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July 14, 2021

Eric Gillies
Environmental Program Manager I
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825
CEQA.comments@slc.ca.gov and eric.gillies@slc.ca.gov

Subject: Comments on the Initial Study/Notice of Preparation of a Draft Environmental Impact Report for PRC 421 Decommissioning Project, SCH #2021060145, Santa Barbara County

Dear Mr. Gillies:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Initial Study/Notice of Preparation (IS/NOP) of a Draft Environmental Impact Report (DEIR) for PRC 421 Decommissioning Project (Project). The California State Lands Commission (CSLS) is the lead agency preparing a DEIR pursuant to the California Environmental Quality Act (CEQA; Pub. 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 & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (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 (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, including 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" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, §

2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The project site encompasses State tidal lands and submerged lands as well as the upland access road and revetment below the bluffs marking the southern limit of the Sandpiper Golf Course in the city of Goleta, California.

Project Description/Objectives: This Project is part of a decommissioning process for two wells that have been idle since 1994 and have been plugged and abandoned. The decommissioning process involves removing two piers (Pier 421-1and Pier 421-2) and caissons and other infrastructure which includes two pipelines, the access road, and supporting rock revetment below the bluffs.

Specifically, the Project involves:

- Fully remove the piers, caissons, and remaining portions of the wells (the riser pipe from the top of the cement plug and wellheads) above the bedrock located approximately 19 feet below the surface grade
- Decommission and remove the two pipelines beneath the access road
- Remove the access road and supporting rock revetment
- Plug and abandon in place the remaining pipelines beneath the golf course back to the tie-in points just outside of the EOF
- Restoration of the beach area to conditions similar to the surrounding area and appropriate for safe public access and use

COMMENTS AND RECOMMENDATIONS

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

Specific Comments

1) **Sensitive Vegetation Communities.** CDFW is concerned about the cumulate impacts to sensitive vegetation communities in the Goleta area.

   The Project has the potential to affect what CDFW considers locally significant and sensitive vegetation communities. CDFW has reviewed five Projects in the last 3 months that impact coastal bluff vegetation ranked S1-S5. CDFW considers coastal bluff habitat sensitive in the Goleta area, even if ranked S4 and S5, due to the cumulative losses of habitat on the Goleta Coast.

   Examples of sensitive vegetation communities include but are not limited to: *Sarcocornia pacifica* (*Salicornia depressa*) Alliance (*Pickleweed mats)*, ranked S3, *Artemisia Californica*

Alliance, *Atriplex lentiformis* Shrubland (Quailbush Scrub) Alliance, and *Quercus agrifolia* Alliance are ranked S4. Given the loss of these vegetation community in the coastal Goleta area, CDFW considers these S4 species as a locally sensitive vegetation community. *Baccharis pilularis* (Coyote brush scrub) Alliance is ranked S5 by CDFW but given the local losses of this vegetation community in the coastal Goleta area, CDFW considers this a locally sensitive vegetation community.

In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish and Game Code Section 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.

In order to analyze if a project may have a significant effect on the environment, the location, acreage, species composition, and success criteria of proposed mitigation information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well assess the adequacy of the mitigation proposed.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The IS/MND should use the vegetation data collected for the PEIR and Specific Plan to crosswalk these species into current alliances for the purposes of establishing baseline for the IS/MND. The IS/MND document should identify, map, and discuss the specific vegetation alliances within the Project Area following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Survey Protocols) see: (https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities).

Mitigation Measure #2: 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. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the sensitive vegetation communities found onsite due to cumulative loss of these vegetation communities along the Goleta coast.

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).

Mitigation Measure #3: 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 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 MCV2, ensuring one species or layer does not disproportionally 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 to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

2) **Bumble Bee.** A review of CNDDB indicate Crotch bumble bee (*Bombus crotchii*) within 0.5 miles of the Project. Project ground disturbing activities may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae. The Project may remove bee habitat by eliminating vegetation that may support essential foraging habitat. Impacts to Crotch's bumble bee could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch bumble bee.

Mitigation Measure #2: CDFW recommends, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee and disclose presence or absence in the DEIR. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities.

3) **Globose Dune Beetle**. A review of CNDDB indicate globose dune beetle (*Coelus globosus*) within 1000-feet of the Project vicinity. Project ground disturbing activities may result in crushing, causing the death or injury of adults, eggs, and larvae. CDFW has ranked this beetle is listed as S1, and it is also listed as Vulnerable on the International Union for Conservation of Nature's Red List of Threatened Species.

The globose dune beetle occupies leaf litter around coastal scrub plants, where larvae and adults can be found in December and January. In summer months, adults aggregate in the leaf litter beneath coastal scrub plants. Larvae and adults feed on dead organic matter that accumulates in the sand under plants (USFWS, 1981).

Mitigation Measure #1: CDFW recommends that measures be taken, primarily, to avoid Project impacts to globose dune beetle.

Mitigation Measure #2: CDFW recommends, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of globose dune beetle and disclose presence or absence in the DEIR. Surveys should be conducted during the appropriate season when the species is most likely to be detected. Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities

4) **Biological Baseline Assessment.** A CNDDB review indicates the occurrence of several special status reptile, mammal, and plant species including tidewater goby (*Eucyclogobius newberryi*), Red-legged frog (*Rana draytonii*), Santa Barbara honeysuckle (*Lonicera subspicata var. subspicata*), southern tarplant (*Centromadia parryi ssp. australis*), and monarch - California overwintering population (*Danaus plexippus* pop. 1), black flowered figwort (*Scrophularia atrata*) within the Project vicinity. Most of the Project site is open space. Undisturbed land may provide suitable habitat for special status or regionally and locally unique species. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any alternative trail designs that could reduce impacts to any special status species detected, as well as assess direct, indirect, and cumulative biological impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:

   a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities;

   b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline);

c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation* should also be used to inform this mapping and assessment). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's CNDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;

e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,

f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

5) **Impacts to Shorebirds.** CDFW is concerned that the Project could potentially impact California Endangered Species Act (CESA)-listed Belding's savannah sparrow (*Passerculus sandwichensis alaudinus*), California least tern (*Sternula antillarum browni*), Fully Protected California brown pelican (*Pelecanus occidentalis californicus*), and Species of Special Concern western snowy plover (*Charadrius nivosus*), and White-tailed Kite (*Elanus leucurus*), through vegetation clearing, crushing, and construction disturbance in and adjacent to areas occupied by the above species.

Grading, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by loud noises, lighting, increased human presence and activity, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species.

Site construction and operations may result in a substantial amount of noise through road use, equipment, and other project-related activities. Increase visual disturbance, from the current low-use baseline, is also a potential impact to listed species.

Anthropogenic noise can disrupt the communication of many wildlife species including birds (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). 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). Without assessing noise disruptions or providing appropriate minimization or mitigation measures, the Project may result in substantial impacts to sensitive wildlife species.

Recommended potentially feasible mitigation measure(s)

Mitigation Measure #1: CDFW recommends Project construction be limited to outside of the breeding season (1 March – 30 September) to minimize effects on breeding.

Mitigation Measure #2: CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am). Generators should not be used except for temporary use in emergencies. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source.

Mitigation Measure #3: CDFW recommends pile driving not be used during construction of the Project. Alternative methods to construct Project features, that produce less noise and vibration, should be utilized if technically possible.

Mitigation Measure 4: Parking, driving, lay-down, stockpiling, and vehicle and equipment storage should be limited to previously compacted and developed areas. No off-road vehicle use should be permitted beyond the Project site and designated access routes. Disturbances to the adjacent native vegetation should be minimized. CDFW recommends a minimum 250-meter buffer between Project operations and listed species habitat.

Mitigation Measure #5: Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council), should be prevented from establishing in temporarily disturbed areas, either by hand-weeding or selective application of herbicide. A weed monitoring program with regular inspection, mapping, and removal should be implemented.

Recommendation #1: Focused surveys should be conducted for the above referenced shorebird species with potential to be nesting or foraging in the Project area or within 500 feet of the Project footprint. Results of these surveys should be disclosed in the DEIR and be clearly marked on a map included in the DEIR so CDFW can comment on avoidance and minimization measures of any species present.

Recommendation #2: The DEIR should include a map of all known adjacent nesting and foraging sites for the sensitive shorebirds mentioned above to help with indirect affect analysis.

General Comments

4) **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. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

5) **Wetlands Resources.** CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (http://www.fgc.ca.gov/policy/) of the Fish and Game 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 Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that 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

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 & Game Code, § 5650).

6) **CESA.** CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; 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 a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program 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.

7) **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, exotic 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 a Natural Community Conservation Plan (NCCP, Fish & Game 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. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

8) **Compensatory Mitigation.** The DEIR should 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 habitat creation and/or 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.

9) **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.

10) **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 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 the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

11) **Translocation/Salvage of Plants and Animal Species.** Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or

endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

12) **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 be on-site prior to and during ground and habitat 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. If the project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

13) **Revegetation/Restoration Plan.** Plans for restoration and re-vegetation 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, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

    a) CDFW recommends that local on-site propagules from the Project area and 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.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the CSLS in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Kelly Schmoker, Senior Environmental Scientist (Specialist), at (626) 335-9092, or by email at Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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