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STATE CLEARINGHOUSE

Subject: Comments on the Draft Mitigated Negative Declaration (DMND) for the San Jose Creek Multipurpose Path Project; SCH 2022070006 ; City of Goleta, Santa Barbara County

Ms. Lawson:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Availability of a Draft Mitigated Negative Declaration (DMND) for the San Jose Creek Multipurpose Path Project (Project). The City of Goleta (City) is the lead agency preparing a DMND 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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, §

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

Project Description and Summary

Objective: The proposed project consists of two separate trail/path segments which tie into existing facilities, as well as other adjacent proposed City Capital Improvement Projects planned for construction in the coming years, and two Caltrans bridge replacement projects, one on State Route (SR) 217 and one on U.S. Route (US) 101. The two segments of the proposed project would provide a continuous path from Calle Real to the Atascadero Creek Bikeway. The two segments of the proposed project are as follows:

- The Northern Segment – is the segment of the San Jose Creek Multipurpose Path Project which extends from Calle Real to Armitos Avenue. The northern segment would extend from the existing bicycle and pedestrian facilities adjacent to Calle Real, south adjacent to the west side of San Jose Creek to Armitos Avenue. The northern segment of the proposed project would primarily be within City right-of-way with parts extending into Caltrans and Union Pacific Railroad (UPRR) rights-of-way and would encroach into the upper bank of San Jose Creek. The Project will construct a paved multipurpose path approximately 2,400 feet in length and ranging from 10 to 14 feet in width, with the path of travel ranging from 8 to 10 feet wide and shoulders ranging from no shoulder to 2 feet wide on each side. The maximum excavation depth for the proposed project would be approximately 8 feet for the retaining walls with spread footing foundations. Drilled holes for the steel soldier pile foundations for the proposed steel soldier pile wall would be up to 40 feet in depth. Approximately 680 feet of the proposed project's northern segment would be constructed within the existing San Jose Creek bank, which would occur where the proposed project crosses under the UPRR, US 101, and Calle Real bridges.
- The Southern Segment – is the segment of the San Jose Creek Multipurpose Path Project which is south of Hollister Avenue. This segment extends south from Kellogg Avenue on the west side of SR 217 to the existing Class I Atascadero Creek Bikeway (Obern Trail/Coast Route) on the east side of SR 217. The southern segment would cross over the San Jose Creek channel on the north end (northern terminus) and would cross under SR 217 on the south end (southern terminus). This segment includes construction of a multipurpose path approximately 1 mile in length and ranging from 8 to 12 feet wide, to separate the multipurpose path from SR 217. A bicycle/pedestrian bridge would be constructed at the north end of the proposed project to provide access from South Kellogg Avenue over the San Jose Creek channel. The proposed multipurpose path bridge would be approximately 350 feet long and 12 feet wide to accommodate a 5-foot-lane in each direction and chain link railing on each side. The bridge would be constructed on cast-in-drilled-hole piles to an approximate depth of 50 feet. No work is anticipated within the top of bank and the active channel of San Jose Creek, areas containing ground water may be encountered. At the south end of the project site, a proposed box culvert would be constructed to provide access under SR 217, a minimum of 40 feet north of the SR 217 end of bridge, before connecting the proposed project to the existing Class I Atascadero Creek Bikeway

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Location: The proposed project begins in the City of Goleta at the existing path north of Calle Real and extends south along San Jose Creek to Armitos Avenue, where it connects to Armitos Park and Jonny D. Wallis Neighborhood Park. The proposed project picks back up at South Kellogg Avenue on the west side of State Route (SR) 217 and extends south to the existing Class I Atascadero Creek Bikeway (Obern Trail/Coast Route) on the east side of SR 217, of which approximately 1,500 feet is within Santa Barbara County.

Comments and Recommendations

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

Project Description and Related Impact Shortcoming

Comment #1: Impacts to California Species of Special Concern

Issue: CDFW is concerned that Project-related activities may result in significant impacts to the following Species of Special Concern (SSC):

- Fish: Tidewater goby (*Eucyclogobius newberryi*).
- Reptiles: California red-legged frog (*Rana draytoni*), two-striped garter snake (*Thamnophis hammondi*), Blainville's horned lizard (= coast horned lizard (*Phrynosoma blainvillii*), and southwestern pond turtle (*Actinemys pallida*), Northern California legless lizard (*Aniella pulcra*), and Coast Range newt (*Taricha torosa*).
- Birds: Western snowy plover (*Charadrius nivosus nivosus*), and Grasshopper sparrow (*Ammodramus savannarum*).
- Amphibians: California red-legged frog (*Rana draytonii*).
- Mammals: San Diego woodrat (*Neotoma lepida intermedia*), Western mastiff bat (*Eumops perotis californicus*), Western red bat (*Lasiurus blossevillii*), pallid bat (*Antrozous pallidus*) and hoary bat (*Lasiurus cinereus*).

Specific impact: Project construction and related activities, directly or through indirect effects, may result in direct injury or mortality of SSC. The DMND acknowledged the potential for these species to occur but did not include survey data conducted during the appropriate time of year to maximize detection. If the Project relies solely on pre-construction surveys occurring during fall to winter, a period when many species are not active or detectable due to brumation/hibernation/torpor, Project impacts to SSC may go undetected.

Why impact would occur: Project implementation includes staging and using heavy equipment within and adjacent to the active river channel. 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 SSC fish, reptile, and mammal species. Species such as southwestern pond turtle spend up to 80 percent of the year in upland habitat adjacent to streams and would be missed without appropriately timed protocol surveys.

Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many

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nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber et al. 2009). (For reference, normal conversation is approximately 60 dB, and natural ambient noise levels (e.g., forest habitat) are generally measured at less than 50dB).

Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of birds in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004). Stone et al. (2015) found that illumination of bat hibernation sites may cause avoidance as well as light disturbance within a hibernation site would cause bats to arouse from torpor.

Evidence impact would be significant: An [SSC](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed under the Federal Endangered Species Act-, but not CESA-listed, meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA status (CDFW 2020c).

Project construction and 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).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Pursuant to the California Code of Regulations, title 14, section 650, the City/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

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(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.

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 #2: 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 MND 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 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 #3: The City 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 SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

Mitigation Measure #4: 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.

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Mitigation Measure #5: The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

Mitigation Measure #6: If any SSC 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 and the City 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 #2: Impacts to Riparian Resources

Issue: CDFW has determined that streams subject to Fish and Game Code, section 1600 et seq. may be impacted by the proposed Project.

Specific Impact: The DMND states the Project could result in impacts to jurisdictional resources due to the potential for frac-outs. Surface heaving during drilling operations can occur from frac-out of drilling fluids. Surface settlement after pile driving and drilling operations can also occur. Construction includes the use of pile driving which may affect riparian and aquatic species and result in death, behavior changes, or injury to these species.

Why impact would occur: Degradation of water quality due to frac-outs affect fish, amphibians, and riparian dependent species such as birds and bats. Runoff with high total suspended solids and total dissolved solids, has been shown to be high in nutrients, as well as other contaminants. Drilling fluid can be toxic to aquatic organisms.

Evidence impact would be significant: The Project may substantially adversely affect the existing water quality and geomorphologic processes through the alteration of the channel.

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

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

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

Mitigation Measure #2: A weed management plan should be developed for the Project area and implemented both during and long-term post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included, as the project borders sensitive biological areas.

Recommendation #1: CDFW recommends finding an alternative to the southern staging area that will impact both CDFW sensitive vegetation communities as well as wetland and other jurisdictional resources. This proposed staging area is adjacent to a biologically sensitive area and disturbance of this area could degrade the adjacent habitat by introducing weeds, anthropogenic disturbance, and habitat removal.

Recommendation #2: CDFW recommends a non-toxic, water-based drilling fluid be used to reduce the risk to aquatic life.

Comment #3: Survey and Assessment Methodology – Bats

Issue: The DMND states several species of bats have the potential to occur on-site; however, adequate surveys to detect potential year-round roosting use were not conducted prior to circulation of the DMND to determine if bats currently use the bridge or riparian habitat for roosting. Therefore, the DMND does not adequately describe the potential for impacts to bats. Visual inspections commonly fail to capture bats occupying the site. Single point in time, daytime visual surveys are not appropriate to capture winter roosting/hibernacula, summer roosting, and maternity roosting of the site.

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).

Specific impacts: Potential direct impacts include project construction on the bridge or structures/trees that may provide roosting habitat and therefore has the potential for the direct

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loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impact would occur: The Project site contains suitable habitat for several bat species that have the potential to occur on the Project site including fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), and Yuma myotis (*Myotis yumanensis*).

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

Impacts to bats due to the implementation of the Project are not fully disclosed in the DMND. The DMND 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 DMND does not analyze impacts to bats, and the DMND 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 the current bridge or riparian habitat for any roosting activity, the new bridge should have the same, species-specific features to accommodate the return of bats to the new bridge. CDFW considers the addition of specific roosting features to support continued use of bats in bridges to be demolished, as adequate mitigation. The new bridge should be monitored for 5 years to ensure the intended bats return

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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.

Additionally, prior to any exclusion of bats from the current bridge, temporary 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 DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DMND 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.

To avoid the direct loss of bats that could result from removal of trees or construction on or near 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 and aspect)];
- 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 with 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,

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- 7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/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.

Comment 3: Mitigation for Sensitive Vegetation Communities

Issue: the DMND does not adequately disclose impacts to CDFW sensitive vegetation communities. CDFW is concerned about the DMND's use of the Holland classification system, which is based on ecology rather than specific vegetation assemblages.

The maps and Tables D-1, D-3, and D-4 provided in the DMND contain a mix of vegetation and ecological features mixed together, leaving large parts of the project without alliance-based vegetation maps. Open water, riverine intermittent, southern coastal scrub, barren, wetland, foredunes, non-native grasslands, ruderal, drainage ditch, and other ecological features are not vegetation communities. Some of the alliance descriptions used appear to be incorrect as pickleweed and alkali heath are not typically part of arroyo willow thickets and are themselves part of another sensitive vegetation community.

Specific Impact: The DMND uses a mix of ecology-based Holland classification, which is not tracked by CDFW, and a few alliance based communities. The DMND states the Project will impact CDFW sensitive vegetation community habitats (alliances/associations). Mitigation for impacts to CDFW sensitive vegetation communities (alliances/associations) is not proposed.

Sensitive vegetation communities are defined by their dominant plant species, such as the *Encelia californica* – *Eriogonum cinereum* (California Brittle Bush –Ashy Buckwheat Scrub) alliance and have a separate ranking system than that of individual rare plants. 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. The California Natural Diversity Database contains legacy rankings for older Holland-based classifications and has not been updated since the 1990's. The only list that accurately track CDFW sensitive vegetation is found on our website at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

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Why Impact Would Occur: CDFW considers the Salicornia pacifica (Salicornia depressa) Alliance (*Pickleweed mats*), ranked S3, a sensitive vegetation community. Certain arroyo willow thicket associations are ranked S3, California Sycamore - Coast Live Oak Riparian Woodland alliance is ranked S3 and considered a sensitive vegetation community.

The Artemisia Californica Alliance, Atriplex lentiformis Shrubland (Quailbush Scrub) Alliance, and the Quercus agrifolia Alliance are ranked S4 communities by CDFW. 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.

Sensitive vegetation communities are defined and have membership requirements, as defined in the MCV. The presence of these vegetation communities, detected at the appropriate time of the year (if annual dominated) 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.

CEQA Guidelines sections 15070 and 15071 require the DMND 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.

Mitigation Measure #1: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to each sensitive natural community alliance/association. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the above listed sensitive natural vegetation communities. This ratio is also recommended for any new sensitive natural vegetation communities found onsite once mapping is updated, due to the rapid loss of these coastal vegetation alliances/associations within Goleta.

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 for each layer of the vegetation community; contingency actions should success criteria not be met; long-term

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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 #2: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the 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 (herbs, annuals, grasses, vines, subshrubs, shrubs, trees) 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 MCV, ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

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

Recommendation #1: The DMND should include a table of impacts by CDFW vegetation alliances along with a map showing the Project impact areas. Impact areas should include staging and access ramp locations and impacts. The entire Project should be mapped to alliance or association level.

Recommendation #2: CDFW recommends moving the southern staging area as this staging area will impact several sensitive vegetation communities, which should be avoided. If avoidance of the pickleweed mats or any other sensitive vegetation alliances in the southern staging area cannot be avoided, CDFW recommends 1) a weed management plan be implemented both during and post construction (long-term), and 2) all impacted habitats be mitigated at a minimum 4:1 ratio.

General Comments

- 1) Landscaping. The Department recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for better landscape plants can be found at <http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal>.

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Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the project to assist the City of Goleta in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the project. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 848-8382 or Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

Attachments: Attachment A: Draft Mitigation and Monitoring Reporting Plan

ec: CDFW

Steve Gibson, Los Alamitos – Steve.Gibson@wildlife.ca.gov

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to California Species of Special Concern	<p>Pursuant to the California Code of Regulations, title 14, section 650, the City/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). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.</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 & 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/After Project construction and activities	Lead Agency/ Applicant

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<p>MM-BIO-2- Impacts to California Species of Special Concern</p>	<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 MND 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>	<p>During Project construciton activities</p>	<p>Applicant</p>
<p>MM-BIO-3- Impacts to California Species of Special Concern</p>	<p>The City 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 SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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	City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.		
MM-BIO-4- Impacts to California Species of Special Concern	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 Project construction and activities	Lead Agency/ Applicant
MM-BIO-5- Impacts to California Species of Special Concern	The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-6- Impacts to California Species of Special Concern	If any SSC 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 and the City 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 Project construction and activities	Lead Agency/ Applicant
MM-BIO-7- Impacts to Aquatic and Riparian Resources;	The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether an LSA Agreement is required prior to conducting the proposed activities. A notification package for an	Prior to Project construction and activities	Lead Agency/ Applicant

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<p>Lake and Streambed Alteration Agreement</p>	<p>LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa.</p> <p>CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>		
<p>MM-BIO-8- Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement</p>	<p>Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>
<p>MM-BIO-9- Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement</p>	<p>A weed management plan should be developed for the Project area and implemented both during and post-Project (until all disturbed areas have been revegetated and the revegetation has been deemed successful and no new weeds are detected for 3 years). Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.</p>	<p>Prior, during, and after Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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<p>Recommendation-BIO-1- Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement</p>	<p>CDFW recommends finding an alternative to the southern staging area that will impact both CDFW sensitive vegetation communities as well as wetland and other jurisdictional resources. This proposed staging area is adjacent to a biologically sensitive area and disturbance of this area could degrade the adjacent habitat by introducing weeds, anthropogenic disturbance, and habitat removal.</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>
<p>Recommendation-BIO-2- Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement</p>	<p>CDFW recommends a non-toxic, water-based drilling fluid be used to reduce the risk to aquatic life.</p>	<p>Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>
<p>MM-BIO-10- Bats</p>	<p>For bat species utilizing the current bridge or riparian habitat for any roosting activity, the new bridge should have the same, species-specific features to accommodate the return of bats to the new bridge. CDFW considers the addition of specific roosting features to support continued use of bats in bridges to be demolished, as adequate mitigation. The new bridge 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.</p> <p>Additionally, prior to any exclusion of bats from the current bridge, temporary 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</p>	<p>Prior to finalizing the MND. Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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	<p>suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.</p>		
<p>MM-BIO-11-Bats</p>	<p>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 DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DMND 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.</p> <p>To avoid the direct loss of bats that could result from removal of trees or construction on or near 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"> 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; 	<p>Prior to finalizing the MND. Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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	<p>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);</p> <p>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 with CDFW;</p> <p>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,</p> <p>7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in</p>		
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	<p>connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/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.</p>		
<p>MM-BIO-12-Sensitive Natural Communities</p>	<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 each sensitive natural community alliance/association. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the above listed sensitive natural vegetation communities. This ratio is also recommended for any new sensitive natural vegetation communities found onsite once mapping is updated, due to the rapid loss of these coastal vegetation alliances/associations within Goleta.</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 for each layer of the vegetation community; 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>	<p>Prior to finalizing the MND. Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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<p>MM-BIO-13-Sensitive Natural Communities</p>	<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-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 (herbs, annuals, grasses, vines, subshrubs, shrubs, trees) 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 Manual of California Vegetation, 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>Prior to finalizing the MND. Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>
<p>MM-BIO-14-Sensitive Natural Communities</p>	<p>The DMND should include a table of impacts by CDFW vegetation alliances along with a map showing the Project impact areas. Impact areas should include staging and access ramp locations and impacts. The entire Project should be mapped to alliance or association level.</p>	<p>Prior to finalizing the MND. Prior to Project construction and activities</p>	<p>Lead Agency/ Applicant</p>

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MM-BIO-15-Sensitive Natural Communities	CDFW recommends moving the southern staging area as this staging area will impact several sensitive vegetation communities, which should be avoided. If avoidance of the pickleweed mats or any other sensitive vegetation alliances in the southern staging area cannot be avoided, CDFW recommends 1) a weed management plan be implemented both during and post construction (long-term), and 2) all impacted habitats be mitigated at a minimum 4:1 ratio.	Prior to finalizing the MND. Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-16-Landscaping	CDFW recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (<i>Schinus</i> genus) and fountain grasses (<i>Pennisetum</i> genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for better landscape plants can be found at http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal	Prior to finalizing the MND. Prior to Project construction and activities	Lead Agency/ Applicant