



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

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Via Electronic Mail Only

June 26, 2023

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**Subject: Ellwood Marine Terminal Demolition and Restoration Project, Mitigated Negative Declaration, SCH #2023050623, University of California, Santa Barbara, Santa Barbara County**

Dear Ms. Zaidi:

The California Department of Fish and Wildlife (CDFW) has reviewed a Mitigated Negative Declaration (MND) from the University of California, Santa Barbara (UCSB) for the Ellwood Marine Terminal Demolition and Restoration Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW'S ROLE**

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

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 2 of 35

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

## PROJECT DESCRIPTION AND SUMMARY

**Objective:** The Ellwood Marine Terminal (EMT) was used for storage and transport of crude oil from 1929 to 2012. When UCSB acquired the 174-acre North Campus property in 1994, the EMT Terminal was owned and operated by Venoco, Inc. After UCSB’s acquisition of North Campus property, Venoco, Inc operated the EMT under a lease agreement with UCSB, and that lease expired in 2016. The objective of the Project is to restore the onshore EMT and adjacent offshore site (Offshore Loading Zone) to a condition comparable to that found on surrounding lands. This objective would be achieved through demolition and removal of existing onshore EMT structures; abandonment of offshore piping; removal of offshore mooring system and piping under the beach to the offshore pipeline-end manifold; remediation of contamination; grading to create natural contours where needed; preservation, enhancement, and creation of wetlands; invasive species removal; and revegetation with local, native plant species.

**Location:** The Project Area includes the onshore EMT and adjacent Offshore Loading Zone. The 17.75-acre EMT is located on the southwestern portion of the 238-acre UCSB North Campus. The UCSB North Campus is located in an unincorporated area of Santa Barbara County, near the City of Goleta and the community of Isla Vista, and approximately 10 miles west of the City of Santa Barbara. A 0.23-acre loading line easement from the EMT runs through the Coal Oil Point Reserve and offshore. The portion of the Offshore Loading Zone located on the beach and offshore is under the jurisdiction of the California State Lands Commission. The Project Area is adjacent to the Channel Islands National Marine Sanctuary, within the Campus Point State Marine Conservation Area, and east of the Naples State Marine Conservation Area.

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 3 of 35

## COMMENTS AND RECOMMENDATIONS

CDFW offers comments and recommendations below to assist UCSB in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

### Specific Comments

#### **Comment #1: Impacts on Rivers, Lakes, and Streams Pursuant to Fish and Game Code 1600 et seq.**

**Issue:** The Project may impact waters and associated natural communities that may be subject to Fish and Game Code Section 1602.

**Specific impacts:** Project construction may permanently or temporarily impact wetlands, streams, and drainages. Impacts may result from activities that alter surface and/or subsurface waterflow. In addition, impacts may result from activities that may deposit, place, or permit the passage of gasoline, oil, sediment or other deleterious materials into wetlands, streams, and drainages.

**Why impacts would occur:** According to page 5.4-7 in the MND, the Project Area contains wetlands, streams, and drainages that "fall under the jurisdiction of CDFW." The Project would require ground-disturbing activities with large equipment in order to remove and demolish structures including, but not limited to, underground pipelines, oil storage tanks, pump houses, berms, and concrete foundations. Page 5.4-26 states, "impacts to jurisdictional wetlands may occur during removal of surface and subgrade features (e.g., tanks, pipelines) and redistribution of soil to match surrounding and historic contours." Project construction could impact wetlands, streams, and drainages by depositing, permitting to pass into, or placing where it can pass into a stream, any substance or material deleterious to fish, plant life, mammals, or bird life, including but not limited to gasoline, oil, and sediment. In addition, removing, trimming, or altering vegetation could affect streams and habitat function adjacent to streams.

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 4 of 35

Page 5.4-8 states "Jurisdictional wetlands that cannot be avoided during site recontouring would be mitigated [at 1:1] through creation of wetlands elsewhere on the site." However, habitat replacement is not provided as a mitigation measure in the MND but promised as part of the Project's Restoration Plan. In addition, the Project's impact on streams would be subject to Fish and Game Code section 1600 et seq., yet the MND is not conditioned with a mitigation measure that would require the Project to submit a Lake or Streambed Alteration (LSA) Notification to CDFW and potentially obtain an LSA Agreement. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected to reduce the significant impact (CEQA Guidelines, § 15126.4). Compliance with a CDFW regulatory permit or other similar process (i.e., LSA Notification, LSA Agreement) would result in implementation of measures that would be reasonably expected to reduce the Project's significant impact on CDFW streambed.

**Evidence impacts would be significant:** The Project may impact streams during construction. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which include 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<sup>1</sup>;
- 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 that any project that may impact a river, stream, or lake submit an LSA Notification to CDFW. The MND has not been conditioned with a mitigation measure that would require the Project to submit an LSA Notification to CDFW pursuant to Fish and Game Code section 1602. Accordingly, the Project may continue to have a substantial adverse effect on state or protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means.

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<sup>1</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 5 of 35

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

**Recommendation #1:** CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #1:** UCSB should notify CDFW pursuant to Fish and Game Code 1602 prior to any ground-disturbing activities or vegetation removal. If CDFW determines that the Project requires an LSA Agreement, UCSB should obtain an LSA Agreement from CDFW prior to any ground-disturbing activities or vegetation removal. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2023a).

**Mitigation Measure #2:** UCSB's notification to CDFW should provide the following information:

- 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW<sup>2</sup> (Cowardin et al. 1979);
- 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#), second edition (CNPS 2023a);
- 3) A discussion as to whether impacts on streams within the Project Area would impact those streams immediately outside of the Project Area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and

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<sup>2</sup> Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 6 of 35

- 4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project Area. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

**Mitigation Measure #3:** If an LSA Agreement is needed for the Project, UCSB should comply with the mitigation measures detailed in the LSA Agreement issued by CDFW. UCSB should also provide compensatory mitigation for impacts on streams at no less than 1:1 for the impacted stream and impacted acreage of associated natural community, or at a ratio acceptable to CDFW.

### **Comment #2: Impacts on Southern Tarplant**

**Issue:** The Project will impact southern tarplant (*Centromadia parryi* ssp. *australis*; tarplant).

**Specific impacts:** The Project will remove tarplant, impact habitat supporting tarplant, and potentially impact the seedbank.

**Why impacts would occur:** Page 5.4-27 says, "Impacts to this plant taxon [tarplant] would occur through removal of individual plants and more importantly, potential loss of the seed bank from grading [...] Implementation of the proposed Project would impact approximately 0.11 acres of the estimated 0.8 acres that are occupied by tarplant." Mitigation for tarplant is not provided as a mitigation measure but promised in the Project's implementation of a Restoration Plan. The Restoration Plan does not provide information, specific performance standards, or actions to achieve performance standards to demonstrate that the Project would replace, at a minimum, the same number of tarplant individuals and habitat acres that would be impacted. In addition, tarplant is a California Rare Plant Rank (CRPR) 1B.1 species. Neither the MND nor the Restoration Plan discloses how much compensatory mitigation the Project would provide to offset impacts to a rare plant species.

**Evidence impacts would be significant:** Tarplant has a CRPR of 1B.1. A CRPR of 1B.1 means that southern tarplant is a species that is rare, threatened, or endangered in the State. Plants with a CRPR of 1B are rare throughout their range with the majority of them endemic to California (CNPS 2023b). In addition, a rank of 0.1 means that southern tarplant is seriously threatened in the State. Plants with a CRPR of 1B meet the definition of endangered, rare, or threatened



Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 7 of 35

species under CEQA (CEQA Guidelines, § 15380). The Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as rare by CDFW.

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

**Recommendation #2:** UCSB should revise the MND to disclose how many tarplant individuals would be impacted by the Project.

**Recommendation #3:** UCSB should revise the Project's Restoration Plan to include specific performance standards and actions to achieve performance standards to demonstrate that the Project would replace the same number of tarplant individuals and habitat acres impacted at no less than 1:1.

**Mitigation Measure #4:** UCSB should provide compensatory mitigation for the Project's impact on southern tarplant. UCSB should offset the Project's impact to individual plants and habitat acres at no less than 1:1 for impacts to southern tarplant.

### **Comment #3: Impacts on Monarch Butterfly**

**Issue:** The Project may impact monarch butterfly (*Danaus plexippus* population 1 – California overwintering population; monarch).

**Specific impacts:** The Project occurring during the monarch overwintering season may cause overwintering monarchs to abandon overwintering sites. Negative effects on monarchs may include injury or mortality as well as reduced health, vigor, and likelihood of winter survival. This could potentially result in local population decline of monarchs. In addition, the Project may remove mature trees that may support overwintering monarchs.

**Why impacts would occur:** The Project includes removal of 1.28 acres of mature eucalyptus trees within the Project Area that could support overwintering monarchs. The MND provides mitigation measure BIO-7a to reduce impacts to overwintering monarchs. BIO-7a states that if overwintering monarchs are found during pre-construction surveys, impacts would be avoided and minimized, however, the Project would still remove mature trees. Neither the MND nor BIO-7a includes a measure to compensate for potential permanent loss of overwintering habitat if monarchs are found to overwinter in the Project Area. In addition, the Project Area is 1,200 feet from a known monarch overwintering site, Site #2753 (Xerces Society 2023). The Project would use large machinery

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 8 of 35

that would generate ground disturbance, noise, and dust. These effects adjacent to Site #2753 could impact overwintering monarchs. The most vulnerable element of the monarch annual cycle may be the overwintering stage (Xerces Society 2017). Protection of overwintering habitat is critical to supporting the migratory phenomenon and conserving the species. Overwintering groves have specific microclimatic conditions that support monarch populations (Fisher et al. 2018). Alteration of an overwintering site and surrounding areas could reduce the suitability of an overwintering site for monarchs (Weiss et al. 1991). The MND has yet to be conditioned with a mitigation measure that would avoid alteration of overwintering sites adjacent to the Project Area. Accordingly, the Project could potentially significantly impact monarchs by altering habitat climatic conditions at overwintering sites.

**Evidence impact would be significant:** The western migratory monarch population that overwinters along the California coast has declined by more than 99 percent from an estimated 4 million butterflies just twenty years ago (CDFW 2023b; Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the population (Thogmartin et al. 2017). Given the precipitous decline of monarch butterfly, the monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (ESA) (CDFW 2023b). The monarch butterfly is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#) (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarchs and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarchs.

The monarch meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The reduction in the number of monarchs, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. The Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).



Falak Fatima Zaidi  
 University of California, Santa Barbara  
 June 26, 2023  
 Page 9 of 35

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

**Recommendation #4:** If overwintering monarch butterflies are discovered in the Project Area, CDFW recommends UCSB consider the following resources on overwintering habitat management:

- [Western Monarch Butterfly Conservation Recommendations](#) (USFWS 2023)
- [Overwintering Site Management and Protection](#) (Western Monarch Count 2021)
- [Protecting California's Butterfly Groves](#) (Xerces Society 2017)

**Mitigation Measure #5:** In order to reduce the Project's impact on monarch, CDFW recommends BIO-7a be revised to incorporate the underlined language and removing the language with strikethrough:

"A qualified biologist shall conduct surveys for aggregations of monarch butterflies if removal of mature trees must take place during the monarch butterfly overwintering season (~~October 1~~ September 15 to March 31). Surveys shall be conducted within areas of suitable habitat where mature trees are proposed to be removed. A qualified biologist shall conduct multiple surveys for overwintering monarchs. Monitoring shall be done as frequently as possible during the overwintering season to capture changing distributions through the season and in response to storm events."

"If aggregations of monarch butterflies are discovered during preconstruction surveys or during construction activities and are determined to be impacted during construction, ~~the applicable agency CDFW and USFWS~~ shall be notified and these areas shall be avoided and impacts shall be minimized to the extent practical. A biologist shall make recommendations for avoiding and minimizing impacts. Locations of roosting monarchs and other structural components or flora integral to maintaining microclimate conditions at overwintering habitat shall be identified and delineated. A biologist shall implement appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. marked on An aerial map and shall be provided to the construction crew on a weekly basis. A qualified biologist shall remark/delineate overwintering habitat as needed for the duration of the Project following the [Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat](#) (Xerces Society 2017). ~~Tree removal shall be delayed until the butterflies abandon the roosts (typically around April 1~~ March 16 to September 30). The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 10 of 35

monitoring and shall provide a copy of the monitoring reports to ~~the appropriate agencies~~ CDFW and USFWS as applicable [...]"

**Mitigation Measure #6:** If overwintering monarch butterflies are discovered in the Project Area, UCSB should preserve the trees that provide overwintering habitat. UCSB should also prepare an Overwintering Site Management Plan to protect the overwintering grove on UCSB's North Campus in perpetuity.

**Mitigation Measure #7:** If trees not consisting of the overwintering grove must be removed, UCSB should coordinate with CDFW prior to starting any activities to ensure that the tree removal would not impact the overwintering grove in the Project Area. Tree removal should be delayed until the butterflies abandon the grove (typically April 1 March 16 to September 30).

**Mitigation Measure #8:** To protect overwintering sites adjacent to the Project Area, a qualified biologist should install signage and fencing instructing workers and all personnel working on the Project not to enter overwintering sites or areas close to overwintering sites. Signs and fencing should be maintained for the duration of the Project.

### **Marine Region Comments**

**Recommendation #5 – Campus Point State Marine Conservation Area:** The offshore portion of the Project site is located within the Campus Point State Marine Conservation Area (SMCA) and therefore within a State Marine Protected Area. This should be corrected on Pages 1-5 and 5.4-12 of the MND.

Operation and maintenance (including demolition/removal) of artificial structures inside the Campus Point SMCA is allowed pursuant to any required federal, state, or local permits (14 CCR Section 632[b][99][C]).

**Recommendation #6 – Marine Life on Loading Pipeline:** If there are unburied sections of the offshore loading pipeline proposed for removal, CDFW expects that a variety of marine life is currently growing on or attached to these sections of the loading line. These organisms may include, but are not limited to, mussels, barnacles, hydroids, surf grass, kelp, and other marine algae. The final MND should explain in detail what the Project plans to do with the marine life attached to the pipeline; for instance, if organisms will be removed, how and where they will be removed, and how they will be disposed of. Special consideration should be given to special-status species such as abalone. CDFW recommends that the Project proponent consult with CDFW on what

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 11 of 35

authorizations may be required for the removal of species attached to the pipeline.

**Recommendation #7:** The MND identifies black abalone (*Haliotis cracherodii*) and white abalone (*H. sorenseni*) as special-status species that may occur in the Project Area. These species of abalone are listed as federally endangered. CDFW recommends conducting abalone surveys on the unburied sections of pipeline prior to removal under consultation with the National Marine Fisheries Service.

**Recommendation #8 – BIO-11a–c:** Please submit the survey scope and methodology (BIO-11a.1), pre-construction marine biological survey report (BIO-11a.4), and post-project technical report (BIO-11c) to CDFW ([Amanda.Canepa@wildlife.ca.gov](mailto:Amanda.Canepa@wildlife.ca.gov)) in addition to the other listed agencies. Pre- and post-construction eelgrass (*Zostera* spp.) surveys and eelgrass mitigation, if needed, should adhere to the California Eelgrass Mitigation Policy (CEMP; NMFS 2014). The CEMP should be referred to instead of the outdated Southern California Eelgrass Mitigation Policy.

**Recommendation #9 – BIO-11d:** Mitigation measure BIO-11d incorrectly identifies grunion spawning season as only the three to four nights after the highest tide associated with each full or new moon during spring and summer. Grunion spawning season is all of March through August, and intertidal activities should be scheduled outside of the entire season if possible. Individual grunion runs do occur for three or four nights after the highest tide associated with each full or new moon during spring and summer, but eggs can take at least two weeks to incubate and hatch out. If intertidal activities cannot be avoided during this time, CDFW recommends that a qualified biological observer monitor the project site during the previous expected grunion run period (all nights). If grunion are observed at the project site, the Project should suspend activities for at least two weeks. The expected grunion run schedule can be found on CDFW's website: <https://wildlife.ca.gov/Fishing/Ocean/Grunion>.

**Recommendation #10 – BIO-12a:** In addition to the other agencies, please submit the Anchoring Plan to CDFW ([Amanda.Canepa@wildlife.ca.gov](mailto:Amanda.Canepa@wildlife.ca.gov)).

**Recommendation #11 – BIO-12b:** Please submit the Oil Spill Contingency Plan to CDFW's Office of Spill Prevention and Response ([Richard.Hernandez@wildlife.ca.gov](mailto:Richard.Hernandez@wildlife.ca.gov)).

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 12 of 35

## Additional Recommendations

**Recommendation #12 – Western Snowy Plover (*Charadrius nivosus nivosus*) and California Least Tern (*Sternula antillarum browni*):** The Project may impact western snowy plover (plover), an ESA-listed species, and California least tern (tern), a CESA and ESA-listed species. The MND provides mitigation measure BIO-8a which would require the Project to remove the loading line outside of the combined nesting period for both species. BIO-8a would also require implementation of a 300-foot buffer. In order to reduce the Project's impact on plover and tern, and avoid potential take under CESA and ESA, CDFW recommends revising BIO-8a by incorporating the underlined language and removing language with strikethrough:

"Prior to construction, the limits of the work zone, staging areas, and access routes shall be delineated and clearly marked in the field, and limited to previously compacted and developed areas. The boundary of the western snowy plover and California least tern nesting area (as determined by the Manager of the Coal Oil Point Ecological Reserve) shall be delineated with fencing and signage."

"The biologist shall conduct a survey of the work area and a 500-foot buffer around the work area each morning, prior to the start of construction activity. If western snowy plovers and California least tern are found roosting within ~~300~~ 500 feet of the construction zone, work shall be delayed until the birds have left on their own accord."

"The manager of the Coal Oil Point Ecological Reserve, CDFW, and USFWS shall be consulted regarding any additional measures necessary to avoid harassment or take of these species, if present in or near the work area."

"To protect any nests that may be outside the 500-foot buffer, the Project shall restrict the use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am) during removal of the loading line. Generators shall not be used except for temporary use in emergencies. Noise suppression devices shall be used such as mufflers or enclosures for generators. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source."

"No trash shall be left behind in the work area in order to prevent or reduce the attraction of crows and ravens to the Project Area. The biologist shall inspect the work area throughout and at the end of each

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 13 of 35

work day, and shall immediately suspend any work and require workers to address trash issues before work may recommence."

**Recommendation #13 – California Red-Legged Frog (*Rana draytonii*; CRLF):** CRLF is an ESA-listed species and meets the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). The Project may impact the ballast pond, which could support CRLF. Accordingly, the MND includes mitigation measure BIO-5a, which would require CRLF surveys just at the ballast pond. In order to reduce the Project's impact on CRLF, CDFW recommends revising BIO-5a to widen the scope of CRLF surveys to the entire Project Area. The Project Area supports additional wetland and upland habitat where CRLF could move and shelter. CRLF shelters in fossorial mammal burrows and under bushes and thickets until the late fall rains. These features are found in the Project Area. CDFW recommends incorporating the underlined language:

"Prior to any ground disturbance and vegetation removal in the Project Area and restoration of the ballast pond, presence/absence surveys acceptable to the U.S. Fish and Wildlife Service for California red-legged frog shall be completed, as described in U.S. Fish and Wildlife Service Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (August 2005). If California red-legged frogs are found, USFWS shall be consulted and any necessary approvals and/or permits obtained. No work may occur for the entire Project and in the ballast pond without USFWS concurrence, if California red-legged frogs are found to be present."

**Recommendation #14 – Special Status Reptiles and Insects:** CDFW recommends UCSB revise BIO-4a to reduce the Project's impact on special status reptiles and insects. CDFW recommends incorporating the underlined language and removing the language with strikethrough:

"Prior to removal of the loading line at the coast, surveys of sandy dune habitat for globose dune beetle and California legless lizard will be conducted by a qualified biologist with appropriate handling permits ~~for globose dune beetle and California legless lizard~~. If either or both of these species are found to be present, they shall be captured and relocated by a qualified biologist. If presence is confirmed during pre-project surveys, then all work in the dune habitat shall be monitored by a qualified biologist with appropriate handling permits, and dune beetles and legless lizards shall be captured and relocated if encountered. A qualified biologist shall be present during earthmoving activities involving the top

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 14 of 35

eighteen (18) inches of soil and observe activities for unearthed globose dune beetle, California legless lizard, and other reptile and insect species. Once the top eighteen (18) inches of soil have been removed, monitoring shall be conducted at the discretion of the qualified biologist. If a globose dune beetle, California legless lizard, or other reptile and insect species is found during Project construction, the qualified biologist shall stop all earthmoving activities within one hundred feet, the individual found shall not be harassed, and the qualified biologist may capture the individual by hand and move it to a nearby safe location with appropriate habitat, or they shall be allowed to leave the Project site of its own volition."

**Recommendation #15 – Appropriate Handling Permits:** The Project may require a qualified biologist to handle, capture, or relocate special status species, including California Species of Special Concern. To mitigate the Project's significant impact on special status wildlife species, CDFW recommends UCSB include a mitigation measure in the MND that states the following:

"UCSB shall retain qualified biologist(s) with appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with all Project construction and activities."

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023c). Pursuant to the [California Code of Regulations, title 14, section 650](#), UCSB/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #1 Impacts on Rivers, Lakes, and Streams).

**Recommendation #16 – Southwestern Pond Turtle (*Actinemys pallida*):** On page 5.4-30 in the MND, the paragraph on southwestern pond turtle cites mitigation measure BIO-5a. Measure BIO-5a pertains to CRLF, not southwestern pond turtle. UCSB may need to revise BIO-5a to BIO-6a in order to reference the correct mitigation measure for southwestern pond turtle.



Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 15 of 35

**Recommendation #17 – Nesting Birds:** The MND provides mitigation measure BIO-9a through 9c to address the Project's impact on nesting birds. In order to reduce the Project's impact on nesting birds, CDFW recommends revising BIO-9 by incorporating the underlined language and removing the language with strikethrough:

“BIO-9a- To avoid disturbance or loss of active bird nests during development under the 2010 LRDP, any removal of eucalyptus, coast live oak, pine, cypress, or other trees that provide nesting habitat for birds, removal of shrubs, or disturbance of natural grassland areas shall be conducted between September 15 and ~~February 15~~ January 1, outside of the typical nesting season for passerines (generally February 1 – September 15) and raptors (beginning as early as January 1).”

“BIO-9b- If tree or shrub removals or disturbance of natural grassland areas are determined to be necessary during the typical nesting season (~~February 15~~ January 1 to September 15), nesting bird surveys shall be conducted by a qualified biologist immediately prior to the proposed action [...]”.

“BIO-9c- To avoid indirect disturbance of active bird nests by project construction occurring within the typical nesting season, a qualified biologist shall be retained to conduct one or more preconstruction surveys per standard protocols approximately 1 week prior to construction, to determine presence/absence of active nests both in the Project Area and within and 500 feet adjacent to of the project site. If no breeding or nesting activities are detected within ~~200-300~~ feet of the proposed work area for passerines and 500 feet of the work area for raptors, noise-producing and ground disturbing construction activities, may proceed. If breeding/nesting activity is confirmed, work activities within ~~200~~ 300 or 500 feet of the active nest shall be delayed until the young birds have fledged and left the nest.”

**Recommendation #18 – Roosting Bats:** The MND provides mitigation measure BIO-10a to address the Project's impact on roosting bats. In order to reduce the Project's impact on bats, CDFW recommends revising BIO-10a by incorporating the underlined language and removing the language with strikethrough:

“Prior to demolition of the operations control room and pump house, a qualified biologist shall inspect these structures for presence of roosting bats. If bats are found to be present, a bat specialist shall be consulted as

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 16 of 35

to the best method of capture and relocation. If a natal roost is found, demolitions shall be delayed until the young have weaned. In addition, no work shall occur within 100 feet of an active maternity roost. A bat specialist shall maintain a no-disturbance buffer until a bat specialist determines that the maternity roost is no longer active."

"Project construction and activities, including use of project lighting, shall not occur between 30 minutes before sunset and 30 minutes before sunrise. Stationary noise sources (e.g., generators, pumps) within 100 feet of the maternity roost shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source."

"The bat specialist shall document all demolition activities, status of bat roosts, and effects (if any on bat roosts). The bat specialist shall immediately stop work around the maternity roost if the bat specialist determines that Project construction is impacting the maternity roost. Work shall be suspended until UCSB and the bat specialist consult with CDFW to determine next steps."

**Recommendation #19 – Construction Fencing and Materials:** Due to the location of the Project Area and presence of birds and raptors, to protect wildlife, particularly birds and raptors during Project construction, CDFW recommends the Project use construction fencing and materials that are not harmful to wildlife. UCSB should prohibit the use of materials that should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used for the Project should be plugged with bolts or other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.

**Recommendation #20 – Use of Holland-based Ecosystem Classification:** The MND provides vegetation community information according to the Holland-

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 17 of 35

based Ecosystem Classification. The Holland classification system has been replaced by the National Vegetation Classification System and its California expression, the [Manual of California Vegetation](#), Second Edition (MCV) under Section 1940 of the Fish and Game Code. MCV should be used when describing existing project site conditions in environmental documents, assessing impacts, and mapping vegetation. Accordingly, CDFW recommends UCSB revise the MND to provide sufficient information and disclosure about vegetation communities in the Project Area based on MCV vegetation alliance/association classifications. A corresponding map should be included. In addition, UCSB should revise the MND's discussion of the Project's impact on Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level, and should be addressed in environmental documents (CDFW 2023d). If the Project will impact Sensitive Natural Communities, the MND should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the sensitive vegetation communities including some S4 and S5 habitats due to cumulative loss of these vegetation communities along the Santa Barbara coast.

**Recommendation #21:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023e). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022f).

**Recommendation #22:** CDFW recommends UCSB update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist UCSB in developing mitigation measures that are 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 (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). UCSB is welcome

Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 18 of 35

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 UCSB with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

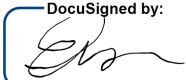
## Filing Fees

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 UCSB and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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

We appreciate the opportunity to comment on the Project to assist UCSB in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that UCSB has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Frederic (Fritz) Rieman, Seal Beach – [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)

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Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 19 of 35

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OPR  
State Clearinghouse – [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

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Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 20 of 35

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Falak Fatima Zaidi  
University of California, Santa Barbara  
June 26, 2023  
Page 21 of 35

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STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newson, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

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## Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>REC-1-CEQA Document</b>	To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and shall provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	Prior to finalizing Project's CEQA Document	University of California, Santa Barbara (UCSB)
<b>REC-2-Impacts on Southern Tarplant</b>	UCSB should revise the MND to disclose how many southern tarplant individuals would be impacted by the Project.	Prior to finalizing Project's CEQA Document	UCSB
<b>REC-3-Impacts on Southern Tarplant</b>	UCSB should revise the Project's Restoration Plan to include specific performance standards and actions to achieve performance standards to demonstrate that the Project would replace the same number of southern tarplant individuals and habitat acres impacted at no less than 1:1.	Prior to finalizing Project's CEQA Document	UCSB

<b>REC-4- Impacts on Monarch Butterfly</b>	<p>If overwintering monarch butterflies are discovered in the Project Area, CDFW recommends UCSB consider the following resources on overwintering habitat management:</p> <ul style="list-style-type: none"> <li>• <a href="#">Western Monarch Butterfly Conservation Recommendations</a></li> <li>• <a href="#">Overwintering Site Management and Protection</a></li> <li>• <a href="#">Protecting California's Butterfly Groves</a></li> </ul>		
<b>REC-5- Campus Point State Marine Conservation Area</b>	<p>The offshore portion of the Project site is located within the Campus Point State Marine Conservation Area (SMCA) and therefore within a State Marine Protected Area. This should be corrected on Pages 1-5 and 5.4-12 of the MND.</p> <p>Operation and maintenance (including demolition/removal) of artificial structures inside the Campus Point SMCA is allowed pursuant to any required federal, state, or local permits (14 CCR Section 632[b][99][C]).</p>	<p>Prior to finalizing Project's CEQA Document</p>	<p>UCSB</p>
<b>REC-6- Impacts on Marine Life Attached to the Pipeline</b>	<p>The final MND should explain in detail what the Project plans to do with the marine life attached to the pipeline; for instance, if organisms will be removed, how and where they will be removed, and how they will be disposed of. Special consideration should be given to special-status species such as abalone.</p>	<p>Prior to finalizing Project's CEQA Document</p>	<p>UCSB</p>
<b>REC-7-Revise BIO-11a- c/Impacts on Eelgrass</b>	<p>Please submit the survey scope and methodology (BIO-11a.1), pre-construction marine biological survey report (BIO-11a.4), and post-project technical report (BIO-11c) to CDFW (<a href="mailto:Amanda.Canepa@wildlife.ca.gov">Amanda.Canepa@wildlife.ca.gov</a>) in addition to the other listed agencies. Pre- and post-construction eelgrass (<i>Zostera</i> spp.) surveys and eelgrass</p>	<p>Prior to finalizing Project's CEQA Document</p>	<p>UCSB</p>

	mitigation, if needed, should adhere to the California Eelgrass Mitigation Policy (CEMP). The CEMP should be referred to instead of the outdated Southern California Eelgrass Mitigation Policy.		
<b>REC-8-Revise BIO-11d/Impacts on Grunion</b>	Grunion spawning season is all of March through August, and intertidal activities should be scheduled outside of the entire season if possible. Individual grunion runs do occur for three or four nights after the highest tide associated with each full or new moon during spring and summer, but eggs can take at least two weeks to incubate and hatch out. If intertidal activities cannot be avoided during this time, CDFW recommends that a qualified biological observer monitor the project site during the previous expected grunion run period (all nights). If grunion are observed at the project site, the Project should suspend activities for at least two weeks.	Prior to finalizing Project's CEQA Document	UCSB
<b>REC-9- Revise BIO-12a</b>	In addition to the other agencies, please submit the Anchoring Plan to CDFW ( <a href="mailto:Amanda.Canepa@wildlife.ca.gov">Amanda.Canepa@wildlife.ca.gov</a> ).	Prior to finalizing Project's CEQA Document	UCSB
<b>REC-10- Revise BIO-12b</b>	Please submit the Oil Spill Contingency Plan to CDFW's Office of Spill Prevention and Response ( <a href="mailto:Richard.Hernandez@wildlife.ca.gov">Richard.Hernandez@wildlife.ca.gov</a> ).	Prior to finalizing Project's CEQA Document	UCSB
<b>REC-11- Impacts on</b>	On page 5.4-30 in the MND, the paragraph on southwestern pond turtle cites mitigation measure BIO-5a. UCSB may need to revise BIO-5a to BIO-6a in order	Prior to finalizing Project's	UCSB

<b>Southwestern Pond Turtle</b>	to reference the correct mitigation measure for southwestern pond turtle.	CEQA Document	
<b>REC-12- Impacts on Sensitive Natural Communities</b>	<p>CDFW recommends UCSB revise the MND to provide sufficient information and disclosure about vegetation communities in the Project Area based on <a href="#">Manual of California Vegetation</a> alliance/association classifications. A corresponding map should be included. In addition, USCB should revise the MND's discussion of the Project's impact on Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance.</p> <p>If the Project will impact Sensitive Natural Communities, the MND should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities. CDFW recommends following the Coastal Commission's Environmentally Sensitive Habitat Area ratio of 4:1 for impacts to the sensitive vegetation communities including some S4 and S5 habitats due to cumulative loss of these vegetation communities along the Santa Barbara coast.</p>	Prior to finalizing Project's CEQA Document	UCSB
<b>REC-13- Submitting Data for Sensitive and Special Status Species and Natural Communities</b>	Information on special status species should be submitted to the CNDDDB by completing and submitting <a href="#">CNDDDB Field Survey Forms</a> . Information on special status native plant populations and sensitive natural communities, the <a href="#">Combined Rapid Assessment and Relevé Form</a> should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.	Prior to finalizing Project's CEQA Document	DRP

<b>REC-14- Project's Biological Resources Mitigation Measures</b>	CDFW recommends UCSB update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in CDFW's comment letter.	Prior to finalizing Project's CEQA Document	DRP
<b>MM-BIO-1- Lake and Streambed Alteration Notification</b>	UCSB shall notify CDFW pursuant to Fish and Game Code 1602 prior to any ground-disturbing activities or vegetation removal. If CDFW determines that the Project requires an LSA Agreement, UCSB shall obtain an LSA Agreement from CDFW prior to any ground-disturbing activities or vegetation removal.	Prior to any ground-disturbing activities or vegetation removal	UCSB
<b>MM-BIO-2- Lake and Streambed Alteration Notification</b>	<p>UCSB's notification to CDFW shall provide the following information:</p> <ol style="list-style-type: none"> <li>1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW;</li> <li>2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names shall be provided based on vegetation association and/or alliance per the <a href="#">Manual of California Vegetation</a>, second edition;</li> <li>3) A discussion as to whether impacts on streams within the Project Area would impact those streams immediately outside of the Project Area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation shall be discussed; and</li> <li>4) A hydrological evaluation of the 100-year storm</li> </ol>	Prior to any ground-disturbing activities or vegetation removal	UCSB



	<p>event to provide information on how water and sediment is conveyed through the Project Area. Additionally, the hydrological evaluation shall assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.</p>		
<b>MM-BIO-3- Lake and Streambed Alteration Agreement</b>	<p>If an LSA Agreement is needed for the Project, UCSB shall comply with the mitigation measures detailed in the LSA Agreement issued by CDFW. UCSB shall also provide compensatory mitigation for impacts on streams at no less than 1:1 for the impacted stream and impacted acreage of associated natural community, or at a ratio acceptable to CDFW.</p>	<p>During/After ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>
<b>MM-BIO-4- Impacts on Southern Tarplant</b>	<p>UCSB shall provide compensatory mitigation for the Project's impact on southern tarplant. UCSB shall offset the Project's impact to individual plants and habitat acres at no less than 1:1 for impacts to southern tarplant.</p>	<p>During/After ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>
<b>MM-BIO-5- Impacts on Monarch Butterfly</b>	<p>A qualified biologist shall conduct surveys for aggregations of monarch butterflies if removal of mature trees must take place during the monarch butterfly overwintering season (September 15 to March 31). Surveys shall be conducted within areas of suitable habitat where mature trees are proposed to be removed. A qualified biologist shall conduct multiple surveys for overwintering monarchs. Monitoring shall be done as frequently as possible during the overwintering season to capture changing distributions through the season and in response to storm events.</p>	<p>Prior to/During ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>

	<p>If aggregations of monarch butterflies are discovered during preconstruction surveys or during construction activities and are determined to be impacted during construction, CDFW and USFWS shall be notified and these areas shall be avoided and impacts shall be minimized to the extent practical. A biologist shall make recommendations for avoiding and minimizing impacts. Locations of roosting monarchs and other structural components or flora integral to maintaining microclimate conditions at overwintering habitat shall be identified and delineated. A biologist shall implement appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. An aerial map shall be provided to the construction crew on a weekly basis. A qualified biologist shall remark/delineate overwintering habitat as needed for the duration of the Project following the <a href="#">Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat</a>. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and shall provide a copy of the monitoring reports to CDFW and USFWS as applicable [...]</p>		
<p><b>MM-BIO-6- Impacts on Monarch Butterfly</b></p>	<p>If overwintering monarch butterflies are discovered in the Project Area, UCSB shall preserve the trees that provide overwintering habitat. UCSB shall also prepare an Overwintering Site Management Plan to protect the overwintering grove on UCSB's North Campus in perpetuity.</p>	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>

<b>MM-BIO-7- Impacts on Monarch Butterfly</b>	If trees not consisting of the overwintering grove must be removed, UCSB shall coordinate with CDFW prior to starting any activities to ensure that the tree removal would not impact the overwintering grove in the Project Area. Tree removal shall be delayed until the butterflies abandon the grove (typically April 1 March 16 to September 30).	Prior to ground-disturbing activities or vegetation removal	UCSB
<b>MM-BIO-8- Impacts on Monarch Butterfly</b>	To protect overwintering sites adjacent to the Project Area, a qualified biologist shall install signage and fencing instructing workers and all personnel working on the Project not to enter overwintering sites or areas close to overwintering sites. Signs and fencing shall be maintained for the duration of the Project.	Prior to/During ground-disturbing activities or vegetation removal	UCSB
<b>MM-BIO-9- Impacts on Marine Life Attached to the Pipeline</b>	UCSB shall consult with CDFW on what authorizations may be required for the removal of species attached to the pipeline.	Prior to starting activities pertaining to pipeline removal	UCSB
<b>MM-BIO-10- Impacts on Black Abalone and White Abalone</b>	UCSB shall conduct abalone surveys on the unburied sections of pipeline prior to removal under consultation with the National Marine Fisheries Service.	Prior to starting activities pertaining to pipeline removal	UCSB
<b>MM-BIO-11- Impacts on Western Snowy Plover</b>	Prior to construction, the limits of the work zone, staging areas, and access routes shall be delineated and clearly marked in the field, and limited to previously compacted and developed areas. The boundary of the western snowy plover and California least tern	Prior to/During ground-disturbing activities or	UCSB

<b>and California Least Tern</b>	<p>nesting area (as determined by the Manager of the Coal Oil Point Ecological Reserve) shall be delineated with fencing and signage.</p> <p>The biologist shall conduct a survey of the work area and a 500-foot buffer around the work area each morning, prior to the start of construction activity. If western snowy plovers and California least tern are found roosting within 500 feet of the construction zone, work shall be delayed until the birds have left on their own accord.</p> <p>The manager of the Coal Oil Point Ecological Reserve, CDFW, and USFWS shall be consulted regarding any additional measures necessary to avoid harassment or take of these species, if present in or near the work area.</p> <p>To protect any nests that may be outside the 500-foot buffer, the Project shall restrict the use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am) during removal of the loading line. Generators shall not be used except for temporary use in emergencies. Noise suppression devices shall be used such as mufflers or enclosures for generators. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source.</p> <p>No trash shall be left behind in the work area in order to prevent or reduce the attraction of crows and ravens to</p>	vegetation removal	
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	the Project Area. The biologist shall inspect the work area throughout and at the end of each work day, and shall immediately suspend any work and require workers to address trash issues before work may recommence.		
<b>MM-BIO-12- Impacts on California Red-Legged Frog</b>	Prior to any ground disturbance and vegetation removal in the Project Area and restoration of the ballast pond, presence/absence surveys acceptable to the U.S. Fish and Wildlife Service for California red-legged frog shall be completed, as described in U.S. Fish and Wildlife Service Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (August 2005). If California red-legged frogs are found, USFWS shall be consulted and any necessary approvals and/or permits obtained. No work may occur for the entire Project and in the ballast pond without USFWS concurrence, if California red-legged frogs are found to be present.	Prior to ground-disturbing activities or vegetation removal	UCSB
<b>MM-BIO-13- Impacts on Special Status Reptiles and Insects</b>	Prior to removal of the loading line at the coast, surveys of sandy dune habitat for globose dune beetle and California legless lizard will be conducted by a qualified biologist with appropriate handling permits. If either or both of these species are found to be present, they shall be captured and relocated by a qualified biologist. If presence is confirmed during pre-project surveys, then all work in the dune habitat shall be monitored by a qualified biologist with appropriate handling permits, and dune beetles and legless lizards shall be captured and relocated if encountered. A qualified biologist shall be present during earthmoving activities involving the top eighteen (18) inches of soil and observe activities for unearthed globose dune beetle, California legless	Prior to ground-disturbing activities or vegetation removal	UCSB

	<p>lizard, and other reptile and insect species. Once the top eighteen (18) inches of soil have been removed, monitoring shall be conducted at the discretion of the qualified biologist. If a globose dune beetle, California legless lizard, or other reptile and insect species is found during Project construction, the qualified biologist shall stop all earthmoving activities within one hundred feet, the individual found shall not be harassed, and the qualified biologist may capture the individual by hand and move it to a nearby safe location with appropriate habitat, or they shall be allowed to leave the Project site of its own volition.</p>		
<p><b>MM-BIO-14- Appropriate Handling Permits</b></p>	<p>USCB shall retain qualified biologist(s) with appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with all Project construction and activities.</p>	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>
<p><b>MM-BIO-15- Impacts on Nesting Birds</b></p>	<p>BIO-9a- To avoid disturbance or loss of active bird nests during development under the 2010 LRDP, any removal of eucalyptus, coast live oak, pine, cypress, or other trees that provide nesting habitat for birds, removal of shrubs, or disturbance of natural grassland areas shall be conducted between September 15 and January 1, outside of the typical nesting season for passerines (generally February 1 – September 15) and raptors (beginning as early as January 1).</p> <p>BIO-9b- If tree or shrub removals or disturbance of natural grassland areas are determined to be necessary during the typical nesting season (January 1 to</p>	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>



	<p>September 15), nesting bird surveys shall be conducted by a qualified biologist immediately prior to the proposed action [...].</p> <p>BIO-9c- To avoid indirect disturbance of active bird nests by project construction occurring within the typical nesting season, a qualified biologist shall be retained to conduct one or more preconstruction surveys per standard protocols approximately 1 week prior to construction, to determine presence/absence of active nests both in the Project Area and within and 500 feet of the project site. If no breeding or nesting activities are detected within 300 feet of the proposed work area for passerines and 500 feet of the work area for raptors, noise-producing and ground disturbing construction activities, may proceed. If breeding/nesting activity is confirmed, work activities within 300 or 500 feet of the active nest shall be delayed until the young birds have fledged and left the nest.</p>		
<p><b>MM-BIO-16- Impacts on Roosting Bats</b></p>	<p>Prior to demolition of the operations control room and pump house, a qualified biologist shall inspect these structures for the presence of roosting bats. If bats are found to be present, a bat specialist shall be consulted as to the best method of capture and relocation. If a natal roost is found, demolitions shall be delayed until the young have weaned. In addition, no work shall occur within 100 feet of an active maternity roost. A bat specialist shall maintain a no-disturbance buffer until a bat specialist determines that the maternity roost is no longer active.</p>	<p>Prior to/During ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>

	<p>Project construction and activities, including use of project lighting, shall not occur between 30 minutes before sunset and 30 minutes before sunrise. Stationary noise sources (e.g., generators, pumps) within 100 feet of the maternity roost shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source.</p> <p>The bat specialist shall document all demolition activities, status of bat roosts, and effects (if any on bat roosts). The bat specialist shall immediately stop work around the maternity roost if the bat specialist determines that Project construction is impacting the maternity roost. Work shall be suspended until UCSB and the bat specialist consult with CDFW to determine next steps.</p>		
<p><b>MM-BIO-17- Construction Fencing and Materials</b></p>	<p>The Project shall use construction fencing and materials that are not harmful to wildlife. UCSB shall prohibit the use of materials that shall include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence shall be avoided or minimized. All hollow posts and pipes shall be capped to prevent wildlife entrapment and mortality. Metal fence stakes used for the Project shall be plugged with bolts or other plugging materials to avoid this hazard. Fences shall not</p>	<p>Prior to/During ground-disturbing activities or vegetation removal</p>	<p>UCSB</p>

	have any slack that may cause wildlife entanglement.		
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