

State of California – Natural Resources Agency

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DEPARTMENT OF FISH AND WILDLIFE

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Governor's Office of Planning & Research

Nov 09 2020

STATE CLEARINGHOUSE



November 6, 2020

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2055
jybarra@countyofsb.org

Subject: Comments on the Draft Mitigated Negative Declaration for the Reclamation Plan Amendment for the Gordon Sand Company Guadalupe Division; SCH No. 2020090431; Santa Barbara County

Dear Ms. Ybarra:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Mitigated Negative Declaration (DMND) for the Reclamation Plan Amendment for the Gordon Sand Company Guadalupe Division (Case No. 17RPP-00000-00001 and 17CDP-00000-00057) Project (Project). Santa Barbara County (County) is the lead agency preparing a DMND pursuant to the California Environmental Quality Act (CEQA; Public Resources Code, § 21000 et. seq.) 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, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's 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, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (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 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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game 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 & Game Code,

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 2 of 14

§ 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The proposed project is a Reclamation Plan Amendment and Coastal Development Permit to extend existing mining operations at the Guadalupe sand mine 100 years to March 1, 2115. The extended end date serves to reflect the average annual production rate and Applicant/Operator estimates for the rate of natural sand replenishment at the site. Other proposed changes to the Reclamation Plan include implementing active revegetation in certain areas, if natural revegetation is not evident within the first three years following the end of mining.

Special status species that are known to or may occur adjacent to the sand mine include surf thistle (*Cirsium rothophilum*), Gaviota tarplant (*Dienandra increscens* ssp. *villosa*), La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*), Nipomo Mesa lupine (*Lupinus nipomensis*), Seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*), California red-legged frog (*Rana draytonii*), Northern harrier (*Circus cyaneus*) Western snowy plover (*Charadrius alexandrinus nivosus*), Crisp monardella (*Monardella undulata* ssp. *crispa*), Blochman's ragwort (*Senecio blochmaniae*) and Beach spectaclepod (*Dithyrea maritima*).

Comments and Recommendations

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

Project Description and Related Impact Shortcoming

Comment #1: Surf Thistle

Issue: Three individual surf thistle plants, which are listed as threatened under CESA, are present on site in areas with active Project activities.

Specific impact: The Project may result in impacts to surf thistle, its seed bank, and the habitat that supports the species. In addition, the Project may cause direct and cumulative population declines or local extirpation of surf thistle.

Why impact would occur: Direct impacts include Project activities that result in vegetation crushing, trimming, removal, burial, human intrusion, and the erosion, crushing and compaction or excavation of soil. Indirect effects to surf thistle including the spread of invasive, non-native weeds, which are listed as one of the top threats to this species. On-going soil disturbance promotes the establishment and growth of non-native weeds and an increase of non-native Argentine ants, which multiple studies indicate cause a decline in pollinator activity (Cembrowski, 2014 & Hanna 2015). Additionally, dust can clog plant stomatal pores as well as coat leaves lowering photosynthesis activity. Other impacts include the loss of soil seed banks, changes in sand distribution, soil compaction, changes in albedo and temperature, alterations in local hydrology, and loss of genetic diversity, may affect surf thistle.

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 3 of 14

In addition, Bio-2 contains language to conduct pre-construction surveys and flag, delineate, or fence “rare plant occurrences” as necessary. However, it is unclear what activities trigger a preconstruction survey or how often these surveys will occur. Without clear, enforceable measures, the Project may continually impact the species over the 100-year term of the mining operations.

Evidence impact would be significant: Surf thistle is known from 19 extant (presumed living) occurrences and two known extirpated (no longer present) occurrences ranging from San Luis Obispo (SLO) and Santa Barbara (SB) counties. Of these 19 extant occurrences, only two occurrences in SB county and three occurrences in SLO county have been verified since 1990. Of the two occurrences in SB county observed within the last 30 years, one is listed in unknown condition due to iceplant and other invasive plant species competition (CDFW 2020a).

Given the status of surf thistle as a species, loss of any occurrence, including the one on the Project site, would be considered biologically significant. The loss of an isolated occurrence or population results in the permanent loss of rare alleles/genotypes and their phenotypes that may be necessary for the recovery and long-term survival of surf thistle.

Any Project related development activity (both direct and indirect) that would impact the ability of surf thistle to persist long-term may be considered as take under the CESA, which would require an Incidental Take Permit (ITP). Under CESA, take of any endangered, threatened, candidate species, or state-listed rare plant species that results a project is prohibited, except as authorized by State law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9).

CEQA Guidelines, section 15070 and section 15071 require the lead agency to analyze if the Project may have a significant effect on the environment as well as review if the Project will ‘avoid the effect or mitigate to a point where clearly no significant effects would occur.’ Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Project alternatives should be designed to avoid direct and indirect impacts to surf thistle, its seedbank, and the habitat that supports the species. The County should develop a robust avoidance plan in consultation with a qualified botanist. Avoidance measures should be effective, specific, enforceable, and feasible actions. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities. This plan should establish robust and enforceable protected areas or exclusion zones. An adequate protected area should be established around surf thistle and its supporting habitat. The perimeter of all protected areas should be adequately demarcated with permanent fencing. Project construction and activities; equipment and material staging; vegetation clearing; equipment refueling; and worker entry should not occur in the protected area. Fencing should

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 4 of 14

be installed in a manner that does not hinder active dune processes and that is not harmful to wildlife.

Mitigation Measure #2: CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code, §§ 2080.1, 2081, subds. (b),(c)). Revisions to the Fish and Game Code, effective January 1998, require CDFW to issue a separate CEQA document for the issuance of a CESA permit, unless the Project's CEQA document addresses all project impacts to the listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. Therefore, the CEQA document should include a thorough and robust analysis of the potentially significant impacts to surf thistle and its habitat which may occur as a result of the proposed Project. For any such potentially significant impacts, the DMND should also analyze and describe specific, potentially feasible mitigation measures to avoid or substantially lessen any such impacts as required by CEQA and, if an ITP is necessary, as required by the relevant permitting criteria prescribed by Fish and Game Code, section 2081, subdivisions (b) and (c).

Mitigation Measure #3: CDFW recommends mining operations avoid the Silver dune lupine - mock heather scrub, a Sensitive Natural Community that supports surf thistle. If avoidance is not feasible, CDFW recommends mitigating at a ratio of no less than 7:1 for this vegetation community, given the rarity of sand dune associated habitat and the association with CESA-listed species. This ratio is for the acreage and the individual plants that comprise each unique community. Any mitigation 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.

Mitigation Measure #4: A monitoring and protection plan for surf thistle should be developed and implemented. This plan should include annual monitoring to track this population, assess project effects, and document the overall health of this occurrence. Annual reports should be provided to CDFW.

Mitigation Measure #5: A weed monitoring program with regular inspection, mapping, reporting and removal should be funded and implemented. These reports should be submitted annually to CDFW for the life of the Project. Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council, including their watch list), should be prevented from becoming established throughout the Project site, either by hand-weeding or selective application of herbicide. Since this Project is bordered by continuous sand dunes that support a multitude of CESA-listed and rare species and can function as a point source for weeds into this surrounding area, this Project should monitor the surrounding habitat for invasive weed invasion.

Mitigation Measure #6: A documented conservation seed collection of surf thistle should be implemented 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 involves collecting and storing seed from a CNPS-ranked CESA-rare, and/or CESA-listed plant species as part of a permanent genetic collection in a protected location. This

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 5 of 14

collection preserves the genome, and any unique alleles that are present in any given occurrence, for future study and reintroduction projects. Collected and pressed plants should also be submitted as voucher herbarium specimens with the seed collection.

Funding should be provided to maintain the seed 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.

Mitigation Measure #7: The lead agency should ensure data from this occurrence of surf thistle has been reported to [CNDDDB Field Survey Forms](#) (CDFW 2020c). The lead agency should ensure the data has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. CDFW Region 5 requests confirmation of this submittal.

Project Recommendations:

Recommendation #1: The DMND's Biological Resources Section (4.4) should identify and disclose surf thistle occurrences to reflect results from Attachment 4 of the DMND titled "Biological Resources Assessment for the Gordon Sand Mine Decommissioning/ Reclamation Project Guadalupe, Santa Barbara County, California". The DMND should include a count or estimate of the number of surf thistle individuals and of occupied acreage. This information allows CDFW and the public to identify impacts to the onsite surf thistle occurrence and assess these against the status of the entire species range. Additionally, impacts to habitat and alliance(s) that support surf thistle should be specified.

Comment #2: Impacts to Riparian Resources

Issue: CDFW is concerned that the Project proposes to impact riparian resources.

Specific Impact: The DMND states the Project may result in significant impacts to riparian vegetation due to direct removal of riparian vegetation. The DMND does not disclose the location of this anticipated impact.

Why impact would occur: Direct loss of stream and wetland habitat directly affects water quality downstream. Removal of riparian vegetation affects riparian dependent species, such as nesting birds. Additionally, altering site hydrology can create sediment and erosion issues upstream and downstream, as well as changes to the hydrograph of the stream, altering geomorphic processes impacting species that depend on them. Runoff with high total suspended solids and total dissolved solids, has been shown to be high in nutrients, as well as other contaminants.

Evidence impact would be significant: The Project may substantially adversely affect the existing geomorphologic processes through the alteration/removal of riparian habitat.

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 6 of 14

Recommended Potentially Feasible Mitigation Measure(s):

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

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

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

Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW’s broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Comment #3: Survey and Assessment Methodology – Preconstruction Surveys as Mitigation

Issue: The DMND relies on pre-construction surveys for the detection of rare plants and animals, including western snowy plover [Endangered Species Act (ESA)-listed], and northern harrier (Species of Special Concern), which are known from the immediate Project area.

Specific impacts: Surveys were conducted out of season for optimal detection of species with a high potential for occurrence. The biological studies also appeared to miss timing opportunities to gain meaningful nesting information for western snowy plover and northern harrier nest sites.

Additionally, CDFW is concerned with translocating or moving individually collected plants and animals to an undisclosed location. The biological implication of mixing genes and specific alleles into new areas, and potentially transferring diseases in animal populations may cause loss of both the transplanted species as well as the population they are being moved to/near.

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 7 of 14

Why impact would occur: Direct impacts via habitat removal, noise, percussive vibration, human disturbance, channel diversion, increased exposure to predation, and direct take would reasonably occur during the Project. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

In addition, increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of western snowy plovers in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004).

Evidence impact would be significant: CEQA Guidelines §15070 and §15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

The DMND defers impact assessment and disclosure to pre-construction botanical and wildlife surveys. Absent survey data during the CEQA review period, CDFW and the public are unable to determine the extent of impacts or to provide meaningful avoidance, minimization, or mitigation measures related to biological resources.

Impacts to rare 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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Appropriate surveys should be conducted to document the presence/absence of rare species prior to finalizing the DMND. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to rare species. For animal species, available protocols should be used to guide survey efforts. Surveys should be timed during the appropriate season for maximum detection of sensitive wildlife species. For botanical species, a qualified botanist with appropriate experience and

Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 8 of 14

knowledge of southern California flora should be performed in accordance with CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018).

Recommendation #1: The DMND should analyze noise and vibration effects to sensitive wildlife species and provide minimization or mitigation measures for impacts to sensitive species.

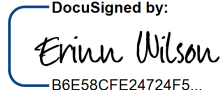
Recommendation #2: Some occurrences of rare species within the Project area are known. This information should be included in the DMND, including location (map), population/occurrence size estimates, and an assessment of specific impacts with avoidance and minimization measures.

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the project. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 335-9092 or Kelly.Schmoker@wildlife.ca.gov.

Sincerely,
DocuSigned by:

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Erinn Wilson
Environmental Program Manager I

Ec: CDFW

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Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 9 of 14

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Ms. Jacquelynn Ybarra
Santa Barbara County Planning and Development Division
November 6, 2020
Page 10 of 14

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Ms. Jacquelynn Ybarra
 Santa Barbara County Planning and Development Division
 November 6, 2020
 Page 11 of 14

CDFW recommends the following language to be incorporated into the environmental document for the Project.

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1 – Surf Thistle	CDFW recommends initiating consultation for this Project under CESA..	Prior to Finalizing the MND	Project Proponent
MM-BIO-2 – Surf Thistle	A weed monitoring program with regular inspection, mapping, reporting and removal should be funded and implemented. These reports should be submitted annually to CDFW for the life of the Project. Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council, including their watch list), should be prevented from becoming established throughout the Project site, either by hand-weeding or selective application of herbicide. Since this Project is bordered by continuous sand dunes that support a multitude of CESA-listed and rare species and can function as a point source for weeds into this surrounding area, this Project should monitor the surrounding habitat for invasive weed invasion.	Prior to Finalizing the MND	County
MM-BIO-3 – Surf Thistle	Project alternatives should be designed that avoid direct and indirect impacts to surf thistle. Impacts to surf thistle, its seedbank, and the habitat that supports surf thistle should be avoided. The County should develop a robust avoidance plan in consultation with a qualified botanist. Avoidance measures should be effective, specific, enforceable, and feasible actions. CDFW recommends that the City submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities. This plan should establish robust and enforceable protected areas or exclusion zones. An adequate protected area should be established around surf thistle and its supporting habitat. The perimeter of all protected areas should be adequately demarcated with permanent fencing. Project construction and activities; equipment and material staging; vegetation clearing; equipment refueling; and worker entry should not occur in the protected area. Fencing should be installed in a manner that does not hinder active dune processes and that is not harmful to wildlife.	Prior to Finalizing the MND	County

Ms. Jacquelynn Ybarra
 Santa Barbara County Planning and Development Division
 November 6, 2020
 Page 12 of 14

MM-BIO-4 – Surf Thistle	<p>A Documented Conservation Seed Collection of surf thistle should be implemented 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 involves collecting and storing seed from a CNPS-ranked CESA-rare, and/or CESA-listed plant species 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. Collected and pressed plants should also be submitted as voucher herbarium specimens with the seed collection.</p> <p>Funding should be provided to maintain the seed 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.</p>	Prior to construction	County
MM-BIO-5 – Surf Thistle	<p>The lead agency should ensure data from this occurrence of surf thistle has been reported to the CNDDDB. The CNDDDB data submission page is located here https://wildlife.ca.gov/data/CNDDDB/submitting-data. The lead agency should ensure the data has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. CDFW Region 5 requests confirmation of this submittal.</p>	Prior to Finalizing the MND and after grading is complete	County
RM-Bio-1- Surf Thistle	<p>CDFW recommends initiating consultation for Project impacts to surf thistle under CESA.</p>	Prior to Finalizing the MND	County
RM-Bio-2- Surf Thistle	<p>The DMND should include a count or estimate of the number of surf thistle individuals and of occupied acreage to ensure impacts to surf thistle are accurately disclosed. CDFW requires this information to identify impacts to the onsite surf thistle occurrence and assess these against the status of the entire species range. Additionally, impacts to habitat and alliance(s) that support surf thistle need to be specified.</p>	Prior to Finalizing the MND	County
RM-Bio-3- Surf Thistle	<p>The DMND should discuss mitigation for direct and indirect impacts to surf thistle, and the habitat that supports it. Without this information, CDFW cannot properly assess impacts, nor ensure adequate mitigation has been proposed</p>	Prior to Finalizing the MND	County

Ms. Jacquelynn Ybarra
 Santa Barbara County Planning and Development Division
 November 6, 2020
 Page 13 of 14

	for both the acreage and number of surf thistle individuals and its supporting habitat.		
RM-Bio-4-Surf Thistle	CDFW recommends avoiding the Silver dune lupine - mock heather scrub, a Sensitive Natural Community that supports surf thistle. If avoidance is not feasible, CDFW recommends mitigating at a ratio of no less than 7:1 for this vegetation community, given the rarity of sand dune associated habitat and the association with CESA-listed species. This ratio is for the acreage and the individual plants that comprise each unique community. Any mitigation 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.	Prior to Finalizing the MND	County
MM-Bio-6-Riparian Resources	<p>CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSAA notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020d).</p> <p>CDFW's issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.</p> <p>Any LSAA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSAA may include</p>	Prior to Finalizing the MND	County

Ms. Jacquelynn Ybarra
 Santa Barbara County Planning and Development Division
 November 6, 2020
 Page 14 of 14

	<p>further erosion and pollution control measures. To compensate for any on-site and off-site impacts to aquatic resources, additional mitigation conditioned in any LSAA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>		
<p>RM-Bio-5-Riparian Resources</p>	<p>As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.</p>	<p>Prior to Finalizing the MND</p>	<p>County</p>
<p>MM-Bio-7-Survey and Assessment</p>	<p>Appropriate surveys should be conducted to document the presence/absence of CEQA-rare species prior to finalizing the DMND. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to CEQA-rare species. For animal species, available protocols should be used to guide survey efforts. Surveys should be timed during the appropriate season for maximum detection of sensitive wildlife species. For botanical species, CDFW's Updated protocols (CDFW, 2019) should be utilized.</p>	<p>Prior to Finalizing the MND</p>	<p>County</p>