



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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March 9, 2022

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**Subject: Comments on the Draft Environmental Impact Report for PRC 421  
Decommissioning Project, SCH #2021060145, Santa Barbara County**

Dear Eric Gillies:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced 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, §

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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 421-1 and 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:

1. Component 1 – Caisson and Pier Removal (421-1 and 421-2)
  - Removal of soil and fill inside both caissons down to the existing bedrock, including all interior debris (buried timber, steel, and concrete support structures);
  - Cutting and removal of well casings down to existing bedrock elevation and installation of a final welded well cap;
  - Removal of both caissons' external sheet pile and concrete walls including concrete footings;
  - Full removal of both pier structures and supports to the bedrock interface; and,
  - Flushing and isolating the 2-inch-diameter and 6-inch-diameter pipelines from the 421-1 pier back through the golf course pipeline corridor to the EOF.
2. Component 2 – Access Roadway, Production Pipelines, Pier Abutments, Rock Revetment and Wooden Seawall Removal
  - Excavation and removal of the 2-inch-diameter and 6-inch-diameter pipelines from the 421-1 pier location west to the 12th tee location at the golf course;
  - Complete removal of both pier abutment structures originally installed in 2001;
  - Removal of rock revetment from the beach (between the 12th tee and 421-2 pier area);
  - Removal of wooden seawall and its structural components (from the 421-2 pier area and extending approximately 75 feet to the southeast);
  - Removal of any unrecorded historical debris;
  - Removal of any petroleum hydrocarbon-containing soil identified within access roadway;
  - Sloping and restoration of access roadway area (1,600 feet) to a natural grade; and,
  - Final Site restoration.

## 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.

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## Specific Comments

### Comment 1: Use of Holland-based Ecosystem Classification in Lieu of State Adopted Vegetation Community Classification System

**Issue:** CDFW is concerned about the DEIR's use of the Holland classification system, which is based on ecology rather than specific vegetation assemblages. The Holland ecosystem classification system has "gross errors", is not repeatable, lacks uniform membership criteria, and has not been updated since 1986 (CDFW, 2022). Based on the Holland map provided in the DEIR (Figure 4.3-1) CDFW can preliminarily determine alliances from the map's aerial photo alone. Open water, foredunes, and other ecological features are not vegetation communities.

**Specific impact:** The DEIR states "the vegetation types used in this system do not adequately describe vegetation of the Project site, in part due to the fragmented and disturbed nature of the affected vegetation. Therefore, a more generalized system (Preliminary Descriptions of the Terrestrial Natural Communities of California – Holland 1986) was used to classify vegetation of the Project site. A". Based on Figures 4.3, CDFW has determined that mapping using The Manual of California Vegetations' alliances and associations are applicable to the Project site, including the disturbed areas with non-native vegetation. The Holland classification system does not adequately describe vegetation, beyond generic assemblages that are too large scale to determine uniqueness, rareness, value in the landscape, or base restoration planting appropriateness.

The ecology-based Holland classification system is no longer supported by the State of California. It has been replaced by the National Vegetation Classification System and its California expression, The Manual of California Vegetation, Second Edition (MCV) (Sawyer, Keeler-Wolf and Evens 2009) under Section 1940 of the Fish and Game Code. The Manual should be used when describing existing conditions in environmental documents, assessing impacts, and mapping vegetation.

Sensitive vegetation communities under the MCV are defined and have specific membership requirements. The presence of these vegetation communities should be acknowledged if they meet the membership requirements. The quality of the vegetation community is considered when mitigation ratios are considered, but the vegetation either meets the membership criteria, or it doesn't. If it meets the membership criteria, the vegetation communities should be mitigated to ensure no net loss of these locally important vegetation communities.

As an example, the DEIR lists dominant plants for what is called "Southern Coastal Bluff Scrub" (Holland community) as quail bush (*Atriplex lentiformis*), coastal golden-bush (*Isocoma menziesii*), coyote brush (*Baccharis pilularis*), iceplant (*Carpobrotus edulis*), saltgrass (*Distichlis spicata*), rabbits-foot grass (*Polypogon monspeliensis*), heliotrope (*Heliotropium curassavicum*), and alkali heath (*Frankenia salina*). These plants listed comprise many different alliances and associations, many of which are rare. This grouping of plants is too large scale to identify the uniqueness of specific plant assemblages CDFW considers *Atriplex lentiformis* Shrubland (Quailbush Scrub) Alliance, ranked S4, a locally sensitive vegetation community given the loss of this vegetation community in the coastal Goleta area. *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, and this vegetation community value in the landscape is not adequately determined using Holland.

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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 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.

**Why Impact Will Occur:** The DEIR uses Holland-based vegetation ecosystem classification to identify vegetation communities. Without MCV names identified for the vegetation communities potentially affected by the Project, CDFW is unable to determine if the project may impact sensitive vegetation communities or wildlife species that depend on these communities or recommend appropriate avoidance, minimization and/or mitigation measures. If a vegetation community in the project area has not previously been described, it may be a rare type. In this case, please contact CDFW about documenting and validating the vegetation community. The use of Holland ecosystem classifications to list impacts makes it impossible for CDFW to determine what MCV vegetation community is being impacted, nor determine if the proposed revegetation is mitigating impacts to a specific vegetation community that was impacted.

CEQA Guidelines sections 15070 and 15071 require the DEIR 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.”

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.

**Evidence Impact would be significant:** Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities 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 USFWS.

#### **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. Alliance/association-based mapping should have no minimum mapping unit and reflect the outline of the polygon of spatially heterogenic vegetation. If the botanical vegetation mapping of the site yields polygons that do not conform to a known alliance/association, contact CDFW to discuss how this should be handled as new alliances must be vetted prior to use. The DEIR 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

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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 including some S4 and S5 habitats like found onsite due to cumulative loss of these vegetation communities along the Santa Barbara 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 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 to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

**Comment #2: Special Status Species Presence/Absence Surveys not conducted to inform Project alternatives or allow meaningful avoidance and mitigation measures. Reliance on pre-project surveys to detect special-status species presence**

**Issue:** Based on the information provided in the DEIR many special-status species are likely to occur in the project area. CDFW is not clear how Mitigation Measures BIO-3A- BIO-3E will mitigate impacts to special-status species. CDFW is concerned the following species were not adequately surveyed for, using species-specific protocols where available, to disclose presence/absence in the DEIR, including:

California Species of Special Concern (SSC): Globose dune beetle (*Coelus globosus*), Crotch bumblebee (*Bombus crotchii*), sandy beach tiger beetle (*Cicindela hirticollis gravida*), western snowy plover (*Charadrius nivosus*) western pond turtle, (*Emys marmorata*), California red-legged frog (*Rana draytoni*), tidewater goby (*Eucyclogobius newberryi*), monarch butterfly (*Danaus plexippus*), and coast patch-nosed snake (*Salvadora hexalepis virgultea*).

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CESA-listed: Belding's savannah sparrow (*Passerculus sandwichensis alaudinus*), California least tern (*Sternula antillarum browni*).

CESA-fully-protected species (Fish and G. Code § 3511): California brown pelican (*Pelecanus occidentalis californicus*), white-tailed Kite (*Elanus leucurus*), and California least tern (*Sternula antillarum browni*).

Rare Plants: black-flowered figwort (*Scrophularia atrata*), mesa horkelia (*Horkelia cuneata* var. *puberula*), Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*), southern tarplant (*Centromadia parryi* ssp. *australis*), Contra Costa goldfields (*Lasthenia conjugens*), Davidson's salt scale (*Atriplex serenana* var. *davidsonii*), Sonoran maiden fern (*Thelypteris puberula* var. *sonorensis*), Gambel's water cress (*Nasturtium gambelii*), white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*), surf thistle (*Cirsium rhotophilum* – occurs in coastal sand dunes should include in survey efforts), red sand-verbena (*Abronia maritima*), and cliff malacothrix (*Malacothrix saxatilis* var. *saxatilis*).

For the potential presence of all special-status species Mitigation Measures BIO-3a- BIO-3E relies on a randomly timed pre-construction survey for detection and waiting for said species to leave the area before Project construction resumes. Impacts to burrows and occupied habitat should also be disclosed in the DEIR.

**Specific impact:** Project implementation includes staging and using heavy equipment resulting in noise/vibration/percussive waves within and adjacent to areas that potentially support special status species. These activities include increased ambient noise and vibration, night lighting, and other activities that may result in direct mortality, population declines, or local extirpation of special status fish, reptile, plant, and mammal species.

**Evidence impact would be significant:** Project activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City, (CEQA Guidelines, § 15065).

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, moving out of harm's way, 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).

Absent the above requested information, the DEIR does not analyze impacts to special-status plants or animals, and the DEIR does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied habitat.

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### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** The CSLS should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for special status plants and animals in suitable habitat within the appropriate season to detect presence and disclose presence/absence in the DEIR. Positive detections of special status species and suitable habitat should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of special status species surveys to CDFW.

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. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2020d). A Lake and Streambed Alteration (LSA) Agreement may provide similar take or possession of species as described in the conditions of the agreement.

**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 other special-status arthropods 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

**Mitigation Measure #3:** CDFW recommends avoiding any locations where species specific surveys determine special status species are present. This should be evaluated in the DEIR and any specific avoidance of occupied habitat should be discussed, or meaningful mitigation to mitigate the take of sensitive species as a result of the project, if avoidance is not feasible. Burrows and occupied habitat should be avoided along with the special-status plant or animal species found during species-specific surveys designed for maximum detection.

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). 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).

**Mitigation Measure #4:** CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The DEIR should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.

Construction equipment shall use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where

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feasible, sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time shall be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.

**Mitigation Measure #5:** Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal.

**Mitigation Measure #6:** If any special status species are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

### **Comment #3: Impacts to Bats**

**Issue:** The preliminary exit survey was sufficient to determine bat presence but is inadequate to determine year-round use and design avoidance, minimization, and mitigation strategies of off.

**Specific Impact:** Bats were detected during the exit survey conducted on July 29, 2001. The Bat Study Memo (Padre, 2022) states "it is believed that this roosting site is used all year long by this relatively small colony of big brown" without providing any data or year-round temperature measurements to justify this conclusion. The mitigation measure (MM-BIO-2) in the DEIR falls short of requiring specific year-round survey information be collected prior to Project implementation. MM-Bio-2 also falls short by not requiring any habitat mitigation or follow-up monitoring for mitigation roost use by bats. MM BIO-2 essentially states a bat exclusion plan shall be prepared and implemented prior to and during the 421-2 caisson demolition activities. The plan shall include confirmation surveys of either seasonal or ongoing bat use of the structure and recommendations regarding the timing for installation of preclusion netting at the caisson roost. This mitigation measure falls short of protecting bats occupying the Project. Exclusion without providing alternative roosting habitat is take of a roosting site, which is an impact. Exclusion without performing adequate surveys (see mitigation measure #2 below) can also result in death of bats.

**Why impact would occur:** Exit surveys on the Project site detected the presence of big brown bats (*Eptesicus fuscus*), Mexican free-tailed bats (*Tadarida brasiliensis*), and California myotis (*Myotis californicus*).

Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). CDFW considers adverse impacts to a SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is

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not just exclusion from maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted.

Lacking data from surveys to inform how bats utilize the site year-round. Impacts to bats due to the implementation of the Project are not fully disclosed in the DEIR. The DEIR relies on future surveys at an undisclosed time and duration to detect bat species present. No bat mitigation is proposed other than exclusion, which is not considered adequate mitigation for impacts to bat roosting habitat (roosting defined as winter hibernacula, summer, and maternity).

**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, moving out of harm's way, 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).

Absent the above requested information, the DEIR does not analyze impacts to bats, and the DEIR does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied bat habitat.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** For bat species utilizing features of the Project for any roosting activity, the Project should provide as mitigation the same, species-specific roosting features to accommodate the return of roosting bats. CDFW considers the addition of specific roosting features to support continued use of bats in the area to be demolished, coupled with effectiveness monitoring over 5-years, as adequate mitigation. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan. This should be developed in a bat mitigation plan and should be approved by CDFW prior to Project initiation.

Additionally, prior to any exclusion of bats from the caissons, temporary or permanent roosting habitat, specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.

**Mitigation Measure #2:** 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 or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance.

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To avoid the direct loss of bats that could result from removal of trees or bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department 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, and maternity roosting;
- 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 hibernacula/roosting; 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. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
- 5) If confirmed occupied or formerly occupied bat roosting/hibernacula and 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 Lead Agency and the CDFW for five years following relocation or until performance standards are met, whichever period is longer.

#### **Comment #4: Impacts to Shorebirds**

**Issue:** 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.

**Specific Impact:** On-site surveys were not conducted, nor was specific information as to adjacent and nearby sites occupied by these shorebirds that could be affected by indirect impacts (e.g., noise, lighting, vibration, dust, visual disturbance).

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**Why impact would occur:** 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, lighting, vibration, and visual disturbance 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.

**Evidence Impact would be significant:** CEQA Guidelines (Section 15358(a)(2)) require discussion of potential indirect impacts of a proposed project. Indirect impacts, also referred to as secondary impacts, are impacts caused by a project that occur later in time or are farther removed in distance but are still reasonably foreseeable. The DEIR should include as assessment of this adjacent beach nesting, foraging, and riparian feature as well as existing culverts, to assess wildlife use of the feature and how the Project might indirectly affect the biological resources that use this general area.

**Recommended potentially feasible mitigation measure(s):**

**Mitigation Measure #1:** CDFW recommends the DEIR include a complete assessment, including focused surveys and data on (with a 500-foot buffer), adjacent to (up to 5000 feet), and nearby (~1 mile) foraging and nesting sites. This will allow CDFW to recommend avoidance and minimization measures specific to the species, timing, and use for birds that would be affected, directly or indirectly, by the Project. The DEIR should include as assessment of this adjacent beach nesting, foraging, and riparian feature as well as existing culverts, to assess wildlife use of the feature and how the Project, even temporarily during construction, might indirectly affect the biological resources that use this general area.

**Mitigation Measure #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.

**Mitigation Measure #3:** CDFW recommends Project construction be limited to outside of the breeding season (1 March – 30 September) to minimize effects on breeding.

**Mitigation Measure #4:** 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 #5:** 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 #6:** 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

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the adjacent native vegetation should be minimized. CDFW recommends a minimum 250-meter buffer between Project operations and listed species habitat.

**Mitigation Measure #7:** 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.

#### **Marine Region Comments:**

**Grunion Protection Plan:** CDFW appreciates the DEIR's consideration of potential Project impacts to spawning grunion and inclusion of MM BIO-4: Grunion Spawning Avoidance. CDFW agrees that a grunion protection plan should be developed prior to Project implementation and recommends that the State Lands Commission coordinate with CDFW while developing the grunion protection plan. More information about grunion and the expected grunion run schedule can be found on CDFW's website: <https://wildlife.ca.gov/Fishing/Ocean/Grunion>.

#### **General Comments:**

**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.

**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.

**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.

**Revegetation/Restoration Plan.** Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration

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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 DEIR 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](mailto:Kelly.Schmoker@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

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

<b>Biological Resources</b>			
	<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-Bio-1-CEQA-</b>	<p>CDFW recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. Alliance/association-based mapping should have no minimum mapping unit and reflect the outline of the polygon of spatially heterogenic vegetation. If the botanical vegetation mapping of the site yields polygons that do not conform to a known alliance/association, contact CDFW to discuss how this should be handled as new alliances must be vetted prior to use. The DEIR 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: <a href="https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities">https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities</a>).</p>	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-2-CEQA-</b>	<p>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 including some S4 and S5 habitats like found onsite due to cumulative loss of these vegetation communities along the Santa Barbara coast.</p> <p>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).</p>	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-3-CEQA-</b>	<p>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-</p>	Prior to Finalizing the EIR	CSLS

	<p>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 disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.</p> <p>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.</p>		
<p><b>MM-Bio-4-CEQA-</b></p>	<p>The CSLS should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for special status plants and animals in suitable habitat within the appropriate season to detect presence and disclose presence/absence in the DEIR. Positive detections of special status species and suitable habitat should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of special status species surveys to CDFW.</p> <p>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. Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2020d). A Lake and Streambed Alteration (LSA) Agreement may provide similar take or possession of species as described in the conditions of the agreement.</p>	<p>Prior to Finalizing the EIR</p>	<p>CSLS</p>

<b>MM-Bio-5-CEQA-</b>	<p>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 other special-status arthropods 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</p>	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-6-CEQA-</b>	<p>CDFW recommends avoiding any locations where species specific surveys determine special status species are present. This should be evaluated in the DEIR and any specific avoidance of occupied habitat should be discussed, or meaningful mitigation to mitigate the take of sensitive species as a result of the project, if avoidance is not feasible.</p> <p>CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish &amp; G. Code, §§ 1002, 1002.5, 1003). 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).</p>	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-7-CEQA-</b>	<p>CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The DEIR should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.</p> <p>Construction equipment shall use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time shall be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.</p>	Prior to Finalizing the EIR	CSLS

<b>MM-Bio-8-CEQA-</b>	Wildlife should be protected, allowed to move away on its own (non- invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground- disturbing activities and vegetation removal.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-9-CEQA-</b>	If any special status species are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-10-CEQA-</b>	<p>For bat species utilizing features of the Project for any roosting activity, the Project should provide as mitigation the same, species-specific roosting features to accommodate the return of roosting bats. CDFW considers the addition of specific roosting features to support continued use of bats in the area to be demolished, coupled with effectiveness monitoring over 5-years, as adequate mitigation. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan. This should be developed in a bat mitigation plan and should be approved by CDFW prior to Project initiation.</p> <p>Additionally, prior to any exclusion of bats from the caissons, temporary or permanent roosting habitat, specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.</p>	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-11-CEQA-</b>	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	Prior to Finalizing the EIR	CSLS

	<p>presence of any bats roosting in or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance.</p> <p>To avoid the direct loss of bats that could result from removal of trees or bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:</p> <ol style="list-style-type: none"><li>1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting;</li><li>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.)];</li><li>3) Avoid the areas being utilized by bats for hibernacula/roosting; 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;</li><li>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. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);</li><li>5) If confirmed occupied or formerly occupied bat roosting/hibernacula and 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;</li><li>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,</li></ol>		
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	7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the CDFW for five years following relocation or until performance standards are met, whichever period is longer.		
<b>MM-Bio-12-CEQA-</b>	CDFW recommends the DEIR include a complete assessment, including focused surveys and data on (with a 500-foot buffer), adjacent to (up to 5000 feet), and nearby (~1 mile) foraging and nesting sites. This will allow CDFW to recommend avoidance and minimization measures specific to the species, timing, and use for birds that would be affected, directly or indirectly, by the Project. The DEIR should include an assessment of this adjacent beach nesting, foraging, and riparian feature as well as existing culverts, to assess wildlife use of the feature and how the Project, even temporarily during construction, might indirectly affect the biological resources that use this general area.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-13-CEQA-</b>	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.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-14-CEQA-</b>	CDFW recommends Project construction be limited to outside of the breeding season (1 March – 30 September) to minimize effects on breeding.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-15-CEQA-</b>	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.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-16-CEQA-</b>	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.	Prior to Finalizing the EIR	CSLS
<b>MM-Bio-17-CEQA-</b>	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.	Prior to Finalizing the EIR	CSLS