at the target site may facilitate invasion by non-native invasive species (CNPS, 1991).

Listed Plants Recommendation #3: CDFW recommends a Documented Conservation Seed Collection of the impacted rare plant species be made and deposited at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). A Documented Conservation Seed Collection is when seed from CNPS ranked 1-4 plants, CEQA-rare, and/or CESA-listed plant species is collected and stored as part of a permanent genetic collection in a protected location. This collection preserves the genome, and any unique alleles that are present in any given occurrence, for future study and reintroduction projects.

Funding should be provided to maintain the collection, as well as conduct periodic germination and viability tests, in perpetuity. Documented conservation collections (long-term storage) are important for conserving rare, gene pool representative germplasm designated for long-term storage to provide protection against extinction and as a source material for future restoration and recovery.

Listed Plants Recommendation #4: A long-term weed management plan should be developed for the entire Project area and implemented during the duration of this Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 12

established and spreading to adjacent wildland areas. The Project area should be monitored for and include mapping of new introductions and expansions of non-native weeds. This plan should be approved by CDFW.

- 7. Sensitive Vegetation Communities:** In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & G. Code, § 1940). This standard complies with the National Vegetation Classification System which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. Through this MCV vegetation classification system, CDFW tracks Sensitive Natural Communities and their respective rankings using the MCV alliance and association names for vegetation communities.

To analyze if a project may have a significant effect on the environment, the location, acreage, species composition, and specific association/alliance information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as assess the adequacy of the mitigation proposed. The alliances and association criteria often differ from county definitions, especially for native grasslands and communities containing oaks. CDFW native grassland alliances/associations can have less than 5 percent cover and still be considered a native grassland, which are all CDFW Sensitive Vegetation Communities.

Vegetation Communities Mitigation Measure #1: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Vegetation Communities Mitigation Measure #2: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 13

same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in the MCV, ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998; Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone does not appear to provide any value toward mitigation of impacts to CEQA-rare plant species.

Vegetation Communities Recommendation #1: The DEIR should include a table of impacts by vegetation community along with a map showing the Project impact areas. Impact areas should include staging and access ramp locations and impacts.

8. **CESA:** CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Take of plants listed with the State of California designation “state rare” require an Incidental Take Permit (ITP) as governed by the Native Plant Protection Act. As of January 1, 2015, the California Code of Regulations, Title 14, Article 2.5 of section 786.9 take of state rare plants was amended. This amendment authorized the Department to issue an ITP for impacts to plants with the state rare designation.

As to CESA, take of any endangered threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Similarly, take of any state rare plant species listed as state rare under the Native Plant Protection Act is prohibited, except as authorized by the California Code of Regulations (Cal. Code Regs., tit.14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or candidate for listing under CESA, or a state rare plant under the Native Plant Protection Act, CDFW recommends that the Project proponent seek appropriate take authorization prior to implementing the Project. Appropriate authorization from CDFW may include an ITP 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 an ITP. 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

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 14

impacts to CESA-listed species and specifies a mitigation monitoring and reporting program 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.

For Project impacts to streams, please note that pursuant to Section 2074.2 of the Fish and Game Code, on April 21, 2022, the California Fish and Game Commission (Commission) determined that listing Southern California steelhead (*Oncorhynchus mykiss* or southern steelhead) as threatened or endangered under the CESA may be warranted. This commences a one-year status review of the species, and at a future meeting the Commission will make a decision regarding whether listing of southern steelhead as threatened or endangered under CESA is warranted. During the status review period, southern steelhead is protected under CESA as a candidate species pursuant to Section 2085 of the Fish and Game Code. Plains is prohibited from undertaking or authorizing activities that result in take of any endangered, threatened, or candidate species, except as authorized by state law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

General Comments

- 1) Project Description and Alternatives: To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated (CEQA Guidelines Section 15126.6). The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

- 2) Lake and Streambed Alteration: As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a LSA Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 15

Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream of riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement.

CDFW understands that the Project intends to avoid direct impacts to aquatic and riparian resources; however, CDFW recommends the DEIR addresses potential indirect and direct impacts, both temporary or permanent, on aquatic and riparian resources. Impacts include noise, vibration, lighting, aquatic percussive pressure waves, temporary stream crossings, visual disturbance. The DEIR should provide a thorough evaluation of the Project's potential to impact aquatic species that utilize adjacent upland habitat for large portions of their lifecycle, such as turtle, salamander, and frog species as these species could be impacted even while using Horizontal Directional Drilling methods if the staging areas are not sighted to avoid occupied upland aquatic species habitat.

If CDFW finds the Project will have a substantial adverse effect on fish and wildlife resources, which requires the entity to notify CDFW based upon Fish and Game Code section 1600 *et seq.*, CDFW is unlikely to authorize an activity that will create a substantial adverse effect on fish and wildlife resources and is in conflict with other sections of the Fish and Game Code, specifically, section 5901 which prohibits the construction or maintenance of any device that prevents, impedes, or tends to prevent or impede the passing of fish up and downstream. CDFW recommends that any diversion and stream erosion control structures be modified to allow for passage at varying flows and velocities thus reducing impacts to fish and wildlife resources.

- a) The Project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary delineation of the streams and their associated riparian habitat should be included in the DEIR. The delineation should evaluate all rivers, streams, and lakes, including culverts, ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes and be conducted pursuant to the USFWS wetland definition adopted by the CDFW. Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the United States Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
- b) In areas of the Project site which may support ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 16

be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages.

- c) Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- 3) Wetland Resources: CDFW, as described in Fish and Game Code section 703(a), is guided by the Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes 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 strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values".
- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
 - b) The Commission's Water Policy guides CDFW to [ensure] the quantity and quality of the waters of this state should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 17

enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

- 4) Biological Direct, Indirect, and Cumulative Impacts: To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, non-native species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with an NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the project. An appropriate resource study area should be identified and utilized for this

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 18

analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

- 5) Compensatory Mitigation: CDFW recommends that the DEIR include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through occupied habitat acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. Given the low success rate for replacement habitat planting, high non-native weed cover, and the location of the Project disturbance adjacent to natural wildlands and conserved/protected lands, CDFW recommends a ratio of 3:1 for mitigation associated with impacts for removing vegetation and soil for vegetation communities that are not considered Sensitive Vegetation Communities, 4:1 for communities ranked S-3, and 5:1 for communities ranked S-2 and S-1. The NOP also states topsoil will be stockpiled and redistributed to disturbed areas. If the topsoil currently has non-native plants, this action could spread weeds and make non-native plant invasions worse.
- 6) Long-Term Management of Mitigation Lands: For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 7) Nesting Birds: CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 19

should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on-site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 8) Moving out of Harm's Way: The proposed Project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW and in possession of the appropriate take authorizations (e.g., scientific collection permit or Section 2081(a) permit) be on-site prior to and during ground disturbing activities to move out of harm's way special-status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
- 9) Wildlife Movement and Connectivity: The Project area supports significant biological resources and is located adjacent to a regional wildlife movement corridor. The Project area contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. On-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect project-related activities, should be identified and addressed in the DEIR. Indirect impacts from lighting, noise, dust, and increased human activity may displace wildlife in the general Project area.
- 10) Revegetation/Restoration Plan: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules; (c) a schematic depicting the mitigation area; (d) a local seed, cuttings, and/or planting schedule; (e) a description of the irrigation methodology; (f) measures to control non-native vegetation on-site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 20

(j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Additional components that should be incorporated into the Revegetation and Restoration Plans, respectively, are provided below:

- a) CDFW recommends that local on-site propagules from the project area and from the nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.
 - b) Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include, for example, retention of woody material, logs, snags, rocks, and brush piles (see Mayer and Laudenslayer, 1988).
 - c) Monitoring of restoration areas should extend across a sufficient timeframe to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
- 11) Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, the Fresno kangaroo rat and the San Joaquin kit fox. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA 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 FESA is advised well in advance of any ground disturbing activities.

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 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 mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 21


FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be 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).

CDFW appreciates the opportunity to comment on the Project to assist Santa Barbara County Planning and Development Division in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

96D42C58E092466...

Valerie K. Cook
Acting Regional Manager

DocuSigned by:

A87CE992DB57479...

Edmund J. Pert
Regional Manager

Attachments

- Figure 1. Pipeline Alignment Overview
- Figure 2. Pipeline Alignment within Carrizo Ecological Reserve
- Figure 3. Pipeline Alignment within Gaviota Tarplant Ecological Reserve

ec: See Page Twenty-two

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 22

ec: Office of Planning and Research
State Clearinghouse (State.clearinghouse@opr.ca.gov)

CDFW

Erinn Wilson – Los Alamitos
Steve Gibson – Los Alamitos
Kelly Schmoker – Los Alamitos
Susan Howell – San Diego
CEQA Program Coordinator – Sacramento
Annee Ferranti – Fresno
Larry Bonner – Fresno
Linda Connolly – Fresno
Kelley Nelson – Fresno

USFWS

Patricia Cole (patricia_cole@fws.gov)
Chris Diel (christopher_diel@fws.gov)

Jacquelynn Ybarra, Planner
Santa Barbara County Planning and Development Division
June 10, 2022
Page 23

LITERATURE CITED

Allen, W. H. 1994. Reintroduction of endangered plants: biologists worry that mitigation may be considered an easy option in the political and legal frameworks of conservation. *Bioscience* 44(2): 65-8.

CDFW. 2018. California Department of Fish and Wildlife. Updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Accessed at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

CDFW. 2022. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed May 17, 2022.

CDFW(a). 2022. Scientific Collecting Permit Website. <https://wildlife.ca.gov/Licensing/Scientific-Collecting>. Accessed May 17, 2022.

Dixon, P. 2018. Assessment of Topsoil Salvage and Seed Augmentation in the Restoration of Coastal Sage Scrub on Santa Catalina Island, California. *Western North American Naturalist* 78(4): 711-721.

Fiedler, P. 1991. Mitigation related transplantation, translocation and reintroduction projects involving endangered and threatened and rare plant species in California. California Department of Fish and Game, Sacramento, CA. 82 pp.

Hinshaw, J., Holmstead, G., Cypher, B., & Anderson, D. 1998. Effects of simulated oil field disturbance and topsoil salvage on *Eriastrum hooveri* (Polemoniaceae). *Madroño* 45(4): 290-294. Retrieved May 19, 2020, from www.jstor.org/stable/41425279

Howald, A.M. Translocation as a mitigation strategy: lessons from California. In: D.A. Falk, C.I. Millar, and M. Olwell eds. *Restoring Diversity: Strategies for Reintroduction of Endangered Plants*. Island Press, Washington, DC.

Mayer, K. and W. Laudenslayer Jr. (eds.). 1988. *A Guide to Wildlife Habitats of California*. California Department of Forestry and Fire Protection, Sacramento, CA.

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2022. *A manual of California Vegetation*, online ed. <https://vegetation.cnps.org/>

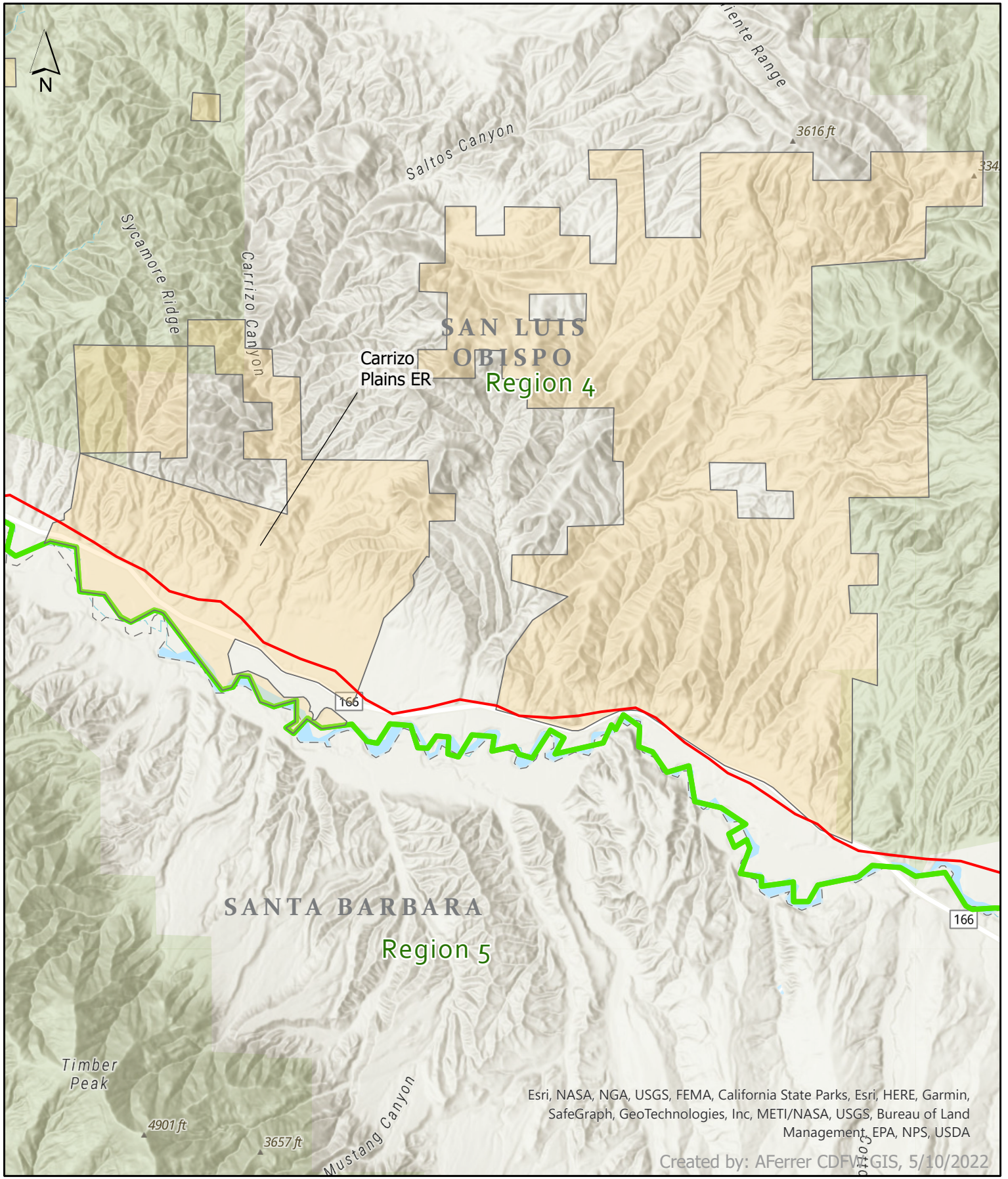


0 2.5 5 10 15 20 Miles

- Plains Oil Pipeline
- CDFW Land
- CDFW Region



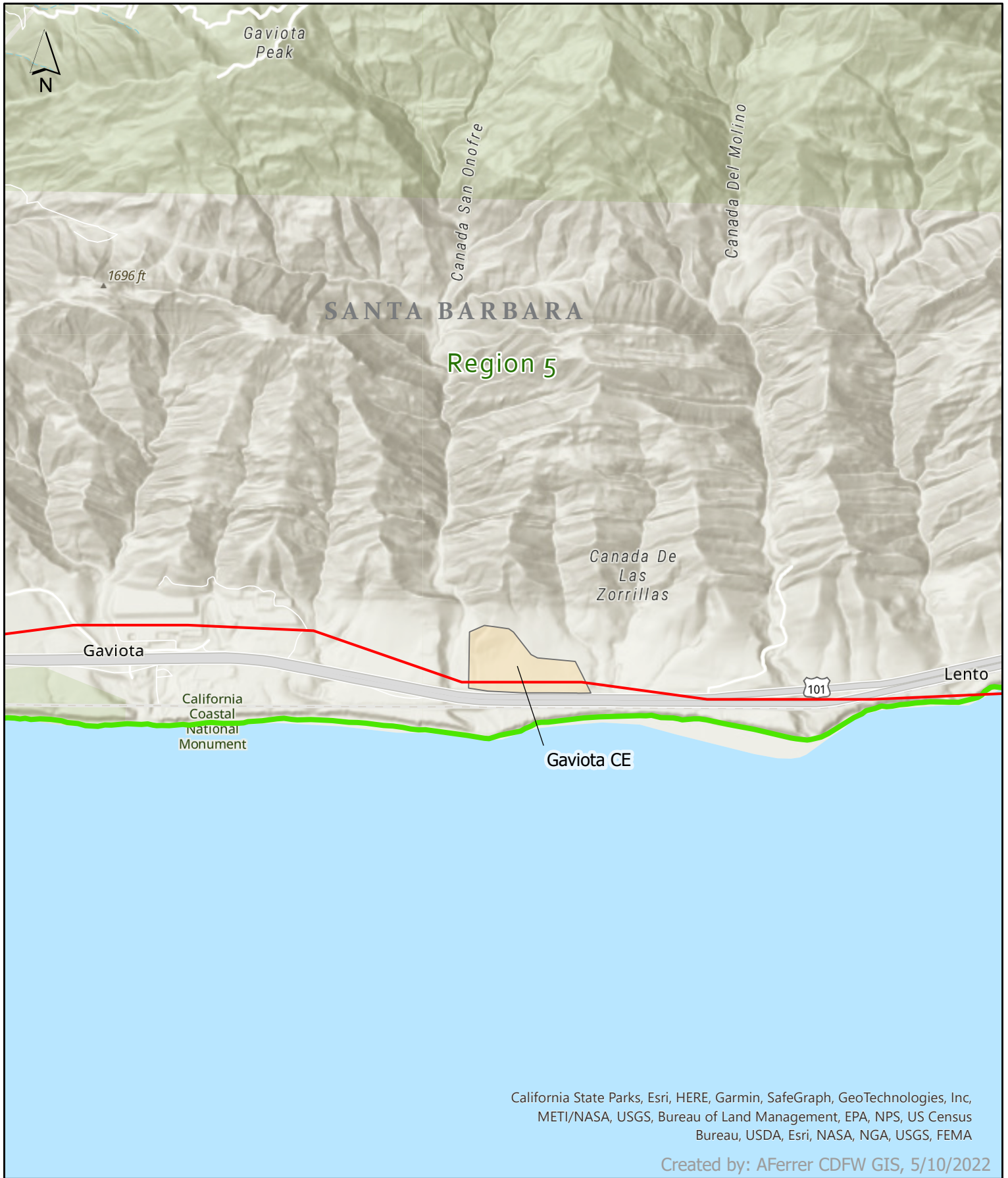
Figure 1. Pipeline Alignment Overview



- Plains Oil Pipeline
- CDFW Land
- CDFW Region



Figure 2. Pipeline Alignment within Carrizo Ecological Reserve



0 0.25 0.5 0.75 1 Miles

- Plains Oil Pipeline
- CDFW Land
- CDFW Region



Figure 3. Pipeline Alignment within Gaviota Tarplant Ecological Reserve