



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
[wildlife.ca.gov](http://wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



November 22, 2024

Brian Hiefield  
City of Goleta  
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Goleta, CA 93117  
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**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SYWEST BUILDING PROJECT, SCH NO. 2023040690, SANTA BARBARA COUNTY, CA**

Dear Brian Hiefield:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Goleta (City) for the Sywest Industrial Building Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

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, 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 (Fish & G. Code, § 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 may also act 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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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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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<sup>2</sup> 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

**Proponent:** Sywest Development (SD)

**Objective:** The objective of the Project is to demolish existing and associated structures of a drive-in theater, including one dewatering well, to construct a 70,594 square foot industrial warehouse building with landscaping, parking spaces, and loading zones. The total acreage of the Project is 11.77-acres with 6.75-acres consisting of development area.

Additional Project activities include the construction of a detention basin at the southern border of the development area as well as a new outfall in the existing San Jose Creek concrete channel wall. A 400-square-foot temporary cofferdam staging area is proposed to occur within the San Jose Creek bed, below the new storm drain outfall. At an existing storm drain, a catch basin inlet filter would be installed. Additionally, as the Project area is mapped within a 100-year floodplain, between four to six feet of fill is proposed to be used to elevate the industrial building above the floodplain elevation. Construction activities include grading, building construction, paving, architectural coating, landscaping, and implementation of lighting fixtures.

**Location:** The Project is located at 907 South Kellogg Avenue (Assessor's Parcel Number 071-190-035) in Goleta Valley. San Jose Creek is located directly southeast and Old San Jose Creek is located west of the Project area. State Route 217 lies parallel to San Jose Creek, southeast of the Project area. San Jose Creek drains into the Goleta Slough Ecological Reserve in the west.

**Timeframe:** Construction of the proposed project is anticipated to begin in July 2027 and end in September 2028.

**Biological Setting:** The surrounding land uses of the Project area are industrial and residential development to the north, undeveloped open space to the southwest, and tidal wetland and stormwater infrastructure to the southeast. Part of this tidal wetland is the Goleta Slough Ecological Reserve, which contains breeding populations of Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered). The Goleta Slough Ecological Reserve includes a variety of habitat types to support an array

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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species, and its purpose is to protect critical coastal salt marsh habitat (CDFW 2024a). San Jose Creek is designated as an Environmentally Sensitive Habitat Area in the Conservation Element of the City's General Plan.

A Biological Resource Report was prepared by Rachel Tierney Consulting on March 28, 2018, and an updated Biological Report Amendment and Wetland Delineation Report was prepared by Watershed Environmental on May 12, 2023. The vegetation communities within the 300-foot buffer from property boundary (Study Area) are arroyo willow riparian scrub (4.10 acres), coastal sage scrub (0.27 acres), cottonwood/arroyo willow riparian woodland (0.63 acres), coyote brush scrub (1.61 acres), dune sedge (0.16 acres), iceplant (0.29 acres), ornamental trees and shrubs (0.58 acres), Pacific willow/arroyo willow riparian woodland (1.81 acres), quailbush scrub (0.59 acres), and salt marsh (0.33 acres).

Sensitive species that are of potential concern for the Project include Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), and native plant species and habitats.

The DEIR provides mitigation for nesting birds, sensitive species, best management practices, invasive species control, and pesticide use. Existing landscaped vegetation will be replaced with native vegetation. The DEIR does not include compensatory mitigation for impacts to any natural habitats.

## 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. Additional comments or other suggestions may also be included to improve the document.

### COMMENT # 1: Impacts to Belding's Savannah Sparrow

**Issue:** Mitigation measure (MM) BIO-2 for Belding's savannah sparrow may be improved to ensure adequate surveys occur prior to the start of construction and to reduce potential impacts.

**Specific impact:** The DEIR proposes a 250-foot buffer to avoid impacts on Belding's savannah sparrow. Direct impacts from construction activities or indirect impacts from light or noise could still occur at this distance.

**Why impact would occur:** Belding's savannah sparrow typically nests in the pickleweed salt marsh vegetation (USFWS 2024). Old San Jose Creek and San Jose Creek provide suitable habitat, such as pickleweed, for Belding's savannah sparrow within the Study Area. According to the California Natural Diversity Database (CNDDDB), there was a recent observation of Belding's savannah sparrow approximately one mile

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from the Project area (CDFW 2024b). The DEIR includes an avoidance and survey buffer of 250 feet within construction activities. However, 250 feet may not be an adequate buffer distance. Disturbances too close to the nest may impact the parents' ability to forage effectively and reduce nestlings' chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely.

**Evidence impact would be significant:** Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (MBTA).

Impacts to special status wildlife species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts on the Belding's savannah sparrow will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

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

**Mitigation Measure #1: Belding's Savannah Sparrow Avoidance** - The City should revise MM BIO-2 to incorporate the underlined language and omit the language in strikethrough:

To avoid indirect impacts to nesting habitat for the Belding's savannah sparrow (*Passerculus sandwichensis beldingi* (BSS)), the construction contractor shall schedule noise and vibration-generating construction (excavation) within ~~250~~ 500 feet of suitable salt marsh (pickleweed) habitat within San Jose Creek and Old San Jose Creek to avoid the BSS breeding season. If avoidance during the BSS nesting season (March 15 through July 15) is infeasible, not more than ~~4-week~~ three days before initiation of excavation a City-approved biologist (retained by the Applicant/Permittee) with experience identifying and observing BSS shall conduct BSS surveys in suitable habitat with ~~250~~ 500 feet of construction to ensure that nests or individuals are not present in the work area or ~~250~~ 500-foot buffer. The City-approved biologist shall conduct two

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morning surveys (1/2 hour before sunrise to 10:00 am) in saltmarsh habitat within ~~250~~ 500 feet of the development footprint determine the presence of Belding's savannah sparrows in these areas. A recording of this species may not be used to detect the species unless the City-approved biologist has a Memorandum of Understanding issued by CDFW. The City-approved biologist shall note the type of bird activity observed and behavior such as defending territory, singing for a mate, scolding intruders, perching together, nest building, feeding young, and aerial chasing. If no BSS are observed within the ~~250~~ 500-foot buffer excavation may commence. The City-approved biologist shall then continue weekly surveys during all project activities to monitor for the presence of the BSS from March 15 through July 15.

If an active BSS nest is observed within ~~250~~ 500 feet of the development area, the construction contractor shall cease project activities ~~within 250 feet of the nest~~, and the City-approved biologist shall contact the California Department of Fish and Wildlife (CDFW) and the City's Planning and Environmental Review Director within ~~48~~ 24 hours. ~~No project activities shall occur in in the 250-foot buffer until any young birds have fledged and left the area.~~

Verification that the construction schedule, surveys, and monitoring are being implemented shall be sent to the CDFW and the City prior to ground disturbing activities. The City-approved biologist shall document observations of BSS on California Natural Diversity Database forms and submitted to the CDFW upon project completion.

Plan Requirements and Timing: Not more than 3 days before ground disturbance if ground disturbances commences between March 15 through July 15, including exporting or importing of soil, within ~~250~~ 500 feet of salt marsh vegetation, the Planning and Environmental Review Director, or designee, shall verify that construction and grading occurs outside the nesting season, or that BSS nest surveys have been conducted, and buffer requirements specified above are in place (if applicable). This measure, and any buffer requirements, shall be incorporated into the grading plans. A ~~250~~ 500-foot buffer from salt marsh habitat shall be depicted on the grading plans.

Monitoring: The Planning and Environmental Review Director, or designee, shall verify compliance not more than ~~4-week~~ three days before ground disturbances within ~~250~~ 500 feet of salt marsh vegetation if commencing between March 15 through July 15. Planning and Environmental Review Director, or designee, shall conduct periodic site inspections to ensure compliance throughout the construction period.

### **Mitigation Measure #2: Belding's Savannah Sparrow Incidental Take Permit**

If Belding's savannah sparrow is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW pursuant to Fish & Game Code section 2080 *et seq*. The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent

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shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground disturbing activities and vegetation removal.

## **COMMENT # 2: Impacts to Crotch's Bumble Bee**

**Issue:** Project activities (i.e. vegetation removal and ground disturbance) could adversely impact Crotch's bumble bee.

**Specific impact:** The DEIR states Crotch's bumble bee has the potential to occur due to suitable habitat on site, but no mitigation measures were proposed.

**Why impact would occur:** According to the DEIR, there is suitable vegetation and habitat for host plants within the Project area, such as coastal sage scrub and coyote brush scrub, for Crotch's bumble bee. The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. Additionally, a CNDDDB search shows the Project area is in within the [Crotch's Bumble Bee Range](#) and displays multiple observations within one mile (CDFW 2024c). They are generalist foragers and can be found throughout most of southwestern California in areas that have suitable nesting habitat and floral resources. Moreover, the DEIR stated that small mammals capable of excavating nesting colony habitat have been observed within the Project area. Crotch's bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). BIO-1 through BIO-9 do not call for focused surveys for Crotch's bumble bee and for construction to be halted if the species is detected during preconstruction surveys. Lack of focused surveys may result in undetected impacts to Crotch's bumble bee without appropriate take authorization under CESA.

Construction delays caused by work stoppages due to Crotch's bumble bee presence can extend the Project into additional breeding seasons, leading to increased risk of disturbance to Crotch's bumble bee. In addition to the biological cost of construction delays, such delays are expensive in terms of Project implementation and logistics.

Bumble bees live in colonies composed of a queen, workers, and, near the end of the season, reproductive members of the colony. Colonies are annual, with new nests initiated by solitary queens in the spring (Williams et al. 2014; Hatfield et al. 2018). New queens produced at the end of the annual colony cycle mate before entering diapause, which is a form of hibernation. Overwintering sites utilized by these solitary mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams, et al. 2014). The highest detection probability is during the Colony Active Period of April through August, but Crotch's bumble bee could be in the Project area at any time of year. Ground disturbance and vegetation removal associated with Project

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implementation during the breeding season could also result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project area. Habitat loss, as a result of the proposed Project, may further reduce foraging habitat for this species in the broader landscape, as development increases throughout the City.

**Evidence impact may be significant:** Recently, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse 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 the CDFW or USFWS.

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

#### **Mitigation Measure #3: Focused Survey for Crotch's Bumble Bee**

The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species' behavior and life history of the species. Focused surveys should follow CDFW's [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#) (CDFW 2023). Focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.

#### **COMMENT # 3: Non-Native Preliminary Plant Palette**

**Issue:** The preliminary plant palette lists the use of invasive and several non-native species to be used within the Project area despite MM BIO-6.

**Specific impact:** The Project preliminary plant palette includes the use of plants not native to California, which reduce the value of habitat for native wildlife and risk overtaking the existing native plants, thereby, type converting the adjacent habitat.

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**Why impact would occur:** According to Figure 2-9 in the DEIR, the preliminary plant palette includes the use of multiple non-native and invasive species such as weeping bottlebrush (*Callistemon viminalis*), willow wattle (*Acacia iteaphylla*), and Berkeley sedge (*Carex divulsa*). Planting known invasive species would contribute to the degradation of nearby natural open space or riparian habitat. By not requiring all native trees and plants to be replaced by similar native trees and plant species, the replacement trees would not be fully mitigating the function and value of the impacted native tree species. CDFW supports the use of native plants for the Project, especially considering the Project's location adjacent to protected open space and natural areas. Additionally, invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce the diversity of native plant species.

**Evidence impact would be significant:** Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The CESA and Native Plant Protection Act (NPPA) provide additional protections for such species, including take prohibitions (Fish & G. Code, § 2050 et seq.; Fish & G. Code, § 1908).

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

#### **Recommendation #1: Native Preliminary Plant Palette**

The preliminary plant palette in Figure 2-9 should be revised to use native trees and plant species to replace the native trees and vegetation being impacted by the Project, and remove any invasive or non-native species listed in the preliminary plant palette. More specifically, endemic and riparian species, commonly found within the Goleta Slough, should be planted along the San Jose Creek where impacts occur.

### **ADDITIONAL COMMENTS**

**Mitigation and Monitoring Reporting Plan.** CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

**Lake and Streambed Alteration Agreement Acknowledgement.** CDFW concurs with the Project's statement to notify CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project should notify prior to any Project construction or activities. Based on



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this notification and other information, CDFW determines whether an LSA with the applicant is required prior to conducting the proposed activities. Please visit the [Lake and Streambed Alteration Program](#) webpage to obtain a notification package for an LSA. We look forward to further coordination with the City, and receipt of the streambed notification package for the Project.

## **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 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). The [CNDDDB website](#)<sup>3</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>4</sup>.

The City should ensure data collected for the preparation of the DEIR is properly submitted.

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 DEIR to assist the City in identifying and mitigating Project impacts on 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 (CEQA Guidelines, § 15073(e)).

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<sup>3</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>4</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Joleena De La Fe<sup>5</sup>, Environmental Scientist.

Sincerely,

DocuSigned by:  
  
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Victoria Tang  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife  
Victoria Tang, Environmental Program Manager  
Jennifer Turner, CEQA Supervisor  
Steve Gibson, CESA Supervisor  
Fritz Rieman, LSA Supervisor  
Joleena De La Fe, CEQA staff  
Cooper Wall, CESA Staff

Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## REFERENCES

[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

[CDFW] California Department of Fish and Wildlife. 2024a. Goleta Slough Ecological Reserve. Available from: <https://wildlife.ca.gov/Lands/Places-to-Visit/Goleta-Slough-ER>

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[CDFW] California Department of Fish and Wildlife. 2024c. Crotch's Bumble Bee Range - CDFW [ds3095]. Available from: <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>

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<sup>5</sup> Phone: (858) 354-3527; Email: [Joleena.delafe@wildlife.ca.gov](mailto:Joleena.delafe@wildlife.ca.gov)

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[USFWS] United States Fish and Wildlife Service. 2024. Belding's Savannah Sparrow. Available from: <https://www.fws.gov/story/beldings-savannah-sparrow>

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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.

<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Mitigation Measure #1: Belding’s Savannah Sparrow Avoidance</b> - The City should revise MM BIO-2 to incorporate the <u>underlined</u> language and omit the language in strikethrough:</p> <p>To avoid indirect impacts to nesting habitat for the Belding’s savannah sparrow (<i>Passerculus sandwichensis beldingi</i> (BSS), the construction contractor shall schedule noise and vibration-generating construction (excavation) within <del>250</del> <u>500</u> feet of suitable salt marsh (pickleweed) habitat within San Jose Creek and Old San Jose Creek to avoid the BSS breeding season. If avoidance during the BSS nesting season (March 15 through July 15) is infeasible, not more than <del>4 week</del> <u>three days</u> before initiation of excavation a City-approved biologist (retained by the Applicant/Permittee) with experience identifying and observing BSS shall conduct BSS surveys in suitable habitat with <del>250</del> <u>500</u> feet of construction to ensure that nests or individuals are not present in the work area or <del>250</del> <u>500</u>-foot buffer. The City-approved biologist shall conduct two morning surveys (1/2 hour before sunrise to 10:00 am) in saltmarsh habitat within <del>250</del> <u>500</u> feet of the development footprint determine the presence of Belding’s savannah sparrows in these areas. A recording of this species may not be used to detect the species unless the City-approved biologist has a Memorandum of Understanding issued by CDFW. The City-approved biologist shall note the type of bird activity observed and behavior such as defending territory, singing for a mate, scolding intruders, perching together, nest building, feeding young, and aerial chasing. If no BSS are observed within the <del>250</del> <u>500</u>-foot buffer excavation may commence. The</p>	<p>Prior to Project Initiation / During Project Construction</p>	<p>Lead Agency / Project Proponent / Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>City-approved biologist shall then continue weekly surveys during all project activities to monitor for the presence of the BSS from March 15 through July 15.</p> <p>If an active BSS nest is observed within <del>250</del> <u>500</u> feet of the development area, the construction contractor shall cease project activities <del>within 250 feet of the nest</del>, and the City-approved biologist shall contact the California Department of Fish and Wildlife (CDFW) and the City’s Planning and Environmental Review Director within <del>48</del> <u>24</u> hours. <del>No project activities shall occur in in the 250-foot buffer until any young birds have fledged and left the area.</del></p> <p>Verification that the construction schedule, surveys, and monitoring are being implemented shall be sent to the CDFW and the City <u>prior to ground disturbing activities</u>. The City-approved biologist shall document observations of BSS on California Natural Diversity Database forms and submitted to the CDFW upon project completion.</p> <p>Plan Requirements and Timing: Not more than 3 days before ground disturbance if ground disturbances commences between March 15 through July 15, including exporting or importing of soil, within <del>250</del> <u>500</u> feet of salt marsh vegetation, the Planning and Environmental Review Director, or designee, shall verify that construction and grading occurs outside the nesting season, or that BSS nest surveys have been conducted, and buffer requirements specified above are in place (if applicable). This measure, and any buffer requirements, shall be incorporated into the grading plans. A <del>250</del> <u>500</u>-foot buffer from salt marsh habitat shall be depicted on the grading plans.</p> <p>Monitoring: The Planning and Environmental Review Director, or designee, shall verify compliance not more than <del>1 week</del> <u>three days</u> before ground disturbances within <del>250</del></p>		

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Mitigation Measure	Timing	Responsible Party
<p>500 feet of salt marsh vegetation if commencing between March 15 through July 15. Planning and Environmental Review Director, or designee, shall conduct periodic site inspections to ensure compliance throughout the construction period.</p>		
<p><b>Mitigation Measure #2: Belding’s Savannah Sparrow Incidental Take Permit</b></p> <p>If Belding’s savannah sparrow is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish &amp; Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground disturbing activities and vegetation removal.</p>	<p>Prior to Project Initiation / During Project Construction</p>	<p>Lead Agency / Project Proponent</p>
<p><b>Mitigation Measure #3: Focused Survey for Crotch’s Bumble Bee</b></p> <p>The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species’ behavior and life history of the species. Focused surveys should follow CDFW’s <a href="#">Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</a> (CDFW 2023). Focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. If Crotch’s bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish &amp; G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the</p>	<p>Prior to Project Initiation</p>	<p>Qualified Biologist / Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
species and compensatory mitigation including land protection instruments and in-perpetuity funding.		
<p><b>Recommendation #1: Native Preliminary Plant Palette</b></p> <p>SD should revise the preliminary plant palette in Figure 2-9 to use native trees and plant species to replace the native trees and vegetation being impacted by the Project and remove any invasive or non-native species listed in the preliminary plant palette. More specifically, endemic and riparian species, commonly found within the Goleta Slough, should be planted along the San Jose Creek where impacts occur.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>