



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



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Governor's Office of Planning & Research

Jan 31 2024

STATE CLEARINGHOUSE

Nick Bobroff
 City of Carpinteria
 5775 Carpinteria Avenue
 Carpinteria, CA 93013
nickb@carpinteriaca.gov

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CHEVRON CARPINTERIA OIL & GAS FACILITY DECOMMISSIONING PROJECT, SCH #2022080026

Dear Nick Bobroff:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (EIR) for the Chevron Carpinteria Oil & Gas Facility Decommissioning Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously reviewed the Notice of Preparation associated with this Project and submitted a comment letter to the City (NOP letter; dated August 30, 2022).

Thank you for the opportunity to provide additional comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

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example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Applicant: Chevron West Coast Decommissioning Program

Objective: The purpose of the Project is to remediate the environmental impacts of the legacy oil and gas facilities on the Project site. Objectives as provided by the Applicant are summarized as follows:

- idling and removal of existing surface and subsurface equipment, piping, pipeline segments and structures, including removal of concrete foundations, asphalt, oil spray, and road base.
- pig and flush pipelines in preparation for removal and removal of State Waters Offshore Pipelines out to the 3-nmi state waters limit.
- excavation/remediation of any impacted soil within the Project site and restoration of the affected areas in accordance with the agency approved Remedial Action Plan.
- complete removal of State Waters Offshore Pipelines; and
- recycling/disposal of all materials removed from the Project site.

Location: The Project is located at 5675 and 5663 Carpinteria Avenue, in the City of Carpinteria, County of Santa Barbara; Onshore: Assessor's Parcel Numbers (APN) 001-170-003, 004, 014, 021, 022, and 023; and Offshore: State Lease Nos. PRC 3133, 3150, 7911, and 4000 on submerged lands leased from the City (from shore to 2 miles offshore) and County (from 2 to 3 miles offshore). It is located within an area that has been historically utilized for agricultural production and more recently for oil and gas development support activities. Surrounding land uses include the Carpinteria City Hall, Carpinteria Avenue, and U.S. Highway 101 to the north, the Pacific Ocean to the south, the Concha Loma single-family residential neighborhood to the west, and a public golf driving range, agricultural, and open space to the east.

Biological Setting:

The Project site is located on a relatively flat coastal terrace and slopes slightly downward to the south and west. Coastal bluffs of between 35 and 50 feet in height descend from the terrace to a narrow sand beach. Pipeline removals will occur on the bluff and beach areas adjacent to the Casitas Pier and west of the Carpinteria Harbor Seal Rookery, and subsea out to the State water boundary. Marine habitats include sandy beach, intertidal zone, and mixed sandy and rock reef subtidal habitat. The offshore environment consists of a relatively flat and shallow continental shelf, with water depths at the 3-nautical-mile limit at 130 to 150 feet.

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Vegetation, where present, primarily consists of stands of non-native trees and non-native grasses and herbs, apart from several native plant restoration areas within Drainage Area No. 4, the southern end of the Former Marketing Terminal Area, the entrance to the Pier Parking Lot, and at the Former Sandblast Area. The native plant restoration areas primarily consist of coastal scrub and oak woodlands. The Project site is surrounded on three sides by tree windrows of densely planted non-native and native trees, primarily blue gum (*Eucalyptus globulus*) and, to a lesser degree, athel tamarisk (*Tamarix aphylla*), Monterey cypress (*Cupressus macrocarpa*), and Monterey pine (*Pinus radiata*). Native scrub and non-native ice plant mats are also present along the bluffs to the east and west of the Pier Parking Lot.

The Project site and its immediate vicinity contain habitat suitable to support monarch butterflies (*Danaus plexippus plexippus*; monarchs). Monarchs are a federal Endangered Species Act candidate species and are considered a special-status species in California. Monarchs can be found overwintering along the California coast in groves of trees primarily dominated by non-native eucalyptus (*Eucalyptus* spp.), with additional native species including Monterey pine (*Pinus radiata*) and Monterey cypress (*Hesperocyparis macrocarpa*) (Griffiths and Villablanca 2015; Pelton et al 2016). Monarchs have been known to historically use the Project site, and the Western Monarch Overwintering Site ID# 2800 (Xerces 2024) encompasses all of the trees on the Project site, with the exception of the trees in the southeast corner slated for removal. According to the Xerces Society Thanksgiving Counts, it provides overwintering habitat for as many as 8,000 overwintering monarchs (Xerces 2024).

COMMENTS AND RECOMMENDATIONS

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

Impacts to Marine Resources

COMMENT #1: Oil Spill Response

Issue: The Project's oil spill response can be improved to further reduce impacts to sensitive species and habitats in the event of an accidental oil spill.

Specific impact: As discussed in the Draft EIR, an accidental oil spill and subsequent clean-up efforts could significantly impact aquatic habitats and species. Of particular concern are sensitive habitat areas such as the harbor seal rookery described in the Draft EIR.

Why impact would occur: As disclosed in the Draft EIR, even with mitigation, an oil spill could significantly impact sensitive species and habitats via direct toxicity, smothering, entrapment, and habitat loss or degradation. With optimal oil spill response, impacts can be less severe.

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Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Recommendation #1

To minimize significant impacts: CDFW strongly recommends close coordination with CDFW's Office of Spill Prevention and Response (CDFW-OSPR) on the preparation and implementation of the Project's Oil Spill Contingency Plan. In the event of a spill, CDFW-OSPR and the U.S. Coast Guard or U.S. Environmental Protection Agency will form a Unified Command.

CDFW recommends that the Oil Spill Contingency Plan (MM Bio.7) include the following:

- Cal-OES and NRC should be called if a spill occurs (Cal-OES: 1-800-852-7550 and NRC: 1-800-424-8802).
- A list of Oil Spill Response Organizations (OSROs), including Marine Spill Response Corporation (MSRC) and Patriot Environmental.
- Measures to prevent spilled oil from reaching the harbor seal rookery.

COMMENT #2: Sensitive Marine Habitats

Issue: The Draft EIR may not adequately minimize impacts to eelgrass (*Zostera* spp.) and other sensitive marine habitats from pipeline removal.

Specific impact: According to the Draft EIR, pipeline removal could impact eelgrass and surfgrass (*Phyllospadix* spp.) habitat areas of particular concern (HAPC). While 2021 geophysical and remotely operated vehicle (ROV) surveys did not observe any sensitive marine habitats attached to the pipelines or within the pipeline corridors, these surveys were not able to access water depths less than 18 feet along the Marketing and Marine Terminal Bundle and less than 28 feet along the Gail and Grace Bundle. Eelgrass and surfgrass are most commonly found in these shallow depths, and it is possible that hard substrate and kelp occur in these areas as well. Additionally, the Project's Essential Fish Habitat Assessment (Appendix C-8) identifies a kelp bed approximately 470 feet east of the Casitas Pier with which the Gail and Grace pipeline bundle and 10-inch oil pipeline partially intersect. The depth of this kelp bed is not specified, and whether this area was surveyed is unclear.

Why impact would occur: CDFW appreciates the inclusion of Mitigation Measures (MM) Bio.1c.4 (Pre-decommissioning Marine Biological Dive Surveys) and Bio.2c (Essential Fish Habitat Avoidance); however, improvements are needed to further reduce impacts to sensitive marine habitats.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

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Recommendation #2

To minimize significant impacts: All eelgrass surveys and mitigation should adhere to the California Eelgrass Mitigation Policy (CEMP; NMFS 2014). For instance, pre-decommissioning eelgrass surveys must be completed during the active growth period for eelgrass (March through October) no more than 60 days before pipeline removal begins. In addition, all HAPC should be included in mitigation measures. CDFW recommends submitting the results of the pre-decommissioning marine biological dive surveys to CDFW and the National Marine Fisheries Service (NMFS), as well as other relevant agencies. Results should be provided in a detailed report that clearly delineates the locations of sensitive habitat areas, including a description of what was observed at the kelp bed approximately 470 feet east of the Casitas Pier. If impacts to any HAPC cannot be avoided, compensatory mitigation will be required and should be planned in coordination with CDFW and NMFS.

CDFW recommends modifying MM Bio.1c.4 as follows (suggestions in ~~strikethrough~~ and **bold**):

*Pre-Decommissioning Marine Biological Dive Surveys. No more than ~~90~~ **60** days prior to commencement of offshore activities, a City-approved, qualified marine biologist shall conduct a pre-decommissioning marine biological survey, with, of the sensitive habitat areas adjacent to the nearshore pipeline corridors. If sensitive **habitats such as** seagrass, **surfgrass, hard substrate, or kelp beds** ~~species~~ are identified, anchor locations shall be relocated to avoid impacts to these protected habitats. **and If seagrass is identified**, post-decommissioning surveys **will be** conducted to verify seagrass beds had not been impacted by Project related activities. If seagrass beds have been impacted, Chevron shall be required to prepare and implement eelgrass restoration as part of the Habitat Restoration and Revegetation Plan under Bio.1b that shall be approved by City. **All eelgrass surveys and mitigation shall adhere to the California Eelgrass Mitigation Policy.** Adjustments to decommissioning methodologies in sensitive habitats may be made **to the greatest extent feasible** to reduce impacts to these areas. In addition, remote operated vehicle or multi-beam geophysical surveys shall be conducted at each anchor location to confirm the absence of hard-bottom habitat.*

*Plan Requirements/Timing: The results of the pre-decommissioning marine biological dive surveys shall be submitted to the City, **California Department of Fish and Wildlife, and National Marine Fisheries Service** for review and fully implemented prior to the issuance of grading permits. Monitoring: Implementation of this measure shall be initiated by the Applicant Project manager and monitored by the designated marine wildlife monitor.*

CDFW recommends modifying MM Bio.2c as follows (suggestions in ~~strikethrough~~ and **bold**):

*Essential Fish Habitat Avoidance. No more than ~~90~~ **60** days prior to commencement of offshore activities, a pre-decommissioning marine biological survey of nearshore pipeline corridors shall be conducted. **All eelgrass surveys shall adhere to the California Eelgrass Mitigation Policy.** Anchor pre-plots shall be developed and implemented to*

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*avoid kelp beds, rocky habitats, **surfgrass**, and seagrass beds. Anchors shall be lowered vertically to the bottom and retrieved using a crown line as needed to avoid kelp beds, rocky reefs, **surfgrass**, and seagrass beds.*

*Plan Requirements/Timing: The results of the pre-decommissioning marine biological survey and anchor pre-plots shall be submitted to the City, **California Department of Fish and Wildlife, and National Marine Fisheries Service** for review and fully implemented prior to pipeline removal. Monitoring: Implementation of this measure shall be initiated by the Applicant Project manager and monitored by the designated marine wildlife monitor.*

Impacts to Terrestrial Resources

COMMENT #3: Impacts to Monarch Butterfly Overwintering Habitat

Issue: Project-related activities have the potential to impact monarchs and their overwintering habitat.

Specific Impact: Overwintering groves have specific microclimatic conditions that support monarch populations (Fisher et al 2018), and the Draft EIR does not adequately analyze Project impacts on monarch butterflies. Potential impacts associated with the Project's tree trimming and tree removal activities include roost damage, inadvertent entrapment, reduced likelihood of winter survival, reduced suitability of the habitat for overwintering monarchs, and direct mortality of individual monarchs. Trees that are not scheduled to be removed could be encroached upon during decommissioning and remediation of the Project site. Encroachment could impact the root zones, trunks, or canopy of trees. Such damage can lead to reduced health or mortality of trees and impact microclimatic conditions important to monarchs.

Why impact would occur: The Draft EIR acknowledges that monarchs have been documented to occur within the Project site, discusses impacts associated with the removal of trees in the southeast area of the Project site, and requires planting of replacement trees for those removed trees. The Draft EIR also discusses potential direct impacts to monarchs resulting from Project activities, and MM Bio.1c requires a pre-construction survey to determine the presence of roosting monarchs if project activities are scheduled to begin between October 1 and March 1. The Draft EIR does not, however, address the effects of tree trimming on the suitability of the remaining trees as overwintering habitat. The Tree Maintenance and Hazard Reduction Plan (Padre 2023) discusses trimming of hazardous trees throughout the site but does not evaluate the effect of that trimming on the microclimatic conditions of the grove, the potential loss of habitat carrying capacity caused by those changes, nor the need to compensate for that loss of available habitat. A prior document, the Tree Report (Padre 2021a), proposes measures to reduce the severity of impact to trees from activities conducted within their critical root zones; however, the Draft EIR does not include any of these measures as required mitigation. Without inclusion of these mitigation measures, the Project would result in the loss of overwintering habitat for monarchs.

Evidence impacts would be significant: During the last three decades, the western migratory monarch population that overwinters along the California coast has declined by

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more than 99% (Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the population (Thogmartin et al 2017). Monarch overwintering sites have specific microclimate conditions that are influenced by the configuration of trees and other foliage near the site (Griffiths and Villablanca 2015). Alteration of the site and surrounding areas could impact microclimate conditions, thereby reducing the suitability of the site for monarchs (Weiss et al 1991). This site has been identified as Western Monarch Overwintering Site ID# 2800 (Xerces 2024) and provides overwintering habitat for as many as 8,000 monarchs. Trimming any trees, native or non-native, within this designated monarch overwintering site could alter the site and preclude its continued use as an overwintering site.

Recommended Potentially Feasible Mitigation Measures

To evaluate potential impacts of the Project to monarch butterflies, CDFW recommends the following mitigation measures, in addition to Mitigation Measure Bio 1.c, as conditions of approval in the Project's CEQA document.

Mitigation Measure #1: Monarch Butterfly Habitat Assessment

A qualified biologist shall be retained to conduct a habitat assessment a minimum of 60 days prior to Project implementation, including tree trimming activities. The qualified biologist shall assess habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces 2017) or other protocols with prior approval by CDFW. The habitat assessment shall be conducted in consultation with site monitors with knowledge of the history of the grove to determine primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked and avoided during project activities.

Mitigation Measure #2: Monarch Habitat Management Plan

A Monarch Habitat Management Plan shall be developed, in consultation with CDFW, prior to Project implementation. The information gathered during the monarch habitat assessment (Mitigation Measure #1, above) shall be used to develop the plan following the guidance in the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces 2017) or other protocols with prior approval by CDFW. The plan shall be adaptive, with specific goals and objectives, continued monitoring, and refinement over time. The plan shall include as an objective that the baseline population/individual occurrence numbers shall not decrease over three years due to Project activities, and shall include adaptive and contingent measures to ensure this objective is met. The plan shall consider removal or trimming of hazard trees, removal or trimming of trees to create appropriate solar radiation patterns, a long-term tree planting strategy, and shrub and forb management. Trees within core overwintering habitat shall not be cut or trimmed except for specific grove management directed by the plan. Management activities in groves shall only be conducted between March 16 and September 14, in coordination with the aforementioned biologist (Marcum & Darst 2021).

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Mitigation Measure #3: Monarch Butterfly Take Avoidance

If monarch butterflies are detected within the Project area, monarch overwintering habitat shall be avoided by delineating and observing a no-disturbance buffer of at least ½ mile from the outer edge of the habitat (Marcum & Darst, 2021). If buffers cannot be maintained, then consultation with CDFW and the United States Fish and Wildlife Service will occur to determine how to implement ground and tree-disturbing activities and avoid take.

Recommendation #3: Native Landscaping for Monarchs

CDFW encourages landscaping using native trees and shrubs to benefit wildlife such as insect pollinators. Insect pollinators such as the monarch butterfly and native bees have declined drastically relative to 1980s levels, and have had an especially drastic decline since 2018 (Goulson et al 2015; Marcum and Darst 2021). Habitat loss may be a primary driver of monarch decline in the west (Crone et al 2019). CDFW recommends planting native flowering species over non-native ornamental species where possible. CDFW recommends planting winter-blooming nectar sources to support overwintering monarchs. Tropical milkweed (*Asclepias currasavica*) should never be included in landscaping. In addition, the planting of native milkweed species is not recommended within five miles of the coast north of Santa Barbara County and within one mile of the coast south of Santa Barbara County (Marcum and Darst 2021).

Mitigation Measure #4: Protection from Tree Encroachment

CDFW recommends the City include the following measures from the Tree Report as required mitigation measures in the EIR.

The Applicant shall comply with the following tree protection measures:

- If feasible, grading plans shall be adjusted to avoid the critical root zone of windrow trees. If some or all these trees are still considered candidates for encroachment upon final approval of the grading plans, temporary staking or flagging shall be placed along the grading limits prior to initiation of construction for clear identification and to ensure tree impacts are minimized.
- Tree protection areas shall be marked in the field in collaboration with a certified arborist or qualified biologist using fencing and/or flagging, which may coincide or overlap with the staked/flagged grading limits.
- All ground disturbance within 10 feet of the canopy dripline of affected trees shall be monitored by a certified arborist or qualified biologist with tree care experience.
- Staging of equipment and vehicles shall be located outside of the tree protection areas. Placement of heavy equipment for earthwork shall be as far away from the tree protection zones as feasible and shall never be less than 6 feet from the trunk of each specimen tree.
- Overhead branches that conflict with Project activities may be pruned by a qualified tree trimmer according to International Society of Arboriculture (ISA) pruning standards.

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- Excavation activities within tree protection areas will be allowed if soil sampling indicates soils exceed remediation targets and work is conducted with hand tools only, including hydro-excavation. To the extent feasible, hydro-excavation shall not be used in direct contact of roots to avoid damaging the root epidermis and root hair connections of smaller absorptive roots.
- If cutting of roots that are intertwined with belowground features is required, roots shall be saw-cut to avoid tearing, and conducted as far from the root as possible.
- Willows within the FSBA and DA4 shall be preserved through complete avoidance of the Operational Area in which the willow thicket occurs, or if necessary, temporary installation of construction fencing shall occur around each stand of trees throughout the duration of work.

COMMENT #5: Drainage Area No. 4

Issue: It is unclear in the Draft EIR what, if any, activities will be occurring in Drainage Area No. 4 (DA4).

Specific Impact: Without a complete and accurate description of the activities proposed for DA4, the impacts of the Project cannot be evaluated. Therefore, biological impacts may occur without appropriate disclosure, avoidance, minimization, and/or mitigation.

Why Impact Would Occur: In various places, the Draft EIR states that no activities will be occurring in DA4., In their NOP comment letter to the City, the Applicant requested the APN that contains DA4 be removed from the Project description because no activities would be occurring on that parcel (Trujillo 2022). Other statements in the Draft EIR, however, indicate that the impacts to wetlands occurring within the containment berm of Tank 861 will be mitigated by the Applicant-proposed expansion of existing wetlands in DA4. The Draft EIR includes the following information about the proposed mitigation:

- The 36-inch high-density polyethylene pipe that bypasses storm run-off from Dump Road and the Former Marketing Terminal Area to the Railroad Ditch shall be removed to allow storm run-off to collect in DA4.
- Following the completion of excavation and backfilling in the MSRC Lease Area, the Shop and Maintenance Area, and the Chevron Pipeline Area, a surface drainage system shall be created that directs storm run-off from these areas to DA4.
- Micro-grading to create shallow depressions and remove upland shrubs such as toyon shall be conducted in DA4 to provide space and hydrologic conditions conducive to wetlands colonization and expansion.

Section 2.4.1.1 of the Draft EIR indicates that partial remediation of chlorinated pesticide-containing soils has occurred within DA4. However, some contaminated soils remain due to cultural resource and habitat tree constraints. The Draft EIR says “engineering controls were constructed to manage storm water by eliminating run-on and controlling run-off at the FNA/BZA/DA4 areas and a Storm Water Monitoring Program implemented to report annually on any storm water accumulation and potential transport of chlorinated pesticide containing sediment offsite into Waters of the State/U.S.” The proposed mitigation seems

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to be inconsistent with the requirements of the remediation. In particular, it appears that surface flows entering and exiting DA4 could cause pollution of downstream resources.

The Draft EIR indicates that DA4 was restored with native plants, including toyon and coast live oak. The proposed mitigation includes removal of toyon in DA4, but the Draft EIR does not discuss impacts of the removal of that habitat. Without a thorough discussion of the water quality and habitat impacts associated with Project activities in DA4, the Project will result in undisclosed and, potentially, unmitigated impacts to biological resources.

Evidence impacts would be significant: Pursuant to section 15151 of the CEQA Guidelines, an EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An EIR must include a description of the baseline physical conditions (CEQA Guidelines, § 15125), and must consider all phases of a project (CEQA Guidelines, § 15126). If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the Draft EIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the Draft EIR should provide an adequate, complete, and detailed discussion of the Project activities proposed to occur within DA4.

Recommendation #4: Activities in Drainage Area 4

CDFW recommends the City clarify what, if any, activities are proposed for DA4. If activities are proposed for DA4, the EIR should discuss the current condition of DA4 and resolve any apparent conflicts between the past remediation efforts and the proposed mitigation. CDFW recommends the EIR be edited to include a thorough discussion of the existing condition of DA4, the purpose and need of the engineered drainage facilities constructed as part of the remediation, the effect of allowing additional flows into and out of DA4, both in terms of potential for downstream transport of pollutants and the effect of additional surface water on oaks, and the removal of toyon.

COMMENT #6: Stream Impacts

Issue: The Draft EIR may not fully evaluate the Project's impacts to streams.

Specific impact: The appendices to the Draft EIR include a Wetland Delineation (Padre 2021b), but do not include a corresponding jurisdictional delineation evaluating any channels, ditches, conduits, or other facilities that convey flows within the Project Site. Therefore, impacts to streams may occur without appropriate disclosure, avoidance, minimization, and/or mitigation.

Why Impact Would Occur: In discussing Impact # Bio.3, the Draft EIR states that surface runoff is "...collected and diverted into onsite drainage systems that discharge into the Pacific Ocean." The Preliminary Restoration Plan (Padre, 2021c) mentions an intermittent drainage located along the western edge of the Chevron Pipeline Area, and indicates that

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“elevations that support drainage will be included in the final grading plans for the Project Site”. The Preliminary Restoration Plan also says DA4 was restored to support an ephemeral drainage. Section 4.8.1.1 of the Draft EIR mentions a series of paved and unpaved drainage swales, catch basins, and a drainage channel with a sluice gate; however, there is no discussion of or figure showing these drainage systems in the Draft EIR.

Without a full disclosure of potentially regulated streams, (including channels, ditches, conduits, and other facilities that convey flow), CDFW is unable to evaluate the impacts of the Project or the effectiveness of the proposed measures to mitigate the impacts to a level of below significant.

Evidence impacts would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake.
- Change the bed, channel, or bank of any river, stream, or lake.
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

The Project may impact streams both during Project construction and for the Project’s lifetime. The Draft EIR does not provide measures to mitigate potentially significant impacts on streams. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

Recommendation #5: Stream Impacts

CDFW recommends a delineation be conducted to determine the presence and lateral extent of streams, including ditches, conduits, and other facilities that convey flows within the Project Site. The results of the delineation should be discussed, and the features depicted, in the EIR. The EIR should discuss specific Project activities that will be occurring in or near any such features, and any changes that will result to their location or condition as a result of Project activities. CDFW recommends the City include mitigation measures in the final EIR to minimize stream impacts, and require compensatory

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mitigation for any impacts remaining after all avoidance and minimization measures have been employed.

COMMENT #7: Mitigation for impacts to vegetation communities

Issue: The Draft EIR does not discuss the details or location of compensatory mitigation planned to offset impacts to vegetation communities. This disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures and provide comments on the adequacy and feasibility of proposed mitigation measures.

Specific impact: The Draft EIR acknowledges that impacts will occur to various vegetation communities as a result of Project activities, and for some of the communities requires mitigation at a specific ratio. The Draft EIR does not, however, include the details necessary for CDFW to evaluate the effectiveness of the proposed measures to mitigate the impacts to a level of below significant.

Why Impact Would Occur: Mitigation Measure Bio.2b says “areas that support Menzie’s golden bush scrub and lemonade berry scrub that are removed or damaged during construction shall be mitigated onsite at a minimum of 2:1 ratio, which shall be incorporated into the Final Habitat Restoration/Revegetation Plan (MM Bio.1b)”. The measure further states “...the City shall review and approve the Final Habitat Revegetation/Restoration Plan to ensure compliance with compensatory mitigation requirements, as needed.”

Mitigation Measure Bio.3c requires a minimum of 1:1 mitigation for impacts to wetlands, and requires a plan be prepared and approved by the City.

Mitigation Measure Bio.5 states, “[t]he Applicant shall implement mitigation for all identified decommissioning-related tree impacts per current City of Carpinteria requirements for tree mitigation and replacement. Trees shall be required to be replaced at a ratio appropriate to ensure infill of any gap created in the windrow and with a tree type and size to be approved by the City. Replacement trees that fail to survive within the first five years after planting shall be replaced. Planting of native trees is required as are programs for phased removal and replacement of tamarisk windrows in favor of native tree windrows. The replacement trees must be monitored for seven years after planting.”

None of these compensatory mitigation requirements indicate where mitigation will occur, how it will be conducted, success criteria, or how long-term protection of the mitigation will be accomplished. Without identifying specific details regarding the proposed mitigation, the Draft EIR may be deferring mitigation. The Project could result in impacts that have yet to be reduced through appropriate formulation of mitigation measures.

Evidence impacts would be significant: Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§

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15002(a)(3), 15021). Additionally, formulation of mitigation measures shall not be deferred until some future time. Pursuant to CEQA Guidelines section 15126.4, an environmental document, "...shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."

Mitigation measures must be feasible, effective, implemented, fully enforceable and imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the Draft EIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the Draft EIR should provide an adequate, complete, and detailed disclosure about the Project's proposed compensatory mitigation.

Recommendation #6: Compensatory Habitat Mitigation

CDFW recommends the City include additional information in the EIR regarding compensatory mitigation that is specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring."

Regarding long-term management of mitigation lands, the EIR 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 endowment should be set aside to provide for long-term management of mitigation lands.

If the information is not available by the time the EIR is finalized, a mitigation measure should be included in the final EIR that requires CDFW review and approval of compensatory mitigation plans prior to implementation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or

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supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Instructions for submittal are available online at <https://wildlife.ca.gov/Data/CNDDDB>. Additionally, information on special status native plant populations and sensitive natural communities should be submitted to CDFW's Vegetation Classification and Mapping Program. Instructions for submittal are available online at <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, 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. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Draft EIR to assist to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kelly Fisher at (858) 354-5083 or Kelly.Fisher@wildlife.ca.gov

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife

Steve Gibson, Senior Environmental Scientist (Supervisory)

Jennifer Turner, Senior Environmental Scientist (Supervisory)

Eric Wilkins, Senior Environmental Scientist (Supervisory)

Jennifer Gold, Senior Environmental Scientist (Specialist)

Sarah Rains, Environmental Scientist

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Amanda Canepa, Environmental Scientist

Cindy Hailey, Staff Services Analyst

Office of Planning and Research

State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

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Carpinteria Oil and Gas Processing Facility Project #2128, SCH #2022080026,
Santa Barbara County.

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

| Biological Resources (BIO) | | |
|--|------------------------------------|-------------------------------|
| Mitigation Measure or Recommendation | Timing | Responsible Party |
| <p>Mitigation Measure #1: Monarch Butterfly Habitat Assessment</p> <p>A qualified biologist shall be retained to conduct a habitat assessment a minimum of 60 days prior to Project implementation, including tree trimming activities. The qualified biologist shall assess habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces 2017) or other protocols with prior approval by CDFW. The habitat assessment shall be conducted in consultation with site monitors with knowledge of the history of the grove to determine primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked and avoided during project activities.</p> | <p>Prior to Project Activities</p> | <p>City/Project Applicant</p> |

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| <p>Mitigation Measure #2: Monarch Habitat Management Plan</p> <p>A Monarch Habitat Management Plan shall be developed, in consultation with CDFW, prior to Project implementation. The information gathered during the monarch habitat assessment (Mitigation Measure #1, above) shall be used to develop the plan following the guidance in the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces 2017) or other protocols with prior approval by CDFW. The plan shall be adaptive, with specific goals and objectives, continued monitoring, and refinement over time. The plan shall include as an objective that the baseline population/individual occurrence numbers shall not decrease over three years due to Project activities, and shall include adaptive and contingent measures to ensure this objective is met. The plan shall consider removal or trimming of hazard trees, removal or trimming of trees to create appropriate solar radiation patterns, a long-term tree planting strategy, and shrub and forb management. Trees within core overwintering habitat shall not be cut or trimmed except for specific grove management directed by the plan. Management activities in groves shall only be conducted between March 16 and September 14, in coordination with the aforementioned biologist (Marcum & Darst 2021).</p> | <p>Prior to Project Activities</p> | <p>City/Project Applicant</p> |
| <p>Mitigation Measure #3: Monarch Butterfly Take Avoidance</p> <p>If monarch butterflies are detected within the Project area, monarch overwintering habitat shall be avoided by delineating and observing a no-disturbance buffer of at least ½ mile from the outer edge of the habitat (Marcum & Darst 2021). If buffers cannot be maintained, then consultation with CDFW is warranted to determine how to implement ground and tree-disturbing activities and avoid take.</p> | <p>During Project Implementation</p> | <p>Project Applicant</p> |

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| Mitigation Measure #4: Tree Encroachment Protection | | |
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| <p>The applicant shall comply with the following tree protection measures:</p> <ul style="list-style-type: none">• If feasible, grading plans shall be adjusted to avoid the critical root zone of windrow trees. If some or all of these trees are still considered candidates for encroachment upon final approval of the grading plans, temporary staking or flagging shall be placed along the grading limits prior to initiation of construction for clear identification and to ensure tree impacts are minimized.• Tree protection areas shall be marked in the field in collaboration with a certified arborist or qualified biologist using fencing and/or flagging, which may coincide or overlap with the staked/flagged grading limits.• All ground disturbance within 10 feet of the canopy dripline of affected trees shall be monitored by a certified arborist or qualified biologist with tree care experience.• Staging of equipment and vehicles shall be located outside of the tree protection areas. Placement of heavy equipment for earthwork shall be as far away from the tree protection zones as feasible and shall never be less than 6 feet from the trunk of each specimen tree.• Overhead branches that conflict with Project activities may be pruned by a qualified tree trimmer according to International Society of Arboriculture (ISA) pruning standards.• Excavation activities within tree protection areas will be allowed if soil sampling indicates soils exceed remediation targets and work is conducted with hand tools only, including hydro-excavation. To the extent feasible, hydro-excavation shall not be used in direct contact of roots to avoid damaging the root epidermis and root hair connections of smaller absorptive roots.• If cutting of roots that are intertwined with belowground features is required, roots shall be saw-cut to avoid tearing, and conducted as far from the root as possible.• Willows within the FSBA and DA4 shall be preserved through complete avoidance of the Operational Area in which the willow thicket occurs, or if necessary, temporary installation of construction fencing shall occur around each stand of trees throughout the duration of work. | During Project Implementation | Project Applicant |

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| <p>Recommendation #1</p> <p>To minimize significant impacts: CDFW strongly recommends close coordination with CDFW’s Office of Spill Prevention and Response (CDFW-OSPR) on the preparation and implementation of the Project’s Oil Spill Contingency Plan. In the event of a spill, CDFW-OSPR and the U.S. Coast Guard or U.S. Environmental Protection Agency will form a Unified Command.</p> <p>CDFW recommends that the Oil Spill Contingency Plan (MM Bio.7) include the following:</p> <ul style="list-style-type: none"> • Cal-OES and NRC should be called if a spill occurs (Cal-OES: 1-800-852-7550 and NRC: 1-800-424-8802). • A list of Oil Spill Response Organizations (OSROs), including Marine Spill Response Corporation (MSRC) and Patriot Environmental. • Measures to prevent spilled oil from reaching the harbor seal rookery. | <p>Prior to Project Activities</p> | <p>City/Project Applicant</p> |
| <p>Recommendation #2</p> <p>To minimize significant impacts: All eelgrass surveys and mitigation should adhere to the California Eelgrass Mitigation Policy (CEMP; NMFS 2014). For instance, pre-decommissioning eelgrass surveys must be completed during the active growth period for eelgrass (March through October) no more than 60 days before pipeline removal begins. In addition, all HAPC should be included in mitigation measures. CDFW recommends submitting the results of the pre-decommissioning marine biological dive surveys to CDFW and the National Marine Fisheries Service (NMFS), as well as other relevant agencies. Results should be provided in a detailed report that clearly delineates the locations of sensitive habitat areas, including a description of what was observed at the kelp bed approximately 470 feet east of the Casitas Pier. If impacts to any HAPC cannot be avoided, compensatory mitigation will be required and should be planned in coordination with CDFW and NMFS.</p> <p>CDFW recommends modifying MM Bio.1c.4 as follows (suggestions in strikethrough and bold):</p> | <p>Prior to issuance of grading permits</p> | <p>City/Project Applicant</p> |

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*Pre-Decommissioning Marine Biological Dive Surveys. No more than ~~90~~ **60** days prior to commencement of offshore activities, a City-approved, qualified marine biologist shall conduct a pre-decommissioning marine biological survey, with, of the sensitive habitat areas adjacent to the nearshore pipeline corridors. If sensitive **habitats such as** seagrass, **surfgrass, hard substrate, or kelp beds** species are identified, anchor locations shall be relocated to avoid impacts to these protected habitats. ~~and~~ **If seagrass is identified**, post-decommissioning surveys **will**-be conducted to verify seagrass beds had not been impacted by Project related activities. If seagrass beds have been impacted, Chevron shall be required to prepare and implement eelgrass restoration as part of the Habitat Restoration and Revegetation Plan under Bio.1b that shall be approved by City. **All eelgrass surveys and mitigation shall adhere to the California Eelgrass Mitigation Policy.** Adjustments to decommissioning methodologies in sensitive habitats ~~may~~ be made **to the greatest extent feasible** to reduce impacts to these areas. In addition, remote operated vehicle or multi-beam geophysical surveys shall be conducted at each anchor location to confirm the absence of hard-bottom habitat.*

*Plan Requirements/Timing: The results of the pre-decommissioning marine biological dive surveys shall be submitted to the City, **California Department of Fish and Wildlife, and National Marine Fisheries Service** for review and fully implemented prior to the issuance of grading permits. Monitoring: Implementation of this measure shall be initiated by the Applicant Project manager and monitored by the designated marine wildlife monitor.*

CDFW recommends modifying MM Bio.2c as follows (suggestions in ~~strikethrough~~ and **bold**):

*Essential Fish Habitat Avoidance. No more than ~~90~~ **60** days prior to commencement of offshore activities, a pre-decommissioning marine biological survey of nearshore pipeline corridors shall be conducted. **All eelgrass surveys shall adhere to the California Eelgrass Mitigation Policy.** Anchor pre-plots shall be developed and implemented to avoid kelp beds, rocky habitats, **surfgrass**, and seagrass beds. Anchors shall be lowered vertically to the bottom and retrieved using a crown line as needed to avoid kelp beds, rocky reefs, **surfgrass**, and seagrass beds.*

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| <p><i>Plan Requirements/Timing: The results of the pre-decommissioning marine biological survey and anchor pre-plots shall be submitted to the City, California Department of Fish and Wildlife, and National Marine Fisheries Service for review and fully implemented prior to pipeline removal. Monitoring: Implementation of this measure shall be initiated by the Applicant Project manager and monitored by the designated marine wildlife monitor.</i></p> | | |
| <p>Recommendation #3</p> <p>CDFW encourages landscaping using native trees and shrubs to benefit wildlife such as insect pollinators. Insect pollinators such as the monarch butterfly and native bees have declined drastically relative to 1980s levels, and have had an especially drastic decline since 2018 (Goulson et al 2015; Marcum and Darst 2021). Habitat loss may be a primary driver of monarch decline in the west (Crone et al 2019). CDFW recommends planting native flowering species over non-native ornamental species where possible. CDFW recommends planting winter-blooming nectar sources to support overwintering monarchs. Tropical milkweed (<i>Asclepias currasavica</i>) should never be included in landscaping. In addition, the planting of native milkweed species is not recommended within five miles of the coast north of Santa Barbara County and within one mile of the coast south of Santa Barbara County (Marcum and Darst 2021).</p> | <p>During Project Implementation</p> | <p>Project Applicant</p> |

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| <p>Recommendation #4</p> <p>CDFW recommends the City clarify what, if any, activities are proposed for DA4. If activities are proposed for DA4, the EIR should discuss the current condition of DA4 and resolve any apparent conflicts between the past remediation efforts and the proposed mitigation. CDFW recommends the EIR be edited to include a thorough discussion of the existing condition of DA4, the purpose and need of the engineered drainage facilities constructed as part of the remediation, the effect of allowing additional flows into and out of DA4, both in terms of potential for downstream transport of pollutants and the effect of additional surface water on oaks, and the removal of toyon.</p> | <p>Prior to Finalizing EIR</p> | <p>City</p> |
| <p>Recommendation #5</p> <p>CDFW recommends a delineation be conducted to determine the presence and lateral extent of streams, including ditches, conduits, and other facilities that convey flows within the Project Site. The results of the delineation should be discussed, and the features depicted, in the EIR. The EIR should discuss specific Project activities that will be occurring in or near any such features, and any changes that will result to their location or condition as a result of Project activities. CDFW recommends the City include mitigation measures in the final EIR to minimize stream impacts, and require compensatory mitigation for any impacts remaining after all avoidance and minimization measures have been employed.</p> | <p>Prior to Finalizing EIR</p> | <p>City</p> |

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| <p>Recommendation #6</p> <p>CDFW recommends the City include additional information in the EIR regarding compensatory mitigation that is specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigation the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring.”</p> <p>Regarding long-term management of mitigation lands, the EIR 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 endowment should be set aside to provide for long-term management of mitigation lands.</p> <p>If the information is not available by the time the EIR is finalized, a mitigation measure should be included in the final EIR that requires CDFW review and approval of compensatory mitigation plans prior to implementation.</p> | <p>Prior to Finalizing EIR</p> | <p>City</p> |
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